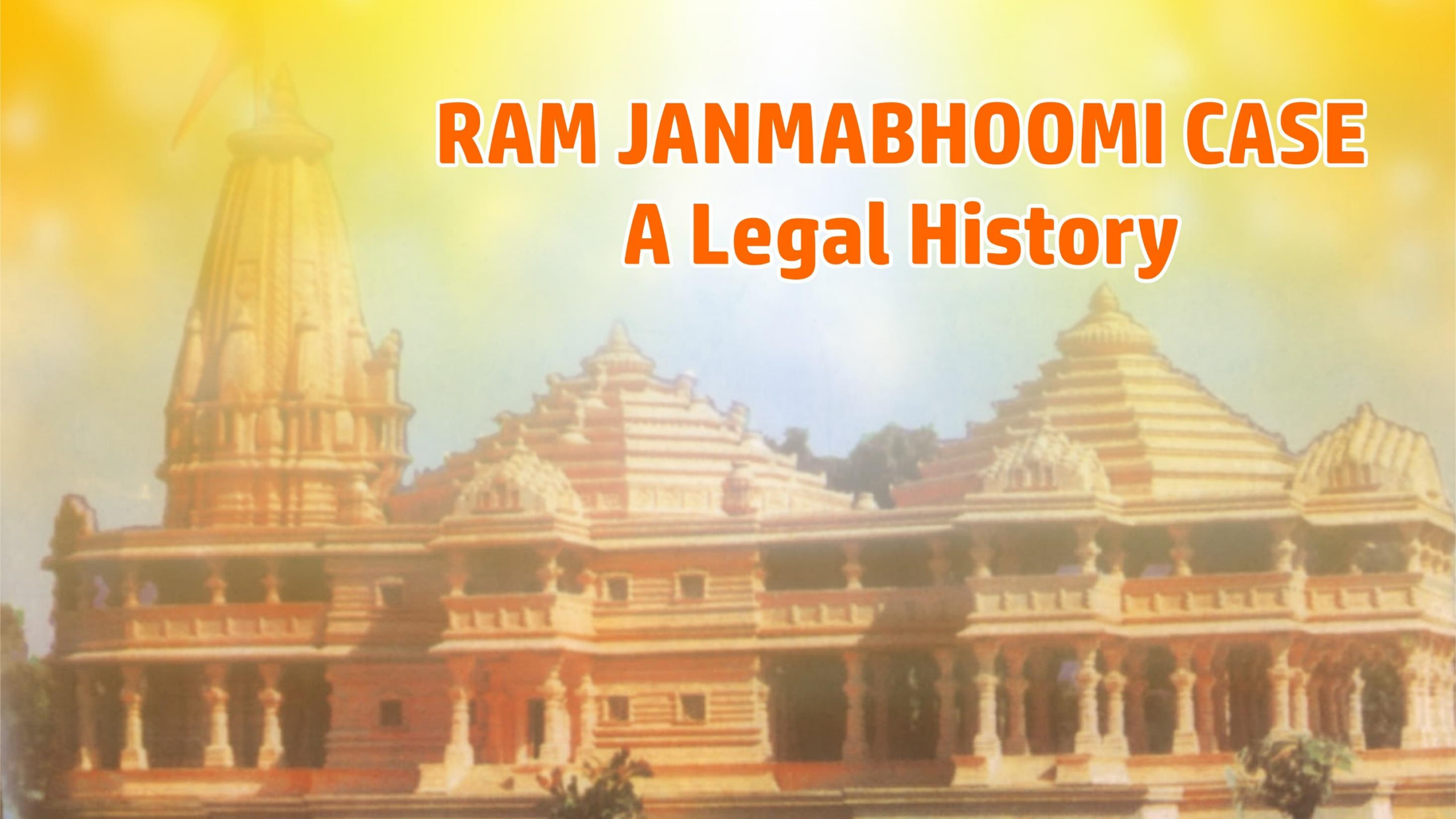


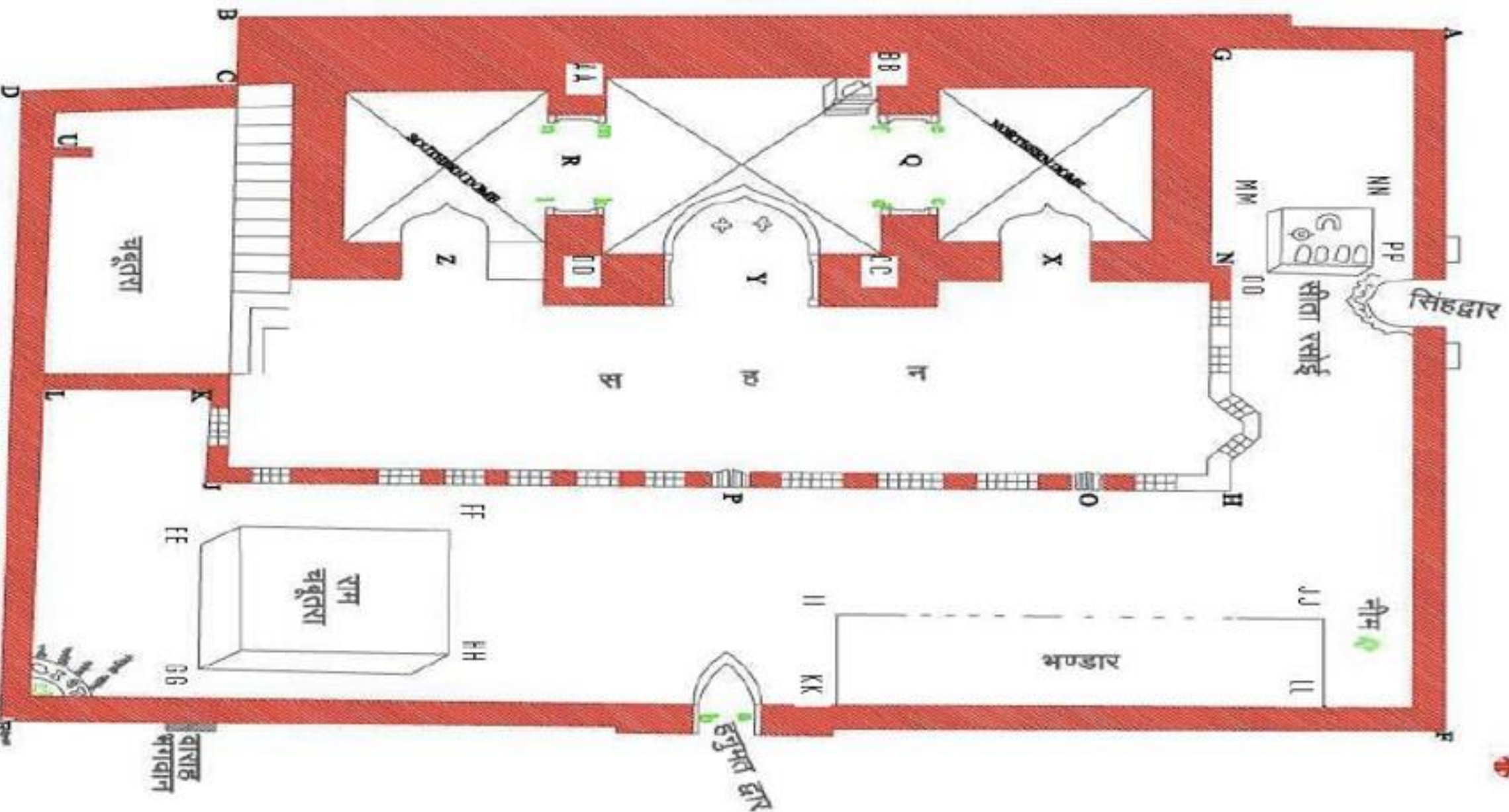
RAM JANMABHOOMI CASE

A Legal History



The Suit Property and the Dispute

- Suit land (Suit-5) is entire premises of Sri Ram janam bhumi, which is situated in village Kot Rama Chandra (RamKot at Ayodhya) Pargana Haveli Avadh, Tehsil Sadar, District Faizabad, UP.
- Suit premises was one integral complex which contained deity, Ram Chabutra, the charan, the Sita Rasoi including Sita Koopa and other idols, however, after the Judgment of this Hon'ble Court in Dr. M. Ismail Faruqui etc. Vs. Union of India and others 1994 (6) SCC 360 the area of land in dispute is limited to about 130X80 sq. feet.



What is **ASTHAN SRI RAMA JANMA BHUMI**

- It is manifestly established by public records of unimpeachable authority that the premises in dispute is the place where Sri Ramchandra Ji Maharaj was born as the son of Maharaja Dashrath, which according to the tradition and the faith of the devotees of Bhagwan Sri Rama is the place where HE manifested HIMSELF in human form as an incarnation of BHAGWAN VISHNU. The place has ever since ever called Sri Rama Janma Bhumi by all and sundry through the ages.
- That the place itself, or the **ASTHAN SRI RAMA JANMA BHUMI**, as it has come to be known, has been an object of worship as a Deity by the devotees of BHAGWAN SRI RAMA, as it personifies the spirit of the Divine worshipped in the form of SRI RAMA LALA or Lord RAMA the child. The Asthan was thus Deified and has had a juridical personality of its own even before the construction of a Temple building or the installation of the idol of Bhagwan Sri Rama thereat.

Significance of ASTHAN SRI RAMA JANMABHUMI

- Sri Ramjanamsthan has particular significance for the Hinduism as visiting and performing customary rites confer virtue and gives salvation. It is firm belief of the Hindus based on their sacred Divine Holy Scriptures, which belief neither can be scrutinized by any Court of Law nor can be challenged by the persons having no faith in Hinduism as this is conscience of the Hindus having special protection under Article 25 of the Constitution of India.
- According to the Hindus' Divine Holy & Sacred Scriptures including “Srimad Atharvaved”, “Srimad Skand-Puranam”, “Srimad Narsimh Puranam”, “Srimad Valmiki Ramayana”, “Rudryamal”, “Vashishth Samhita” “Sri Ramacharitmanas of Goswami Tulasidas” etc. describe the Place of Birth of the Lord of Universe Sri Rama i.e. Sri Ramajanmsthan and the Temple lying thereon in the City of Ayodhya as Abode of God and further says that Sri Ramajanmasthan is most sacred place only by seeing which the devotees acquire salvation and all those virtues which can be acquired by visiting all other Tirthas and thereby said holy sacred Scriptures of the Hindu Dharma make performance of customary rites at Sri Ramajanmasthan integral part of Hindu Dharma.

1528 AD- The Dispute Starts

- The so-called Babri Masjid was made in the 1528 AD, allegedly by Babar or at his command or instance by Mir Baqi or anyone else by demolishing the said temple.
- The material used was almost all of it taken from the Temple including its pillars which were wrought out of Kasauti or touch-stone, with figures of Hindu gods and goddesses carved on them.
- However, there is no evidence whatsoever that after its construction, it was ever used as a mosque by Muslims at least till 1856-57.

Records to show construction of the disputed structure wherein exist of a temple (building of Lord Rama)

- Tieffenthaler's "Description: Historique Et Geographique : Del'Inde". "The History, Antiquities, Topography And Statistics Of Eastern India" by Montgomery Martin first published 1838-

"The bigot by whom the temples were destroyed, is said to have erected mosques on the situations of the most remarkable temples..."

- Edward Thornton's Gazetteer of 1854 published in 1858 mentions that *"according to native tradition, they were demolished by Aurungzebe, who built a mosque on part of the site. The falsehood of the tradition is, however, proved by an inscription on the wall of the mosque, attributing the work to the conqueror Baber, from whom Aurungzebe was fifth in descent..."*

- Historical Sketch of Faizabad in year 1870 by P. Carnegy, Commissioner/ Settlement Officer of Oudh. (Translation by Col. H.S. Jarret in 1891) “The Janamsthan marks the place where Ram Chandra was born..... If Ajudhia was then little other than a wild, it must at least have possessed a fine temple in the Janamsthan; for many of its columns are still in existence and in good preservation, having been used by the Musalmans in the construction of the Babari Mosque...”
- Gazetteer of the Province of Oudh by W. C. Benett (1877) "The Janamasthan and other temples.--It is locally affirmed that at the Muhammadan conquest there were three important Hindu shrines, with but few devotees attached, at Ajodhya, which was then little other than a wilderness. These were the "Janamasthan," the "Swargaddwar mandir" also known as "Ram Darbar," "Treta-ke-Thakur." On the first of these the Emperor Babar built the mosque, which still bears his name, A.D. 1528.“
- Archaeological Survey of NW Provinces and Oudh 1889, "The old temple of Ramachandra at Janmasthanam must have been a very fine one, for many of its columns have been used by the Musalmans in the construction of Babar's masjid.”

- Barabanki Gazetteer by H.R. Nevill (1903) It is reiterated that there was continuous struggle of Hindus to reclaim the ground on which formerly stood the Janmasthan temple.
- Momental Antiquities and Inscriptions in NWP & Oudh by A. Fuhrer 1891 "...It is locally affirmed that at the Musalman conquest there were three important Hindu temples at Ayodhya: these were the Janmasthanam, the Svargadvaram, and the Treta-Ke-Thakur. On the first of these Mir Khan built a masjid, in A.H. 930 during the reign of Babar, which still bears his name..."
- Fyzabad A Gazetteer by H.R. Nevill (1905) mentions that in 1528 Babar built the mosque at Ayodhya on the traditional spot where Lord Rama was borne and specifically mentioned that the janmsthan was in Ramkot, the birthplace of Rama and Babar in 1528 destroyed the ancient temple and on its site built a mosque known as Babur's mosque.
- The Imperial Gazetter of India, Provincial Series, 1905, "The present town stretched is land from a high bluff overlooking the Ghaghra. At one corner of the vast mound is the holy spot where Rama was born where Babur built a mosque.
- Imperial Gazetteer of India (1908) "...At one corner of a vast mound known as Ramkot, or the fort of Rama, is the holy spot where the hero was born.

- Nevill's Gazetteer of Fyzabad (1928) “...He destroyed the ancient temple and on its site built a mosque, still known as Babar's mosque.”
- Imperial United Provinces of Agra and Oudh", Vol. II, published in 1934 “...At one corner of a vast mound known as Ramkot, or the fort of Rama, is the holy spot where the hero was born. Most of the enclosure is occupied by a mosque built by Babar from the remains of an old temple, and in the outer portion a small platform and shrine mark the birthplace.... Besides the mosque...”
- Uttar Pradesh District Gazetteer, Fyzabad (1960) “...It seems that in 1528 AD Babar visited Ayodhya and under his order this ancient temple was destroyed and on the site was built what came to be known as Babar's mosque...”

1856 AD -1946 AD

- There was a continued tussle between the Hindus and Muslims over the disputed land. But the Hindus never forfeited their claim of worship at the site. Multiple orders were passed by the local Magistrates and Police Officers restraining the parties to enter the land and perform prayers. However, Hindus never gave up their fight and continued to build one structure or the other around the disputed site and continued to pray.

Post Independence - 22/23.12.1949

- On the night between the 22nd and 23rd December, 1949, the idol of Bhagwan Shri Rama was installed with due ceremony under the central dome of the building.
- Ram Dev sub-Inspector, Ayodhya filed FIR as some persons trespassed into the Inner courtyard and placed idols of Lord Ram.

29.12.1949

- City Magistrate, Faizabad cum Ayodhya Sri Markenday Singh passed preliminary order under section 145 Cr.P.C. directing both Muslims and Hindus to appear before him on 17.01.1950 at 11 am at Ayodhya Police Station. He called the Muslims who were bonafide resident of Ayodhya and Hindus who were bonafide residents of Ayodhya.
- On the same day he ordered attachment of entire premises as the case being one of the emergency and directed the attached property in the charge of Sri Priya Dutt Ram and further directed to receiver to submit a scheme for management to the property.

16.01.1950- First Suit by a Hindu party in Court

- Civil Suit (Suit 1 of 1950) for injunction is filed by Gopal Singh Visharad in the court of Civil Judge Faijabad along with an application Under O39 R2 and Sec. 151 CPC and on the same day an interim injunction as prayed was granted.

The prayer for temporary injunction is reproduced hereunder:

"Therefore, the applicant prays that a temporary injunction be issued against the defendants to the effect that they should not remove the idols of Shri Bhagwan Ram Chandra and others from Asthan Janam Bhumi, the details of which are given in the plaint, till the decision of the case, and they further be ordered not to close the Pravesh Dwar and other passages of ingress and egress to the visitors and also that they should not place any obstacle in the Pooja and Darshan."

17.12.1959 – Nirmohi Akhara Files Suit

- Nirmohi Akhara filed original suit no. 26 of 1959 (OOS 3 OF 1989) (Suit 3) for removal from management and charge of Temple Janam Bhoomi and delivery of the same.
- The plaintiffs sought relief of grant of a decree for removal of defendant no. 1 from the management and withdrawal of charge of the temple of Janam Bhumi and to deliver the same to the plaintiffs through Mahant and Sarbarahkar Mahant Jagannath Das.

18.12.1961- Sunni Wakf Board Files Suit

- Suit No.4 is filed by Sunni Central Board of Waqf. R.S. no. 120 of 1961 and application under order 1 rule 8 was also filed alongwith it. The relief sought was:

“(a) A declaration to the effect that the property indicated by letters A B C D in the sketch map attached to the plaint is public mosque commonly known as 'Babari Masjid' and that the land adjoining the mosque shown in the sketch map by letters E F G H is a public Muslim grave yard as specified in para 2 of the plaint may be decreed.

(b) That in case in the opinion of the Court delivery of possession is deemed to be the proper remedy, a decree for delivery of possession of the mosque and graveyard in suit by removal of the idols and other articles which the Hindus may have placed in the mosque as objects of their worship be passed in plaintiff's favour, against the defendants.

(bb) That the statutory Receiver be commanded to hand over the property in dispute described in the Schedule 'A' of the Plaint by removing the unauthorized structures erected thereon.”

01.07.1989- Ram Lalla Virajman Files Suit

- Suit-5 was filed as a fresh suit on 1.7.1989 in the Court of Civil Judge, Faizabad on behalf of Bhagwan Sri Ram Virajman represented by next friend Deoki Nandan Agarwala, a former High Court Judge. The reliefs sought in the suit were:

(a) a declaration that the entire premises of Shri Ramjanambhumi at Ayodhya, as described by Annexures I, II and III belong to plaintiff Deities and

(b) a permanent injunction against the defendants prohibiting them from interfering with or raising any objection to, or placing any obstruction in the construction of the new Temple building at Shri Ramjanambhumi, Ayodhya

July, 1989

- All the cases were withdrawn and transferred to the High Court.
- On 21.07.1989 the Hon'ble Chief Justice constituted a Special Bench consisting of three judges.
- On an application of the State of U.P. High Court passed an interim order dated 14.08.1989 directing the parties to maintain status quo with respect to property in dispute.

October, 1990

- On 19.10.1990, the Ramjanambhumi Babri Masjid (Acquisition of Area) Ordinance, 1990 (Ordinance No. 3 of 1990) was promulgated by the President of India in exercise of its power under Article 123 of the Constitution of India whereby all the pending suits were declared 'abated' and the property in dispute declared to be vested in the Government of India.
- On 23.10.1990 i.e. just within four days the aforesaid ordinance was repealed by Ramjanambhumi Babri Masjid (Acquisition of Area) Withdrawal Ordinance, 1990 (Ordinance No. 10 of 1990) and it further provided that all the pending suits etc. shall stand revived and continue as they were.

30.04.1992

- Sri Deoki Nandan Agarwal (Plaintiff 3 in Suit 5), Next Friend of Lord Ram lalla, made some clarification under Order 10 Rule 2 C.P.C.
 1. He stated that in the early hours of December, 23, 1949 the idol of Bhagwan Sri Ram Lala, which was already on Ram Chabutra was transferred to the place where he presently sits, that is, under the central dome of the disputed building.
 2. This information was conveyed to me by Paramhans Ram Chandra Das of Digamber Akhara.
 3. This transfer of the idol was done by Paramhans Ram Chandra Das and Baba Abhi Ram Das and certain other persons whose name I do not remember at the moment.
 4. The idol is Chal Vighraha (moveable idol).
 5. Paramhans Ram Chandra Das had informed me that all the due ceremonies were performed when the idol was transferred.
 6. Presently, the property in suit is bounded on three sides by a wall constructed by the State Government recently and on the north by public road. The entire area enclosed by the aforesaid wall belongs to the deity.

6.12.1992 – Disputed Structure was brought down

- On 06.12.1992 the disputed structure namely, Temple Ramjanambhumi/ Babri Masjid was demolished and on 07.12.1992 a temporary structure was created where the worship and Pooja of Lord Ram/Ram Lala and other Deities continued by the Hindus.
- This event resulted in substantial change in the situation and various amendment applications were filed which were allowed by the Court.

3.04.1993

- The Central Government under the Prime Ministership of Shri PV Narasimha Rao in its attempt to get the matter settled amicably out of Court, sought to acquire certain land including the land over which the disputed structure existed and consequently enacted Acquisition of Certain Area of Ayodhya Act, 1993 (Act No. 33 of 1993) (“Ayodhya Act”)
- The Ayodhya Act was published in the Gazette dated 3rd April, 1993 and it came into force w.e. f. 7th January 1993.
- The total area sought to be acquired was 67.703 acres of land.
- The Act prescribed maintenance of status quo that prevailed just before the acquisition. It meant that the Temple was to remain and the pooja was to be continued.

07.01.1993 – Presidential Reference

- The President of India in the meantime also made a special reference to the Apex Court under Article 143(1) of the Constitution of India on the following question:
"Whether a Hindu temple or any Hindu religious structure existed prior to the construction of the Ram Janma Bhumi--Babri Masjid (including the premises of the inner and outer courtyards of such structure) in the area on which the structure stood"

24.10.1994 - M. Ismail Faruqui (Dr) v. Union of India

- The Vires of Ayodhya Act was assailed before the High Court Court as well as before the Apex Court.
- The Apex Court got the petitions filed before High Court transferred, heard all the matters collectively along with the reference made under Article 143 (1) of the Constitution and decided vide its judgment dated 24.10.1994 by the Constitution Bench in case of M. Ismail Faruqui (Dr) v. Union of India, (1994) 6 SCC 360.
- In view of the above judgment by SC, High Court proceeded to consider the Suits on merits, but with one distinction, i.e., it had reduced the area of dispute now to be considered in all these suits.
- The disputed area now is confined to the area within which the structure (including the premises of the inner and outer courtyards of such structure) existed.
- The land beyond the above is out of the scope of these suits having been validly acquired under Section 3 of the Ayodhya Act.

13.03.2002 - Mohd. Aslam Bhure Vs. Union Of India

- Hon'ble Supreme Court in Writ Petition No.160/2002 Mohd. Aslam Bhure Vs. UOI passed following directions:

“In the meantime, We direct that on the 67.703 acres of land located in revenue plot Nos. 159 & 160 in village Kot Ramchandra which is vested in the Central Government, no religious activity of any kind by anyone either symbolic or actual including bhumipuja or shila puja, shall be permitted or allowed to take place.

Furthermore, no part of the aforesaid land shall be handed over by the Government to anyone and the same shall be retained by the Government till the disposal of this writ petition nor shall any part of this land be permitted to be occupied or used for any religious purpose or in connection therewith.”

22.08.2003 – ASI Report

- Archaeological Survey of India completes excavation work upon the order of the High Court and submitted final report on 22.8.2003. Besides, ASI also submitted the record of excavation.
- The Court had directed to carry excavation by Archaeological survey of India on 05.03.2003 under the leadership of Shri B.R. Mani, Team Leader, ASI Excavation Team.
- ASI report shows the presence of Circular Shrine, Makar Pranala, Lotus Motif, Pillar Bases with carvings of animals, etc. which indicate there existed a temple beneath the surface over which the disputed structure stood. In the words of ASI researchers, they discovered "*distinctive features associated with the temples of north India*".

22.04.2009- Statement of lawyers of Muslim parties to settle the issue *faith of Hindu devotees of Lord Rama regarding the birth of Lord Rama at Ayodhya*

- Statement Of Zafaryab Zilani, Mustaq Ahmad Siddiqui, Counsel For Plaintiff In O.O.S. 4 Of 1989, and Sri Syed Irfan Ahmad, Counsel For Defendants No.6/1 And 6/2 In O.O.S. No.3 Of 1989

UNDER ORDER X RULE 2 C.P.C.

“For the purpose of this case there is no dispute about the faith of Hindu devotees of Lord Rama regarding the birth of Lord Rama at Ayodhya as described in Balmiki Ramayana or as existing today. It is, however, disputed and denied that the site of Babri Masjid was the place of birth of Lord Rama. It is also denied that there was any Ram Janam Bhoomi Temple at the site of Babri Masjid at any time whatsoever.”

30.06.2009 – Liberhan Commission Report

- The Liberhan Commission submitted its report to PM Manmohan Singh. The report held 68 people culpable, including top BJP leaders, L.K. Advani, Dr. Murli Manohar Joshi, and former Prime Minister Atal Behari Vajpayee, and more critically, Kalyan Singh, former UP Chief Minister, in whose regime the disputed structure was demolished. However, the said report was never tabled in the Parliament.

30.09.2010- Allahabad High Court Judgment

- The Allahabad High Court bench at Lucknow pronounces its verdict on four title suits relating to the Ayodhya dispute on 30 September 2010. As per the order the land under dispute was to be divided into three parts. $\frac{1}{3}$ goes to Ram Lalla, $\frac{1}{3}$ to Sunni Wakf Board, $\frac{1}{3}$ goes to Nirmohi Akhara.
- The Court said that the site of the Ramlala idol would go to the party representing Ram Lalla Virajman (the installed Infant Ram deity), Nirmohi Akhara to get Sita Rasoi and Ram Chabutara, and the Sunni Wakf Board to get the rest. The court also ruled that the status quo should be maintained for three months.
- On 9th May, 2011 Supreme Court of India stayed the High Court order splitting the disputed site in three parts and said that status quo will remain.

Allahabad High Court Judgment- Explained

- Final Order as per Justice Sudhir Agarwal:
 - i. It is declared that the area covered by the central dome of the three domed structure, i.e., the disputed structure being the deity of Bhagwan Ram Janamsthan and place of birth of Lord Rama as per faith and belief of the Hindus, belong to plaintiffs (Suit-5) and shall not be obstructed or interfered in any manner by the defendants.
 - ii. Certain areas within the inner courtyard belong to members of both the communities, i.e., Hindus (here plaintiffs, Suit-5) and Muslims since it was being used by both since decades and centuries. It is, however, made clear that for the purpose of share of plaintiffs, Suit-5 under this direction the area which is covered by (i) above shall also be included.
 - iii. The area covered by the structures, namely, Ram Chabutra, Sita Rasoi and Bhandar in the outer courtyard is declared in the share of Nirmohi Akhara (defendant no. 3) and they shall be entitled to possession thereof in the absence of any person with better title.
 - iv. The open area within the outer courtyard (except that covered by (iii) above) shall be shared by Nirmohi Akhara (defendant no. 3) and plaintiffs (Suit-5) since it has been generally used by the Hindu people for worship at both places.
 - v. It is however made clear that the share of Muslim parties shall not be less than one third ($1/3$) of the total area of the premises and if necessary it may be given some area of outer courtyard. It is also made clear that while making partition by metes and bounds, if some minor adjustments are to be made with respect to the share of different parties, the affected party may be compensated by allotting the requisite land from the area which is under acquisition of the Government of India.
 - vi. The land which is available with the Government of India acquired under Ayodhya Act 1993 for providing it to the parties who are successful in the suit for better enjoyment of the property shall be made available to the above concerned parties in such manner so that all the three parties may utilise the area to which they are entitled to, by having separate entry for egress and ingress of the people without disturbing each others rights. For this purpose the concerned parties may approach the Government of India who shall act in accordance with the above directions and also as contained in the judgement of Apex Court in Dr. Ismail Farooqi case.

Allahabad High Court Judgment- Explained

- **Final Order as per Justice S. U. Khan**

- i. “Accordingly, all the three sets of parties, i.e. Muslims, Hindus and Nirmohi Akhara are declared joint title holders of the property/ premises in dispute.
- ii. However, it is further declared that the portion below the central dome where at present the idol is kept in makeshift temple will be allotted to Hindus in final decree.
- iii. It is further directed that Nirmohi Akhara will be allotted share including that part which is shown by the words Ram Chabutra and Sita Rasoi in the said map.
- iv. It is further clarified that even though all the three parties are declared to have one third share each, however if while allotting exact portions some minor adjustment in the share is to be made then the same will be made and the adversely affected party may be compensated by allotting some portion of the adjoining land which has been acquired by the Central Government.

Allahabad High Court Judgment- Explained

- **Final Order as per Justice D. V. Sharma**

- **SUIT-5 (Plaintiff- Ram Lalla Virajman)**

Plaintiffs' suit is decreed but with easy costs. It is hereby declared that the entire premises of Sri Ram Janm Bhumi at Ayodhya as described and delineated in annexure nos. 1 and 2 of the plaint belong to the plaintiff nos. 1 and 2, the deities. The defendants are permanently restrained from interfering with, or raising any objection to, or placing any obstruction in the construction of the temple at Ram Janm Bhumi Ayodhya at the site , referred to in the plaint.

- **SUIT-4 (Plaintiff- Sunni Central Wakf Board)**

Plaintiffs are not entitled for the relief claimed and the suit is liable to be dismissed, but defendants have failed to point out the circumstances under which they are entitled for special costs.

- **SUIT-3 (Plaintiff- Nirmohi Akhara)**

The plaintiffs are not entitled for the relief claimed but on behalf of the defendants no case for special costs is made out. The suit is liable to be dismissed with easy cost.

- **SUIT-1 (Plaintiff- Gopal Singh Visharad)**

In view of my findings referred to above, the plaintiff is not entitled for the relief claimed and defendants are also not entitled for special costs as initially the plaintiff, who filed the suit is no more.

2016

- The Supreme Court allowed BJP Leader Subramanian Swamy in February to appear in the case as a party. He was allowed to plead for the construction of a Ram Janmbhoomi temple at the site where the disputed structure was standing before it brought down on December 6, 1992.

2017

- On March 21, the then Chief Justice of India JS Khehar asked the parties to settle the matter out of the court through negotiations.
- On August 8, the Uttar Pradesh Shia Central Waqf Board told the Supreme Court that it had a legal claim on the disputed land saying that the builder of the mosque, i.e. Mir Baqi, was a Shia.
- The Shia board, after having removed as a party in 1946 by the Faizabad Court order, also favoured the construction of the Ram Mandir.
- On August 11, the Supreme Court scheduled the final hearing of the title suit on December 5.
- On December 5, a special bench of the Supreme Court comprising CJI Dipak Misra and Justices Ashok Bhushan and Abdul Nazeer heard the case.

March, 2018- July, 2018

- Dr. Rajiv Dhawan, Sr. Adv. appearing for the Muslim parties argued that the matter deserves to be referred to a larger Bench in view of the decision rendered by the Constitution Bench in Dr. M. Ismail Faruqui & Ors. vs. Union of India & Ors., (1994) 6 SCC 360.
- On the said arguments, Court directed Dr. Dhawan, to address on the aspect whether the judgment in Dr. M. Ismail Faruqui requires reconsideration before proceeding on the merits of the appeal.
- Parties concluded their respective arguments on the question whether Judgment of Ismail Faruqui requires reconsideration or not.

27.09.2018- Should the judgment in Ismail Faruqui be reconsidered?

Hon'ble Mr. Justice Ashok Bhushan pronounced the judgment on behalf of Hon'ble Chief Justice and himself and held that the judgment in case of Dr. M. Ismail Faruqi and Ors. vs. Union of India and Ors. does not require reconsideration. Court held that

“92. ...Whatever observations have been made in the judgment of Ismail Faruqui are not to govern the decision in suits and the suits were to be decided on the basis of the evidence on record. The questionable observations made in Ismail Faruqui's case have to be treated as only observations and not for the purpose of deciding suits and these appeals, they are not to be treated as governing factor or relevant. The said observations are to be understood solely as observation made in context of land acquisition and nothing more.”

“95...The question as to whether in the impugned judgment, reliance on Ismail Faruqui's case affects the ultimate decision of the High Court and needs any clarification or correction is a task, which we have to undertake with the assistance of learned counsel for the parties in the present appeals. We, thus, conclude that reliance on the judgment of Ismail Faruqui by the High Court in the impugned judgment and reliance by learned counsel for the appellants and taking grounds in these appeals on the strength of judgment of Ismail Faruqui's case are all questions, on the merits of the appeals, which need to be addressed in these appeals. Thus, the above submission does not help the appellant in contending that judgment of Ismail Faruqui's case needs reconsideration no case has been made out to refer the Constitution Bench.”

The majority judgment also dismissed the arguments that the matter should be referred to larger Bench looking to the importance of the matter.

Hon'ble Mr. Justice S. Abdul Nazeer disagreeing with the view expressed by Hon'ble the Chief Justice and Hon'ble Mr. Justice Ashok Bhushan, passed a separate judgment and referred the issues to a larger Bench.

26.02.2019 – Mediation to resolve the dispute

- The five-judge constitution bench by Chief Justice Ranjan Gogoi heard the matter February 26 and advocated an amicable resolution to the Ram Mandir case through mediation.
- The apex court in its observation favoured peaceful dialogue to solve the contentious issue. Justice S A Bobde proposed the suggestion while hearing the case. "We are considering the possibility of healing relations between two communities. We, as a court, can only decide the property issue." Justice SA Bobde said.
- The five-judge constitution bench appointed a panel of 3 mediators in the title suit with Retired Justice Kalifullah chairing the court-appointed and monitored mediation process. The other two members were spiritual leader Sri Sri Ravi Shankar and senior advocate Sriram Panchu.

Stand of Hindu Parties in the Mediation process

- Senior Advocate CS Vaidyantahan, appearing for deity 'Ram Lalla Virajman, said he did not want to take part in the mediation any further and would like a judicial decision from the bench as there was no hope for a final settlement since in the past such mediation attempts had failed.
- The mediation process was going on for about four months, but it did not result in any final settlement and it was yet to decide the matter pending before it at the time when the arguments in Supreme Court were at an advanced stage.

6th August, 2019 – 16th October, 2019 (40 day hearing by the Supreme Court)

- The 5-judge Constitution bench, headed by Chief Justice Ranjan Gogoi, of the Supreme Court of India started final hearing on the case.
- On 16th October, 2019, the bench reserved the final judgment. The bench granted three days to contesting parties to file written notes on 'moulding of relief'.
- Major points argued by both Hindu and Muslim parties:
 1. **Limitation**- Whether the suits were barred by limitation?
 2. **Res Judicata**- Did Res Judicata apply on the suits?
 3. **Faith**- Whether Hindus believed that Lord Rama was born at the particular spot? Is their faith validly held? Does that make the place central to Hindu faith and hence sacred?
 4. **Adverse Possession**- Was the property adversely possessed by Muslims which gave them the right to claim ownership of the property?
 5. **Juristic Person**- Can a place (a piece of land) be a juristic person and hence become a deity in itself in terms of law to have a claim over a property?

Basic Submission of the Hindu Side in Supreme Court

- Ram Janmbhoomi and Ram Lalla Virajman are juristic persons. By virtue of being juristic persons they have a claim over the property.
- Faith of Hindus that the particular place is the birthplace of Lord Ram is unshakable and has been validly held for centuries. Devotees have been performing pooja and pradakshina/parikrama.
- The place/temple has a special significance for the Hindus as a number of religious scriptures like the Skandpurana claim that merely by having a darshan of the Ram Janmbhoomi one attains moksha.
- Muslims never had a continued and undisputed claim over the property in order to place their claim under the law of adverse possession. The mosque (disputed structure) was an abandoned property by them.
- Nirmohi Akhara can not be the owner of property as their claim is limited to Shaebaitey Rights.
- The destruction of Ram Janmbhoomi temple in 1528 by Babur and his general, and construction of Babri Mosque was a **historical wrong**. The case in the Supreme Court is not merely for the construction of a temple, as it existed earlier, but also correct that historical wrong.



Presentation by:

Shubhendu Anand

*Research Fellow, Dr. Syama Prasad Mookerjee Research Foundation
Advocate, Supreme Court of India*