

The Final Verdict : Major Findings of the Supreme Court in the Ram Janmbhoomi Case

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In the 40-day marathon argument that took place in the Supreme Court after which the historic judgment in the Ram Janmbhoomi case was delivered on 9th November, 2019, the court heard all the parties on almost all the legal issues concerning the Ram Janmbhoomi case and decided in favour of the Hindu parties on the basis of documentary evidence, report of the Archaeological Survey of India, faith (whether validly held or not), law of adverse possession and status of an idol as a juristic person.

The Court while vindicating the stand taken by Hindus held that the Hindu belief in the sanctity of the disputed site is established by evidence. The travelogues of Joseph Tieffenthaler (18th century) and Robert Montgomery Martin (early 19th century) record the prevalence of Hindu worship at the disputed site.

The Court held that Bhagwan Sri Ram Lalla has been the object of worship for several hundred years and the underlying purpose of continued worship is apparent even absent any express dedication or trust. The Supreme Court has also recognized the appointment of Next Friend good in law to represent the interest of the deity.

Suit No.5 is also held within the limitation because it looks toward the future to construct a temple dedicated to Lord Ram on the site of Ram Janambhoomi, as the suit contains a plea that because of its interest were not being protected, therefore, suit was filed. [Para 429 Page 480]

On ASI Report, the Supreme Court has held that the interest of the Muslim parties was also taken care of in the composition of the ASI Team and an allegation of malafide by Muslim parties on ASI has been rejected.

The Court concluded ASI report at Para 788 of the judgment and then given its inferences as follows-

- (i) The foundation of the mosque is based on the walls of a large pre-existing structure;
- (ii) The pre-existing structure dates back to the twelfth century; and
- (iii) The underlying structure which provided the foundations of the mosque together with its architectural features and recoveries are suggestive of a

Hindu religious origin comparable to temple excavations in the region and pertaining to the era.

The communist propaganda report of four Historians which has been submitted by Muslim parties was also rejected by the Supreme Court because they did not consider B. Lal's reports and subsequent excavations of ASI and its report hence cannot be taken into account. [Para 598 Page 705-706]

The Court has held that Hindus worshiped both in the outside courtyard and the inner courtyard while the inside courtyard was contested and Hindu worship went across the entire site, the railing was to maintain peace and order by the Colonial authority post the communal incidents of 1856-57 and even though the railing was put, Hindus did not stop worshipping within courtyard.[Para 720 Page 836-837]

The Most significant aspect of the judgment is that the Court accepted for Hindus entire complex as a whole was of religious significance. The demarcation of the property by the British did not obliterate their belief that in the GarbhGrih there is birth place of Lord Ram. This is evident from the complaint of Moazzin of Baburi Mosque against the Nihang Singh Faquir on 30.11.1858. The Hindus had multiple points and form of worship within the disputed premises including Ram Chabutra and Sita Rasoi and Parikrama of disputed premise. The preponderance of probabilities suggests that there was continuum faith and belief of the Hindus in the Garb Grih as the birth place of Lord Ram. [Para 773 Page 884-885]

Ten Major Findings by the Supreme Court

- (I) The disputed site is one composite whole. The railing set up in 1856-57 did not either bring about a sub-division of the land or any determination of title;
- (ii) The Sunni Central Waqf Board has not established its case of a dedication by user;
- (iii) The alternate plea of adverse possession has not been established by the Sunni Central Waqf Board as it failed to meet the requirements of adverse possession;
- (iv) The Hindus have been in exclusive and unimpeded possession of the outer courtyard where they have continued worship;
- (v) The inner courtyard has been a contested site with conflicting claims of the Hindus and Muslims;
- (vi) The Muslims could not disprove any Hindu worship prior to 1856. Even though they accepted their worship was being obstructed to. [Para 787 Page 904]
- (vii) The evidence indicates that inspite of the Mosque, Hindu worship at the place was not restricted. Even though there was an Islamic structure, it did not shake Hindu faith on that site. The Muslims on the other hand have

stated that the evidence of offering namaz was only apparent from 1856-57. [Para 788 (V) Page 909]

- (viii) The Muslims could not show that their possession in inner courtyard was exclusive [Para 788 (VI) Page 910]
- (ix) Muslims have also acknowledged that the presence Hindu symbol of Hindus significance both outside and inside of the mosque. [Para 788 (XI) Page 911]
- (x) The approach taken by the HC to trifurcate the land was erroneous. When the Suit was not of Partition and upon barring the suit by limitation, granting the relief through trifurcation was held not sustainable. Para 789 to 794 (starting from Pg. No. 915)

Despite all odds all brutal attacks on the places of Hindu worship, the Hindus survived. This judgment is just a manifestation of the same and in fact an acknowledgment of the historical wrongs committed upon Hindus.

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