

RAM JANAMBHOOMI – BABRI MASJID

-KRITIKA BHANSALI (BA LLB 2nd YEAR) &

CHESHTA SINGH (BBA LLB 2nd YEAR)

This case is also known as Ayodhya dispute which is at the heart of Hindu Muslim communal aperture. RAM JANAMBHOOMI is the name given to the place that is the birth place of Lord Rama who is the 7th avatar of the Hindu god Vishnu. The Ramayana states that the location of Rama's birth place is on the bank of the river called Sarayu in a city named "Ayodhya" it was claim by a section of a Hindus that Rama's birth place exact site is where the Babri Masjid ones stood in the present day of Ayodhya which is in Uttar Pradesh. According to the dispute, the Mughals demolish a Hindu temple and constructed a mosque at that place. The plot of land on which this dispute arises is 2.77 acres.

The main dispute is of about whether the mosque was built on top of Ram temple after demolishing or modifying it in 16th century and Muslim on the other hand , say that mosque is there which is their devotional religious place which is build by Mirbaqi in 1528 under the governance of Mughal King Babur. First time communal violence is recorded in 1853 during the rule of Nawab Wazid Ali Shah of Awadh. People who represented the Hindu Community declare that Mosque was built after the demolition of Hindu Temple .In 1859 the British put up a fence to separate the places of worship for both communities. The inner court to be used by Muslims and outer court to be used by the Hindus. This arrangement which was made by the British to resolve the dispute could not last long as Mahant Raghubar Das; a Hindu priest files the first Court case and seeks permission to Build a canopy on the Ram Chabutra outside the Mosque. The Faizabad District Court rejects the plea.

In 1949, in the election campaign against the acharya ,he took the help of K.K.K Nair. The District magistrate of Faizabad. It was Nair who suggested to Hindu groups that it will be wiser to secretly place the Ram lalla idol in the mosque instead of taking it over through mass action, it was revealed in *Ayodhya: The Dark Night* by Krishna and Direrndra K Jha. Twenty days later, on intervening night of 22-23 December nights of 1949, the idol was smuggled into the mosque.

Harold A Gould writes in *Grass Roots Politics of India: a Century of Political Evolution of Faizabad District*, it was revealed in Government enquires that followers of KKK Nair and Guru Datta Singh uses their authority to persuade the police who used to guard that Mosque to look other way while the Murtis were smuggled inside and they spread the message that idols had “miraculously” appeared inside the Mosque. Muslim activists protest and both the communities files the civil suit and was stated that the idols were placed in order to stake claim and transform the existing mosque into the Ram Temple and then government proclaimed the land which was the disputed area and locked the gates.

Jawaharlal Nehru who was the prime minister at that time sent a telegram to GB Pant, CM of Uttar Pradesh that dangerous examples is being set there which will have the bad consequences. Nehru ji was furious and asked the CM to “undo the wrong” and it was also found that Nehru also wrote a note directing the state Government to shift the idols of Ram Lalla and Sita out of Babri Masjid Premises. But many Hindus nationalist leaders quickly dismissed Nehru’s concerns and declined requests to remove the idols and Officer KKK Nair from Hindus side refuse to carry out orders claiming that it would lead to communal riots and suggested the alternative proposal to appoint the pujaris and to perform pooja and offer bhog to the idols. . Following this dispute, the gates of the mosque were locked and remained shut for the next 40 years.

After this on 16 January 1950, Gopal Singh Visharad filed a civil suit in the Faizabad Court of the Civil Judge and request that worship of Lord Ram Lalla and other gods to be allowed in the Babri Masjid and also sought a permanent Injunction or Restrainant against the removal of idols from the Mosque. A temporary injunction was granted, it was argued that if the public were to have unrestricted admission inside the mosque to do puja and darshan, it will imply that one party is allowed to exercise their rights which were in dispute. Civil Judge then modified its order and now read that “the parties are hereby restrained by means of temporary injunction to refrain from removing the idols in question from the site of the dispute and from interfering with the puja as at carried on. The Civil Judge’s order implied that the worshippers could not go inside the Mosque but could do darshan of Ram Lalla through the iron grill doors of the Babri Masjid. Many suits were filed in which one of them is filed by Ramchandra Das Paramhansa and then in 1959, Nirmohi Akhara and Mahant Raghunath Das filed a suit for the management and charge of Ram temple. Then in 1961, the Sunni Central Board of Waqfs filed the Fourth suit

asking the Babri Masjid to be declared as a “public Mosque”, among all these cases Sunni Waqf Board was made the leading case.

After all the cases in 1986 the plea for removing the locks on the gates of the Babri Masjid should be removed was rejected but it was found that Rajiv Gandhi misguided and persuaded the Chief Minister of Uttar Pradesh who was Bir Bahadur Singh to open the locks of Babri Masjid and allowed religious rituals to take place in that disputed structure. The mass movement then was commenced by the Vishwa Hindu Parishad which launched an agitation to break free the idols of Lord Rama and Sita from Captivity. Sacred stones were carried from all over the country to start foundation of the temple and because of this massive riots occurred as across the North India as mainly it was in Bihar and Uttar Pradesh. BJP’s Hindustan brigade leaders along with RSS and Bajrang Dal Workers are also involved in these campaigns and then the rath yatra was organized by the Bhartiya Janata Party and its Hindu nationalist affiliates which was led by the president of the BJP, LK Advani. The purpose of this yatra was to support the agitation which was start by the Vishwa Hindu Parishad to erect a temple of Lord Rama on the site of Babri Masjid.

The yatra also started religious violence across North India which was at peak that there must be the demolition of the year 400 year old Mosque. In fact nothing was left to chance. On 6th December 1992 huge crowd of Hindu kar savak demolished the babri mosque in the city of ayodhya in uttar Pradesh. A kart savak is someone who offers services for free to a religious cause. Ten days after the mosque was demolished the government established liberhan commission of India to investigate the destruction of the dispute structured babri masjid in ayodhya in 1992. Justice Liberhan submitted its report to the government of India. The commission was set up 10 days after the demolition of babri masjid and it take 17 year and 48 before its submitted the report on 30th of the year (2009). However the report has still not been brought in the parliament. But part of the report has been published in Indian express. Babri masjid debate dominated Indian politics for about a decade and it becomes foremost issue. It was seen that the leader of Singh pariah were responsible for demolish of Babri Masjid and the movement was took out as rath yatra by Shri LK Advani to win mass support and the rath yatra turn into blood yatra as nearly 3000 riots took place during its course Vajpayee was mentioned as one of those who were aware of the conspiracy to demolish babri masjid.

Mr Advani had claimed that demolition was a unplanned event and that he was sorry for that. The commission had rejected this claim and holds him responsible for what happened. Liberhan further says that the small number of karsevaks who actually carried out the demolition , the hidden face of such karsevakas , the removal of idols and cashboxes is from under the domes and the eventual installation in the makeshift temple clearly show that the demolization was carried out with painstaking preparation and planning . After the demolition on January 7, 1993 The P.V Nar Simha Rao government issued an commond of taking over 66.7 acres of land in ayodhaya including the 2.77 acres on which the Babri Masjid has stood. It meant that the make shift temple was to remain and puma was to be continued. In 2001 VHP Said march 2002 as deadline for begin the construction of ram temple in Ayodhaya. On 4th February 2002 under pressure from VIPs , the Centre files an application in the Supreme Court for vacating the “interim order” banning any religious activity in Ayodhya.

On 6th February 2002, incident that occurred on the morning in which 59 people are killed in a fire inside the Sabarmati Express near the Gadara railway station in the state of Gujarat which was carrying Kar Sevakas from Ayodhya .The victim were Hindu pilgrims who were returning from the city of Ayodhya after the religious ceremony at the disputed Babri Masjid. From this incident, riot explodes across Gujarat in which over 1000 people were killed. This event is widely known for tigger for the Gujarat Riot which result in loss of life, destruction of property and vagrant. There were further outbreak of violence against the minority Muslim population. According to official figures the riot ended with 1004 death, 223 missing and 2500 injured. Of the dead, 790 were Muslim and 254 were Hindu. In April 2002, a 3-judge Lukhnow bench of the Allahabad High Court begins hearings on determining who owns the Ayodhya site. The High Court order Archaeological survey of India to excavate the place to determine if it eas a temple earlier .In June 2002 the Prime Minister Atal Bihari Vajpayee set up an Ayodhya cell to hold talks with Hindu Muslim leaders. On 30TH Sep 2010 the Allahabad high court pronounce the verdict of the case that the 2.77 acres of ayodhaya land be divided into three parts with 1/3 going to the ram lalla or infant rama represented by the Hindu mahasabha,1/3 going to the Islamic Sunni Waqf board and the remaining 1/3 going to Hindu religious denomination Nermohi Akhara .The excavation by the Archaeological survey of India was heavily used as evidence by the court that the predating structure was a massive Hindu religious building. In May 2011 the Supreme Court suspend the high court ruling which seek to divide the holy site of the ayodhaya

temple. The supreme court judges said the ruling oh high court very strange and surprising and question the rationality behind dividing the temple site into three portion when none of the petitioner had requested anything to this effect all parties expressed satisfaction at the Supreme Court decision. In February 2015, Hindu and Muslim litigant meet to discuss a new proposal for resolution which they plan to put before the Supreme Court.

The formula for settlement talks about 70 acres of disputed site accommodating both mosque and temple, but it doesn't take off. In March 2015, the Supreme Court issue the notice senior BJP leaders L.K Advani , union minister Uma bharti and Murli Manohar joshi following a petition and were charged for criminal conspiracy in the Babri Masjid Demolition case. They had argued that they had no role in the mosque razing and had tried to stop it, but their discharge petition was rejected. On March 2017, The Supreme court said fresh attempts must be made by all parties to find a solution to the Ram Janambhoomi – Babri Masjid dispute in Ayodhya which is a sensitive and sentimental matter. The bench which was headed by Chief Justice JS Kehar said that such religious issues can be solved through negotiations and offered to arrive at an amicable settlement. The Supreme court on April 19 ,2017 order to restore the criminal conspiracy charge against top BJP leader Lal Krishna Advani, Murli Manohar Joshi in the Babri Masjid demolition case. On 5th December 2017, the Supreme Court decided to hear the civil appeal file by various party challenging the 2010 Allahabad High Court verdict on the Ram janam bhoomi Babri masjid titled dispute on February 8.

A special bench of Chief Justice Deepak Mishra, Ashok Bhushan and Justice Abdul Nazeer assembled to hear total of 13 appeals filed against the 2010 judgment of the Allahabad High Court and 4 civil suits. Judges also asked the advocates on records of appeals to sit together and ensure that all the needful documents are translated, filed and numbered before the Supreme Court registry. On September 27th 2018 the Supreme Court decline to refer the case to a five judge constitution bench, the issue of reconsideration of the observation in its judgment in 1994 that a mosque was not integral to Islam which had arises during the ayodhya land dispute. In a majority 2:1, the court headed by chief justice Deepak Misra the civil suit has to be decided on the basis of evidence and the previous verdict has no relevance on it. In this case , it was observed that the mosque was constructed after demolishing the Hindu temple and the miraculously appereance of the idols shows the presence of the temple . A proper investigation

should be started by the Supreme Court by considering all the facts from starting to end and should give the judgment in the justice. As it was said that firstly Hindu temple was there than Hindus have all the Rights to construct the Lord Rama' s temple and worship their god .