



## FAIRNESS AND PEACE: AYODHYA VERDICT

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### ABSTRACT:

India's constitution upholds secularism and a sense of respect for the prevailing religious diversity. However, The Ayodhya Dispute regarding the demolition of Babri Masjid has been a counter narrative to India's secular nature. A mob of Hindu extremists demolished the mosque at Ayodhya arguing that the site marked the birth place of Lord Rama and there used to be a temple at that site before Mughal emperor Babur demolished it to erect a mosque. This dispute reflects the intolerance shared between the Hindu and Muslims in India and how under the rule of our current Prime Minister, Narendra Modi, and this negative sentiment is becoming even stronger due to his Hindu revivalist and extremist ideology.

### INTRODUCTION:

The cause of violence between the Hindus and the Muslims for many decades has been the Babri-masjid disputes in Ayodhya each faith claiming the ownership of the disputed holy site. About 500000 people including both Hindu and Muslims attend the Annual Ram festivals and both the faiths believe that the well water found in the site has phenomenal healing properties. Hindus claimed that the place where the temple was built in 12<sup>th</sup> century in honor of lord Rama had stood and got destroyed during the reign of Babur was the site where the mosque stood. Hindus consider this particular site to be the

birth place of Lord Rama, but also located the Babri Masjid. The question arises if an earlier Hindu temple was demolished or modified to create the mosque.

### HISTORY:

Babar's general Mir Baqi in 1528 built the Babri mosque following the orders that were given by Babur after the destruction of the Ram Mandir. Regarding the issues the first recorded violent incident took place in 1853 at the time when Nawab Wajid reigned. To control the violence the British administration in 1859 was forced to erect a fence in the site to separate the places of worship so that the Muslims could use the inner court and the Hindus could use the outer court. A controversial incident took place in 1949 where idols of Lord Rama appeared inside the mosque and it was alleged to have been placed by the Hindus and this incident led to huge protests by the Muslims and resulted to both the parties filing law suits against each other.<sup>1</sup> To control the situation the government declared the premises as a disputed area and locked all the gates to the site. Vishwa Hindu Parishad party lead the formation of a committee that was intended to unshackle the dispute and to carry out the building of a temple in the site and the leader of Janta Party Lal Krishna later took over in leading the campaign. Formation of the committees incited the order by the District judge to open the gates of the mosque and allowing the Hindus to worship and this decision again sparked the protest by people belonging to Muslim faith resulting in formation of the Babri Mosque Action Committee which was responsible for

<sup>1</sup> <https://www.thehindu.com/news/national/the-hindu-explains-the-babri-masjid-case/article21248813.ece>



ensuring that there was no temple built near the mosque.

### THE CONFLICT:

The Hindus regard the land in Ayodhya, on which the Babri Masjid was built in the year 1528, is the Ram Janmabhoomi. It has been said that one of Babur's generals, Mir Baqi demolished a temple of Lord Ram in order to build the mosque, which was named after Babur himself (Babri Masjid). Meanwhile, both the communities prayed at the site. But in the year 1885, the head of Nirmohi Akhara had filed a petition, where he asked for permission to pray to Ram Lalla inside the Babri Masjid. The court did not grant the permission, but in 1886, district Judge of Faizabad court Colonel FEA Chamier famously said that it was an unfortunate event that a mosque was built in a sacred place for Hindus, yet with the passage of more than three centuries, it was too late now. Similar petitions and judgements continued for a long time.<sup>2</sup> The way the dispute has been reduced to a mere law and order situation and assigned culpability to particular sections of the society and the eventual treatment is a clear indication of a myopic mind set which disregards the overarching historical political and religious avenues. It is essentially a very simplistic approach and has been the bane of this controversy. The Supreme Court's decision would be the deciding factor in the backdrop of the movement for building a Ram Temple at the disputed site. The Supreme Court, in April 2017, decided to revive the criminal conspiracy against the senior BJP leaders in the Babri Masjid demolition cases.

### COURT VERDICT:

<sup>2</sup> <https://capitalkhabar.in/index.php/lead/4582-ayodhya-dispute-controversy-conflict-no-conclusion>

The recent Supreme Court order has asked for a harmonious, out-of-court settlement in the on-going dispute<sup>3</sup>. An Allahabad High Court ordered in 2010, saying that there should be a partition of the site in Ayodhya and distributed among the concerned parties, BJP leader Subramanian Swamy had urged the Supreme Court to constitute a bench to hear a batch of petitions which had challenged the 2010 Allahabad High Court order. However, Supreme Court had said that it is a sensitive and sentimental issue and it's best to be settled amicably. After the Babri Masjid demolition, the court had ordered a survey to investigate of a Ram temple on the site. Later evidence was found of such a temple under the mosque, which was again disputed. Later many BJP leaders were asked to stand trial for inciting the demolition of Babri Masjid. The issue, after 1992 saw many disputable judgements, including the Liberhan Commission that was instituted in 1992 but it submitted its report in 2009. 17 years later, the report was submitted, and leaders like Atal Bihari Vajpayee, LK Advani, Murli Manohar Joshi, Uma Bharti, Kalyan Singh, Pramod Mahajan were found culpable. Recently, in March 2017, the apex court with a bench of Justices, Nariman and PC Ghose heard a CBI plea to invoke conspiracy charges against the top politicians but the court indicated that the charges won't be dropped. The final hearing over the disputed Ayodhya site, claimed by Hindus and Muslims, will begin on February 8 next year by a three-judge bench of the Supreme Court.

### AYODHYA VERDICT:

<sup>3</sup> <https://www.financialexpress.com/india-news/ram-mandir-babri-masjid-dispute-all-you-need-to-know-about-the-long-standing-ayodhya-issue/596377/>



After decades of mandir-masjid politics in the country, the Supreme Court of India took decision on November 9<sup>th</sup> 2019. Lord Ram-the deity Ram Lalla, was recognised as a legitimate legal personality and given the title to the entire 2.77-acre disputed property in Ayodhya. The five-judge Constitution bench of CJI Ranjan Gogoi, Justice SA Bobde, DY Chandrachud, Ashok Bhushan and SA Nazeer pronounced its verdict in a special hearing called on November 9<sup>th</sup>, amidst tight security and a jam-packed courtroom. The judgement was that the property in dispute would be managed in the name of Lord Ram by a temple trust which was to be set up by the central government within 3 months under the provisions of the Acquisition of Certain Area at Ayodhya Act 1993. The trust will have the responsibility for managing the site, construction, maintenance and management of the Ram temple. The court rejected the claim of the Nirmohi Akhara as the shebait- sole manager of the temple but said that the Akhara will be included in the trust/board that will be created for the management of the temple. The court also in favour of the muslims ordered that the Sunni Waqf Board would be given 5 acres of land in Ayodhya for the construction of a mosque. However, it has been left to the BJP government at the Centre and state level to decide where this land will be allotted- whether part of the 77-acre 'mandir-masjid' area will be given, or would they be granted land in some other "prominent place" in Ayodhya.

### CONCLUSION:

The Babri-Masjid Demolition Case has led to more misunderstandings between the Hindu community as people are divided between supporting their religion by fighting for the

building of the temple in Ayodhya and advocating for peace and harmony between the Hindus and the Muslim community. The daily controversy has led to formation of a more divided Hindu community which affects the future history of the community in a similar way the past events and struggles for liberation led to the current history of the past Hindu community. The dispute over this piece of land has time and again defined and then redefined state politics outfits and influenced the mind-sets of people throughout the country. Spanning across half a millennium, it predates empires – Mughal and British – and now even threatens to disrupt the fabric of modern India. It is definitely surprising to see how a country like ours has managed to survive and develop at the same time, with the constant presence of such a massive communal tension for 70 years now. A time comes when the need for peace and closure exceeds the need to undo an injustice. The Supreme Court has apparently chosen a path that is most conducive to social harmony by allowing a temple to emerge through a government-appointed trust at the disputed site in Ayodhya. Prime Minister Narendra Modi quoted that “There is no place for fear, bitterness and negativity in *New India*” and also stated that the Supreme Court listened to all the sides during the hearings of this case with utmost patience and it is a matter of happiness for the entire country that the decision came with the consent of all.

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