



“The court does not decide title on the basis of faith or belief but on the basis of evidence... It applies settled principles of evidence to adjudicate upon which party has established a claim to the immovable property

—CJI Ranjan Gogoi, reading the verdict

We welcome and humbly accept the verdict... We will not go in for any review of the apex court's order or file any curative petition

—Zufar Faruqi | UP Sunni Central Waqf Board

The verdict is a victory of faith over facts. We were fighting for our legal rights... We don't need 5 acres of land in charity

—Asaduddin Owaisi | AIMIM

The halls of justice have amicably concluded a matter going on for decades... The decision should not be viewed as someone's victory or defeat. Ram bhakti or Rahim bhakti, this is the time for us to strengthen the spirit of rashtra bhakti

—PM Narendra Modi

NEW DELHI

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## SC Settles, By Unanimous Verdict, Centuries-Old Hindu-Muslim Conflict By Granting Entire 2.77-Acre Disputed Land To Deity Ram Lalla, One Of The 3 Claimants In The Case; Directs Centre To Appoint Trust In 3 Months To Manage Construction Of Temple

# RAM MANDIR WITHIN SITE

## Balancing Act: 5 Acres At 'Prominent Place' For Masjid In Ayodhya

Dhananjay Mahapatra & Amit Anand Choudhary | TNN

**New Delhi:** A five-judge Supreme Court bench on Saturday settled the centuries-old Hindu-Muslim dispute that had been in courts for 70 years through a unanimous verdict and handed over the Ram Janmabhoomi-Babri Masjid disputed land for construction of a Ram temple. It also allocated five acres at a “prominent place” in Ayodhya for a mosque.

### Sunni & Shia boards won't file review pleas

UP Sunni Waqf Board and Shia Central Waqf Board, parties to the case, welcomed the SC verdict and said they would not file review petitions. Iqbal Ansari, another litigant, lauded the order. However, AIMPLB's Kamal Farooqui and AIMIM chief Owaisi said they were “disappointed”. **P9**

minent place” in Ayodhya for a mosque.

The bench said the verdict weighed in favour of deity Ram Lalla because the Hindu parties could produce better evidence to substantiate their right over the disputed land. However, the bench was also unanimous that the Muslim

parties too had established a competitive right over a part of the disputed land. Hence, it used its inherent powers under Article 142 of the Constitution to direct the Centre/UP government to allot five acres of land at a prominent place in Ayodhya for construction of a mosque. The bench ordered framing of a scheme and its implementation through a trust, to be set up by the Centre, within three months for the construction of the temple and its management.

The bench of Chief Justice Ranjan Gogoi, CJI-designate Sharad Arvind Bobde and Justices Dhananjaya Y Chandrachud, Ashok Bhushan and S

**FULL COVERAGE: P 5, 8-13, 16**

Abdul Nazeer took just 23 days to author a common judgment running into 929 pages. The bench had reserved its verdict on October 16 and delivered it on November 9.

CJI Gogoi read out a 26-page summary of the judgment for close to 40 minutes in a packed courtroom. “Jai Shri Ram” chants from advocates in black robes echoed immediately after the pronouncement of judgment.

► **Split unsustainable, P 12**

### The Reasoning

► Hindus and Muslims had a competing right over the disputed site, but Hindu showed better evidence of their continuous worship at the disputed structure for centuries

► No evidence produced by Muslims to indicate that their possession of disputed structure was exclusive and that offering of namaz was exclusionary of Hindus

► Muslims have never been in possession of outer courtyard. Inner courtyard has been a contested site with conflicting claims of Hindus and Muslims. But, there has been no abandonment of mosque by Muslims as namaz was offered till December 1949

► Sunni Waqf Board failed to establish ownership through adverse possession or possession through waqf (dedication by user)

Photo: Sunil Kataria



**UNITED FRONT:** People from different faiths outside the SC after the verdict was announced on Saturday

“The allotment of land to Muslims is necessary because though on balance of probabilities, evidence regarding claim of Hindus to the composite whole of the disputed property stands on a better footing than the evidence adduced by Muslims, but Muslims were dispossessed upon desecration of mosque on 22/23 December 1949, which was ultimately destroyed on 6 December, 1992

—Five-judge Supreme Court bench

### Land for mosque may be outside old municipal area

The five-acre plot for the mosque may not be provided in the vicinity of the Ram-Janmabhoomi-Babri Masjid complex, with official sources indicating it might be difficult to find such a huge piece of vacant land in the erstwhile municipal area. **P12**

### Historical wrongs can't be corrected by courts: SC

The five-judge bench ruled that courts could not correct historical wrongs and rejected Hindu parties' pleas to correct the action of Mughal emperors of demolishing several temples, including the Ayodhya temple, for construction of mosques. It said a mistake of past sovereign regimes could

be corrected by the courts only if the present sovereign recognised and accepted the action of the past sovereign. “Absent such recognition, the change of sovereignty is an act of state and this court cannot compel a subsequent sovereign to recognise and remedy historical wrongs,” it said. **P9**

### 'Acts of damage, desecration, demolition of masjid illegal'

The apex court emphatically said the communal riot that caused damage to the domes of Babri Masjid in 1934, its desecration on the night of December 22, 1949 by placing of idols, and the demolition on December 6, 1992 were illegal acts, a conclusion that persuaded it to balance awarding the

disputed site for the temple with five acres for a mosque in Ayodhya. “On December 6, 1992, the structure of the mosque was brought down... The destruction of the mosque and obliteration of the Islamic structure was an egregious violation of the rule of law,” the SC said. **P9**

## PM invokes anniv of Berlin Wall fall & Kartarpur, says time to move on

Akhilesh Singh | timesgroup.com

**New Delhi:** PM Narendra Modi on Saturday hailed the nationwide restraint following the Ayodhya judgment, saying it should be seen as a message of unity which proves that the most difficult of problems can be solved within the framework of the Constitution and courts.

“This verdict shouldn't be seen as a win or loss for anybody. Be it Ram bhakti or Rahim bhakti, it is imperative that we strengthen the spirit of rash-

► **Time has come: Rajnath on uniform civil code, P 12**  
► **India briefs foreign envoys on SC verdict, P 14**

tra bhakti. May peace and harmony prevail!” he tweeted.

He said November 9 was the date when the Berlin Wall fell. “Two opposing streams had joined to take a new pledge. Today, we have begun the Kartarpur corridor. This is with the cooperation of India and Pakistan. Along with the Ayodhya verdict, the date of November 9 gives us the lesson of advancing together,” he said in a televised address.

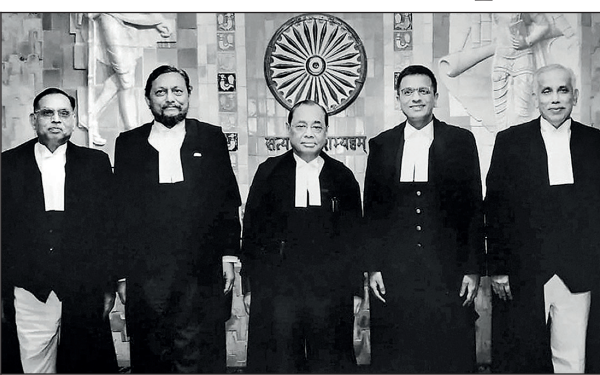
► **'Inclusion & unity', P 12**

### Maha guv asks BJP if it's willing to form govt

Maharashtra governor B S Koshiyari on Saturday asked Devendra Fadnis, as leader of the single largest party — BJP with 105 out of 288 seats — to indicate the “willingness and ability of his party to form the government”, reports Prafulla Marpakwar.

A BJP minister told TOI the letter would be placed at a party core committee meeting on Sunday and a decision taken after inputs from the central leadership. Shiv Sena sources hinted if BJP indicated its willingness to form the government, it would be the end of the alliance. **P14**

## Author of verdict not named, but it bears Chandrachud's imprint



**THE BENCH:** (L to R) Justices Ashok Bhushan, SA Bobde, CJI Ranjan Gogoi, D Y Chandrachud and S Abdul Nazeer after delivering the verdict. Gogoi, who retires next week, took his colleagues for dinner to one of Lutyens' Delhi's best-known five-star hotels (close to the SC)

Dhananjay Mahapatra | timesgroup.com

**New Delhi:** The unanimous Ayodhya judgment, written at express speed, broke three conventions that have been followed in the Supreme Court for 70 years — a verdict always bears the name of the author, he/she alone reads it in open court and the main judgment isn't accompanied by an “addenda”.

Though CJI Ranjan Gogoi read out the judgment, it did not carry the author's name. Ditto for the addenda. But it was clear from the judg-

ment's printed version that the author was Justice D Y Chandrachud. It was a valid surmise. SC judges have their styles and use distinct fonts.

For those familiar with Chandrachud's style, the matter was settled almost beyond reasonable doubt.

No other judge sub-divides issues involved in a case into chapters. Be it Aadhaar, right to privacy or Sabarimala, Justice Chandrachud has followed the pattern. In the Ayodhya case, the judgment had 17 chapters from 'A' to 'Q'.

► **A new concept, P 12**

### Second Diwali, say Ayodhya devotees with songs & sweets

Mohita Tewari | timesgroup.com

**Ayodhya:** The Supreme Court's verdict was celebrated as a “second Diwali” by Ram devotees, who thronged the Hanuman Garhi temple here dancing, singing and chanting “Jai Shri Ram” on Saturday.

The 10th-century temple, believed to be the place where Hanuman lived in a cave to guard Ram Janmabhoomi, reverberated with celebrations through the day. The devout crammed the narrow lanes leading to Hanuman Garhi, bursting crackers, distributing sweets and singing songs in praise of Lord Ram.

“Last time when I was here, I prayed to Lord Hanuman that I will return on the day of the verdict and pray for a Ram mandir,” said Sulekha Gupta from Gurgaon, who climbed up the 76 temple stairs dancing. “I have promised God I will be here again and stay till the temple is completed,” she added.

Another devotee, Ved Kaur from Jind, said, “It was unfortunate that we live in grand houses but our Lord didn't have a roof over his head. I am happy that the exile is finally over and the temple will be built.”

► **'Peace & harmony', P 12**

## As Modi thanks Imran on Kartarpur, Pakistan rakes up Kashmir, Ayodhya

Sachin Parashar | timesgroup.com

**Kartarpur:** On a day when Prime Minister Narendra Modi thanked Pakistan PM Imran Khan for “understanding and respecting the sentiments of Indians” by allowing the opening of the Kartarpur corridor, the latter again raised the Kashmir issue while speaking at the corridor's inauguration ceremony. Pakistan foreign minister Shah Mahmood Qureshi also brought up Kashmir, and even the Ayodhya judgment, prompting a sharp response from New Delhi.

Qureshi suggested before Indian journalists that the judgment was advanced on purpose by the Indian government to coincide with the Kartarpur opening. His ministry followed it up with a statement that the Ayodhya judgment had failed to uphold the demands of justice. It also cal-



**PM Narendra Modi (left) and former PM Manmohan Singh in Gurdaspur on Saturday**

led upon India to ensure protection of the lives and rights of Muslims.

Pakistan President Arif Alvi took to Twitter to describe the SC judgment as “an unfortunate verdict”. He posted, “Indian Supreme Court decides that a temple is to (be) built at Ayodhya/Babri Ma-

sjid site showing clearly it has consistently sided with the extreme policies of BJP and reflects a Hindutva ethos to the detriment of secular India.”

The Indian government swiftly rejected the “unwarranted and gratuitous” comments on a civil matter it said was completely internal to India. “It pertains to the rule of law and equal respect for all faiths, concepts that are not part of their ethos. So, while Pakistan's lack of comprehension is not surprising, their pathological compulsion to comment on our internal affairs with the obvious intent of spreading hatred is condemnable,” said the government.

Speaking at Kartarpur, Imran Khan appealed to Modi to free bilateral ties of the Kashmir issue by resolving it.

► **Opening link like kar seva: PM, P 14**

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# Victory of faith over facts: Owaisi

‘Reject Offer For 5 Acres Of Land For Mosque’

TIMES NEWS NETWORK

Hyderabad: AIMIM chief Asaduddin Owaisi on Saturday said he was dissatisfied with Supreme Court’s verdict on the Ayodhya issue and described it as a victory of faith over facts. Addressing reporters here, Owaisi said he wanted Muslims to reject the five acres given in the verdict to build a mosque. “We don’t need land. This was a fight for our legal right,” he said.



There are several mosques in the country where Sangh Parivar has laid claim. I wonder if they will cite this judgment in those cases too

ASADUDDIN OWAISI  
AIMIM chief

Owaisi said he agreed with members of All India Muslim Personal Law Board who have called parts of the verdict unjust. “There can’t be any compromise over a mosque,” he added. He questioned the future of other mosques in the country. “There are several mosques in the country where Sangh Parivar has laid claim. I wonder if they will cite this judgment in those cases too.”

“Modi 2.0 is trying to make India into a Hindu Rashtra and the road for that vision begins from Ayodhya. BJP and RSS will use this (Ayodhya) verdict, National Register of

Order surprising, but exercise restraint: Darul

The vice-chancellor of Darul Uloom, the Deoband-based Islamic seminary, on Saturday said the SC’s verdict on the Ram Janmabhoomi-Babri Masjid title suit was very surprising and beyond understanding. Vice-chancellor Mufti Abul Qasim Noman said the case was about land ownership, but “the court did not clear that who is the rightful owner of the land”. “We believe that a mosque is the property of God and Muslims can’t be owners of the mosque. The place where once a mosque stood remains as a mosque until doomsday. A mosque’s status can’t be ended in any way,” he said. He also advised Muslims to remain calm and exercise restraint. “Muslims should not act in any way that becomes a cause of controversy. No one should try to instigate others and take any wrong steps,” he said.

Ambika.Pandit@timesgroup.com

New Delhi: The Supreme Court verdict on the Ayodhya case has resulted in “surprise and pain” even if parts of the ruling were favourable for Muslims, the All India Muslim Personal Law Board has said, even as opinion over seeking a review seems to be divided within various Muslim groups. The AIMPLB said the SC has given the land of Babri Masjid for the Ram temple by exercising its “extraordinary discretionary powers which is painful”. While urging the Muslim community to exercise restraint, the Board is now exploring if they should file a review petition in the matter. However, the UP Central Sunni Waqf Board, which was one of the main parties in the Ayodhya litigation, does not intend to seek a review. President of Jamaat-e-Islami Hind Sadatullah Hussaini said the organisation will explore the option of a cura-

tive petition in consultation with AIMPLB. Another prominent petitioner in the case, Jamiat Ulama-i-Hind led by Maulana Arshad Madani, is not open to the idea of a review for now. Even within the AIMPLB, some members are sceptical of the utility of seeking a review beyond a technicality. Soon after the judgment, at a press conference, Zafaryab Jilani, secretary AIMPLB, said: “We respect the verdict but the judgment is not satisfactory. We will file a review petition if our committee agrees on it.” Meanwhile, National Commission for Minorities chief Ghayurul Hasan Rizvi condemned Jilani and AIMPLB’s position on seeking a review. “The judgment is a welcome development as it brings closure to an issue that has been simmering for too long. Muslims will not fall into this trap as they want to move forward.”

# Five-acre plot for mosque may be across Saryu

Akhilesh Singh and  
Arshad Afzal Khan | TNN

New Delhi/Ayodhya: The 5-acre plot which the Supreme Court has asked to be made available for construction of a mosque may not be provided to the Sunni Waqf Board in the close vicinity of the Ram Janmabhoomi-Babri masjid complex. Official sources indicated that such a huge parcel of vacant land might be difficult to find in the densely-populated town. “The land may not be allotted within the erstwhile municipal area or on the same side of Saryu,” the sources said. Ayodhya town serves as the headquarters of the newly-created district named after it. The mandir camp has consistently maintained that the substitute for the demolished masjid can be located outside the “shastriya paridhi” or the 15-km circle spread around the Janmabhoomi site along which thousands of Hindus perambulate at this time of the year. “The court has said a prominent place in Ayodhya be given but has not specified the exact place. The possibility is that

land will be allotted on Ayodhya-Faizabad Road beyond the panchkoshi (15-km) circle,” the source said. There have been suggestions that the mosque be built at Shahjanwa village, where the mausoleum of Mir Baqi, Babur’s commander who allegedly razed the temple and constructed the mosque, is located. But the village is within the 15-km circle. Although the court has asked that the alternative land be identified in coordination with the Sunni Waqf Board, a section of local Muslims says they do not want any land for building a mosque in place of the demolished Babri masjid. Haji Asad Ahmad, proprietor of Ayodhya Municipal Corporation, told TOI, “We don’t want any land in lieu of Babri masjid. If the court or the government wants to give land, they must give us in the acquired area of 67 acres, else we don’t want any donation.” Cleric Maulana Jalal Ashraf said Muslims weren’t dependent on the government. “If it wants to pacify our sentiments, the land must be given to us in the acquired area.”

# At 40 days, it was SC’s 2nd longest hearing

Dhananjay Mahapatra  
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New Delhi: The Ayodhya land dispute case hearing in Supreme Court lasted for 40 days, the second longest after the landmark Keshavananda Bharati case which still holds the record for being heard for 68 days by the SC from October 31, 1972, till March 23, 1973. Keshavananda Bharti Vs State of Kerala was heard by a record 13-judge bench of the SC and its judgment — delivered on April 24, 1973, by a wafer-thin majority of seven to six — continues to hold good that the basic structure of the Constitution could not be amended by Parliament even if political parties unite in both Houses. It was Justice H R Khanna who sided with six judges proposing impregnability of the basic structure of the Constitution, including the fundamental rights, that trumped the other six who were favouring the Indira Gandhi government’s view that Parliament by two-thirds majority in each House could amend any provision of the statute. The government hit back and made A N Ray the CJI after retirement of Justice A K Sikri by superseding three judges. The hearing on appeals challenging the validity of Aadhaar lasted for 38 days, spanning four and a half months. Full report on www.toi.in

# I&B advisory to channels: Don’t incite divisive sentiments

TIMES NEWS NETWORK

New Delhi: The information and broadcasting ministry on Saturday issued an advisory to all news channels in the wake of the Supreme Court judgment on Ayodhya case to desist from telecasting any debates or visuals which could hurt sentiments of any section of the people.

In a single page advisory, the ministry said in view of the verdict it becomes “imperative to ensure that debates/discussions/visuals carried on electronic media do not incite any divisive or anti-national feelings or sentiments”. Citing the Cable Television Networks (Regulation) Act, 1995, the ministry also listed out seven no-go areas for all news channels.

It said channels must ensure that none of the content telecast should “contain attack on religions or communities or visuals or words contemptuous of religious groups which promote anti-national attitudes”.

It asked them to refrain from showing “defamatory, false and suggestive innuendos and half truths”, or any content that is “likely to encourage or incite violence or contains anything against maintenance of law and order”.

The ministry also said channels should steer clear of telecasting anything that amounts to “contempt of court” and cautioned them against “criticising, maligning or slandering any individual in person or certain groups, segments of social, public life of the country”.

# RSS: Verdict will enhance integrity & brotherhood

TIMES NEWS NETWORK

New Delhi: RSS chief Mohan Bhagwat on Saturday hailed the Ayodhya verdict which will “enhance the integrity of the Indian society”, asserting “truth and justice” had prevailed and that it should not be seen as anybody’s victory or defeat.

Addressing the media hereafter the historic verdict by a five-judge bench of the Supreme Court, Bhagwat said it is for the government to decide the location where the Sunni Waqf Board will be provided five acres of land for construction of a mosque as ordered by the court.

“The verdict should not be viewed from a ‘victory or defeat’ angle. The conclusion arrived through churning of truth and justice should be viewed and taken as a decision that will enhance the integrity and brotherhood of the entire Indian society,” Bhagwat said.

The RSS chief said the forces which create discord among people and incite violence should not be patronised and kept away. “One should express happiness with restraint, moderation and politeness completely avoiding any provocative or instigating action or deed and staying within the limits of the Constitution and law.”

He said the arguments placed by all parties reflecting their respective viewpoints were evaluated and the verdict is in line with the sentiments of the whole nation.

# VHP will continue to have a say

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New Delhi: The SC may have ousted VHP-backed Ram Janmabhoomi Nyas from the scheme for construction of the Ram temple but the Sangh affiliate may end up as a key player in the mandir project. For, the court also left it for the Centre to set up the trust and the Modi government is unlikely to leave out VHP, the spearhead for the construction of Ram mandir.

VHP enjoys the support of a phalanx of Hindu seers who helped it fend off those who regularly tried to wrest control of the mandir campaign and the site for the proposed temple. As it happens, the SC tossed one of the rival claimants, Nirmohi Akhara, out of the ring. The Akhara, which got lucky in 2010 when Allahabad HC allotted it one-third of the disputed site, will now have to do with “representation” that has been left for the Centre to determine.

VHP will still find itself contending with a welter of rival claims from other Akharas and sants, including the Shankaracharyas and Mahamandaleshwars. The Centre’s likely backing will ensure that it gets to shape and control the project it has steered with huge dividends for the Sangh Parivar from the 1980s. Its case is bolstered by the support it enjoys from saffron figures: from Pejawar Swami of Udipi to Swami Avadheshanand Giri, not to speak of UP chief minister Yogi Adityanath whose Goraksh Peeth has been an important element of the temple campaign. VHP’s unrelenting focus on the project and the support it enjoys from the ruling dispensation has expanded its appeal in saffron circles, winning new sympathisers, including new age gurus.

# No plans for Kashi-Mathura now: VHP

With its movement, launched in 1984, for a Ram temple in Ayodhya reaching a “satisfactory conclusion” after the Supreme Court recognised the Hindu claim to the disputed land, Vishwa Hindu Parishad (VHP) does not intend to press claims for Kashi and Mathura. VHP not just dismissed possibilities of temple movements for Kashi and Mathura in future but even snubbed erstwhile VHP and BJP leader Vinay Katiyar’s demand for such a movement saying, he used to be “our leader,” clearly indicating that the former MP’s views are not relevant in the present. “The focus is now building the grand temple and to create cultural awareness in society,” said Alok Kumar, working president of VHP.

# Addenda is a new concept tried out by the top court

► Continued from, P 1

A comparison of the fonts used by judges in their judgments also indicated that the 116-page addenda, attached to the 929-page unanimous verdict, was authored by Justice Ashok Bhushan.

The addenda was in the shape of a complete judgment and could well have passed off as a separate, although concurring, judgment. However, the CJI and his colleagues “decided to speak to the nation in one voice on such an important and historic issue” and prevailed upon their colleague to christen his concurring judgment as “addenda”, a new concept in the SC’s history.

The addenda, which extensively quoted Hindu scriptures and Puranas, said, “Faith and belief of the Hindus, as depicted by the evidence on record, clearly establish the Hindus’ belief that at the birthplace of Lord Ram, the mosque was constructed and three-dome structure is the birthplace of Lord Ram. The fact that Hindus were, by constructing iron wall dividing mosque premises cannot be said to alter their faith and belief regarding the birthplace of Lord Ram. The worship at the Ram Chabutra was symbolic worship of Lord Ram who was believed to be born in the premises.”

“It is thus concluded that faith and belief of Hindus since prior to construction of mosque and subsequent thereto has always been that Janmasthan of Lord Ram is the place where Babri mosque has been constructed which faith and belief is proved by documentary and oral evidence discussed above.” The PM said there were

# The day’s message is about inclusion & unity, says Modi

► Continued from P 1

The day’s message is about inclusion and living with unity. One should shed any bitterness of the past they had about the issue. There should not be space for bitterness and negativity in new India,” Modi said. The PM said that “the halls of justice have amicably concluded a matter going on for decades. Every side, every point of view was given adequate time... This verdict will further increase people’s faith in judicial processes.”

He said the verdict is notable because “it highlights that any dispute can be amicably solved in the spirit of due process of law; it reaffirms the independence, transparency and fairness of our judiciary and it clearly illustrates everybody is equal before the law.”

“The calm and peace maintained by 130 crore Indians in the run-up to today’s verdict manifest India’s inherent commitment to peaceful coexistence. May this very spirit of unity and togetherness power the development trajectory of our nation,” Modi had said in a tweet earlier. The PM said there were



The calm and peace maintained by 130 crore Indians in the run-up to today’s verdict manifest India’s inherent commitment to peaceful coexistence

other challenges awaiting a new India and it was time to turn to the future. Any fears and bitterness should now be left behind.

“Even after thousands of years, it is our life spirit. Today’s historic day is testimony to this... We are writing new history. In the history of India’s judiciary, what we have seen is a golden chapter,” he said. It is a matter of happiness that the decision was unanimous, he said, adding: “This was not an easy task. It has shown great willpower on the part of the judiciary,” he said.

# Now, it’s time for uniform civil code: Rajnath

Dehradun: While welcoming the Supreme Court verdict in Ayodhya title suit, defence minister Rajnath Singh said here on Saturday that now the time for uniform civil code has also come.

“The verdict would bring people of all faiths closer and strengthen the country’s social fabric. I also appeal to all people to not view this verdict as a victory or defeat of any group,” the defence minister said.

When reporters asked him about the uniform civil code, Rajnath came out with a cryptic response: “Aa gaya samay (the time has arrived).”

The Delhi high court on Monday will hear a bunch of petitions seeking implementation of the UCC. A division bench of Chief Justice DN Patel and Justice C Harishankar will hear the matter on November 15. TNN & AGENCIES

# UP cops ‘warn’ scribe online, later delete post

New Delhi: Uttar Pradesh Police issued a “warning” to journalist Rana Ayyub on Twitter barely hours before the Supreme Court’s Ayodhya verdict. The move was criticised by several activists and organisations who claimed that it was an “intimidation tactic.” The tweet was deleted later.

After it came under scanner, the post was deleted. Ayyub also posted a screenshot showing that she has been blocked from “following or viewing” posts from the handle.

Later Amethi police claimed that somebody else had accessed their official handle and lodged an FIR under the Information Technology Act. TNN

# Pray for peace and harmony: Ayodhya local

► Continued from P 1

Hanuman Garhi’s chief priest Mahant Rinku Das said, “The temple was opened at 4.30am as usual and around 2,000 devotees had turned up.” The mahant made sure that he greeted every devotee, saying “badhai ho (congratulations)” to each.

The scenes outside the temple were joyous too. “We will light diyas in the evening to welcome Lord Ram and celebrate this decision,” said Ritambhara Mishra, who lives near the Ayodhya railway station.

“We pray for peace and harmony, and welcome the decision,” said shop owner Akhildendra, who was busy distributing sweets to people.

People with diyas walked barefoot from their homes to the Ram Ki Paldi to light up the banks of river Saryu. “We light diyas every day, but this evening is special,” said Subhadra Shukla, a resident of Maithali Bhawan. Another devotee, Laxmi, said, “It’s a real Diwali for us.”

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Sealed online B-1 e-tender for the following work are invited by the Executive Engineer, Public Division, Solapur (Telephone No. 2312310) from Compentant Contractors. Details can be viewed and downloaded Online directly from the Government of Maharashtra e-tendering portal <http://mahatenders.gov.in> Right to reject any or all online bid of work without assigning any reasons there of is reserved. Conditional Tenders will not be accepted.

| Sr. No | Name of Work  | Estimated Cost  |
|--------|---|-----------------|
| 1      | Improvements to Borale - Sidhapur - Antroli - Wadapur - Kandalgaon road MDR - 63 Km - 8/500 to 15/000 , 31/00 to 32/00 & NH - 13 to Kurghot - Malkavthe - Nimbargi road MDR - 61 Km - 8/00 to 13/00 Tal South Solapur, Dist - Solapur | Rs. 767.27 Lack |

NOTE :- Details of Tender documents will be available and downloaded online directly from the Government of Maharashtra e-tendering website <http://mahatenders.gov.in> & <http://mahapwd.com> as under. Above Tender Notice is displayed on P.W.D. website [www.mahapwd.com](http://www.mahapwd.com) From Dt. 13/11/2019

Sd/-  
Executive Engineer,  
Public Work Division, Solapur.

GOVERNMENT OF GUJARAT  
Commissionerate of Women and Child Development  
Block No.20, Dr. Jivraj Mehta Bhavan, Sector-10, Gandhinagar-382010.

Commissionerate of Women and Child Development, Govt. of Gujarat, under Integrated Child Development Scheme, intends to procure through e-Marketplace ([www.gem.gov.in](http://www.gem.gov.in)) 1) around 28.58 lakhs Readymade Pre-school Uniforms (shorts and shirts for boys and pinafore for girls) for children in the age group of 3-5 years registered at anganwadis in Gujarat at an approximate cost of Rs. 35.72 Crore and 2) around 53000 PURNA Kits consisting of Carom Boards, Skipping Ropes, Flying Disks, T-shirts, Badges and Scarves at an approximate cost of Rs. 6.50 crore in FY 2019-20. Category for Pre- School Uniform has been created on GeM which can be accessed through the following path: [uniforms>pre school uniforms>pina fore/ uniforms>pre school uniforms-shirt / uniforms>pre school uniforms-short \(half pant\)](#). Category for PURNA kits has been created on GeM which can be accessed through the following path: [Games>PURNA Kit \(Women and Child Development\)](#) Interested manufacturers of pre-school uniforms and PURNA Kits may register themselves as seller on GeM and register their products conforming to the category specifications on GeM under the above categories in 10 days. For information or any query regarding registration on GeM, Mr. Sagar Soni, GeM Business Facilitator-Gujarat may be contacted on 9099988316. Details regarding specification of Pre-School Uniforms and PURNA Kits as well as quantity to be procured are available on [wcd.gujarat.gov.in](http://wcd.gujarat.gov.in). Details available on the website are only for information. Complete details regarding specifications, quantity, terms and conditions of procurement etc shall be available on bid published on GeM Portal which will be final and binding to all bidders.

Sd/-  
Director  
ICDS  
Women and Child Development, Gandhinagar

# 3-way split legally unsustainable, wouldn’t have ensured peace: SC

► Continued from, P 1

The judgment was along anticipated lines. After parsing the hearings, legal eagles were expecting the bench to turn in a verdict favouring the construction of Ram mandir at the disputed site. But the 5-0 score came as a surprise.

The SC set aside the September 30, 2010, verdict of the Allahabad high court, which had divided the core disputed area of 1,487 square yards, including the disputed 2.77 acres of plot, into three equal parts and allotted one part each to Ram Lalla (the area under the central dome of the demolished mosque), Nirmohi Akhara (outer courtyard including Ram Chabutra and Sita Raso) and the rest to Sunni Waqf Board. “The three-way split by the Allahabad high court was legally unsustainable. Even as a matter of maintaining public peace and tranquillity, it is not feasible. Dividing the land will not subserve the interest of either of the parties or secure a lasting sense of peace and tranquillity,” said the SC.

Nirmohi Akhara became the biggest loser on the day as the SC dismissed its 1959 suit staking claim to the site as time barred and refused to even recognise its right as a ‘shebait’ (priest), thus robbing it of any major role in the to-be-constructed temple. The



Indore city SP D K Tiwari urges residents not to burst crackers near the mayor’s house after the SC verdict

SC ordered that it would get “appropriate representation” on the trust, but that would be like a participation certificate, with the court leaving it to the Centre to determine what would constitute “appropriate representation”.

The directive that construction of the temple be assigned to a trust to be set up by the Centre comes at the cost of Ram Janmabhoomi Nyas, which was set up by the VHP in 1985 to construct and manage the proposed Ram temple. However, the Sangh Parivar constituent, which spearheaded the temple movement, should still get to play a key role in the matter, considering that the court has given the Centre a decisive say in determining the composition of the proposed trust.

The verdict was celebrated by temple votaries. Those arrayed on the opposite side were, obviously, not satisfied, but there were signs suggesting an acquiescence,

if grudging, into the outcome: Something that raised the prospect of an awkward closure of the vexed mandir versus mosque question that has left an indelible imprint on politics and society.

Political parties also restrained their impulse. BJP and Sangh Parivar, starting from Prime Minister Narendra Modi, RSS chief Mohan Bhagwat and BJP chief Amit Shah, exercised restraint. Political parties and other outfits, who had opposed the mandir campaign, also calibrated their reaction to suit the need for peace.

In its order, the apex court said, “The central government shall, within three months, formulate a scheme pursuant under Sections 6 and 7 of the Acquisition of Certain Area at Ayodhya Act, 1993. The scheme shall envisage setting up of a trust with a board of trustees or any other appropriate body under Section 6. The scheme shall

make necessary provisions in regard to the functioning of the trust or body, including on matters relating to the management of the trust, the powers of the trustees, including the construction of a temple and all necessary, incidental and supplemental matters.”

The SC told the governments at the Centre and the state that handing over of the disputed site to the trust must coincide with the handing over of five acres of land at a prominent place in Ayodhya to the Sunni Waqf Board for construction of a mosque. “The Sunni Waqf Board would be at liberty, on the allotment of the land, to take necessary steps for the construction of a mosque on the land so allotted together with other associated facilities,” the bench said, adding that till the scheme and allotment of alternative five acres to the Waqf Board was worked out, possession of the disputed land would continue to remain with the Centre.

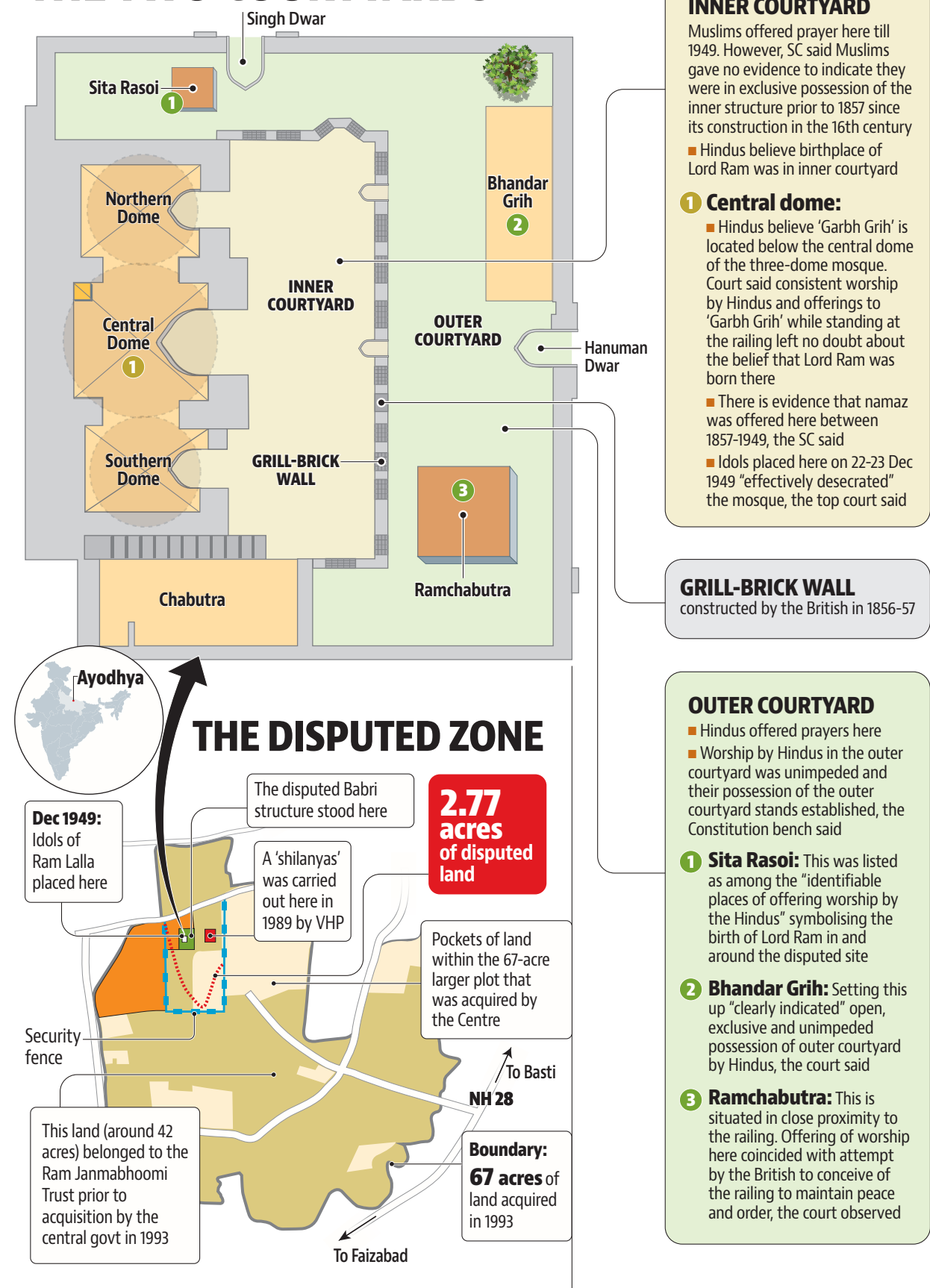


# UNDERSTANDING THE SC JUDGMENT

A look at the important aspects of the landmark judgment that analysed the claims in the Ram Janmabhoomi-Babri Masjid case

- 1** Paving the way for the Ram temple, the SC directed that the possession of the disputed 2.77-acre land was Ram Lalla Virajman's (the personification of the Hindu God), whom it identified as a juristic person. The Centre must within three months formulate a scheme to set up a trust and hand the land to it. "[It] shall make necessary provisions in regard to the functioning of the trust or body including ... the construction of a temple and all necessary ... matters," the apex court said
- 2** The court directed the Centre and UP government to allot 5 acres of land at an alternative site in Ayodhya within three months to the Sunni Central Waqf Board to construct a mosque. "The land shall be allotted either by the Central government out of the land acquired under the Ayodhya Act 1993 or the state govt (UP) at a suitable prominent place in Ayodhya... The Sunni Central Waqf Board would be at liberty... to take all necessary steps for the construction of a mosque," the court said
- 3** The decision relied on evidence of possession of the disputed land. "Hindu worship at Ramchabutra, Sita Rasoi and at other religious places... clearly indicated their open, exclusive and unimpeded possession of the outer courtyard," it said. The SC also went by its understanding that namaz was not offered continuously in the inner section before 1857. In contrast, evidence points to continuous worship by the Hindus. Thus, it found Ram Lalla as having a better claim to possession than Sunni Waqf Board
- 4** The SC said the land being given to Muslims was because of the illegal demolition of the mosque. It said: "The Muslims were dispossessed upon the desecration of the mosque on Dec 22-23, 1949 which was ultimately destroyed on 6 Dec 1992... This court... must ensure that a wrong committed is remedied. Justice would not prevail if the court were to overlook the entitlement of Muslims who've been deprived of the structure of the mosque through means which should not have been employed."
- 5** Setting aside the 2010 Allahabad high court verdict that trifurcated the disputed site among the Sunni Waqf Board, Ram Lalla Virajman and Nirmohi Akhara, the SC said the ruling "defies logic and is contrary to settled principles of law." The apex court said that the "three-way bifurcation by the HC was legally unsustainable". It held that "the high court was called upon to decide the question of title particularly in the suits... But the high court adopted a path not open to it."

## THE TWO COURTYARDS



## 'MAY PEACE AND HARMONY PREVAIL'

THE HONOURABLE SUPREME COURT HAS GIVEN ITS VERDICT ON THE AYODHYA ISSUE. THIS VERDICT SHOULDN'T BE SEEN AS A WIN OR LOSS FOR ANYBODY. BE IT RAM BHAKTI OR RAHIM BHAKTI, IT IS IMPERATIVE THAT WE STRENGTHEN THE SPIRIT OF RASHTRA BHAKTI. MAY PEACE AND HARMONY PREVAIL!

NARENDRA MODI, Prime Minister

I WELCOME THE UNANIMOUS DECISION OF SUPREME COURT ON SHRI RAM JANMBHOOMI. I APPEAL TO PEOPLE FROM ALL COMMUNITIES AND RELIGIONS TO ACCEPT THE VERDICT AND STAY COMMITTED OUR RESOLVE OF 'EK BHARAT-SHESTRA BHARAT'... THIS VERDICT WILL STRENGTHEN THE UNITY, INTEGRITY AND GREAT CULTURE OF BHARAT.

AMIT SHAH, Union home minister

NOT SATISFIED WITH THE VERDICT. SUPREME COURT IS INDEED SUPREME BUT NOT INFALLIBLE. WE HAVE FULL FAITH IN THE CONSTITUTION, WE WERE FIGHTING FOR OUR RIGHT, WE DON'T NEED 5 ACRE LAND AS DONATION. WE SHOULD REJECT THIS 5-ACRE LAND OFFER, DON'T PATRONISE US.

ASADUDDIN OWAIISI, AIMIM chief

WE RESPECT THE JUDGMENT BUT WE ARE NOT SATISFIED... IT LOOKS WE WILL FILE A REVIEW PETITION. BUT A FINAL DECISION WILL BE TAKEN ONLY AFTER CONSULTATION WITH OUR LEGAL TEAM... OBSERVATIONS BY THE CHIEF JUSTICE OF INDIA WILL GO A LONG WAY IN THE NATION'S WELFARE.

ZAFARYAB JILANI, AIMPLB secretary, also lawyer, Sunni Waqf Board

THE FAITH OF HINDUS HAS BEEN REAFFIRMED... WE ARE GRATEFUL TO THE INSTITUTION OF JUDICIARY FOR THE EXTRAORDINARY MEASURES FOR RESTITUTING THE HISTORICAL BELIEF. WE ARE GRATEFUL TO THE COURT WHICH HAS SHOWN GREAT RESPECT TO OUR RELIGION...

PS NARASIMHA, lawyer for Ram Lalla Virajman



# TEMPLE SET IN STONE

FOR RAM LALLA

Right of child deity upheld, paving the way for a Ram temple at disputed 2.77-acre site

GOVT TO FORM TRUST

The court gives the govt 3 months to come up with a scheme to build the temple

ALTERNATIVE LAND

Muslim parties to get 5-acre plot for mosque at suitable, prominent spot in Ayodhya

HT Correspondent  
letters@hindustantimes.com

**NEW DELHI:** The Supreme Court ruled on Saturday in favour of a Ram temple on a disputed 2.77-acre plot in Ayodhya, in a move cheered by hundreds of millions of people around the country although some Muslim parties questioned the verdict and said they may seek a review of the order passed by a five-judge Constitution bench headed by Chief Justice of India (CJI) Ranjan Gogoi, who retires on November 17.

The construction of the temple at the place several Hindus believe is the birthplace of Ram also ticks off another item on the checklist of the Bharatiya Janata Party (BJP). Many people believe the ruling is the beginning of the end of the festering dispute, if not the end itself.

The court told the Union government to set up, within three months, a trust to oversee the construction of the temple.

"The faith of Hindus has been reaffirmed by the Supreme Court verdict. We had faith before the mosque. We had faith during the mosque and we had faith after the demolition of the mosque and there was continuous worship by the Hindus," said PS Narasimha, who appeared for the child deity Ram Lalla Virajman in the title dispute. "We are grateful to the institution of judiciary for the extraordinary measures for restituting the historical belief," he added.

The All India Muslim Personal Law Board's secretary Zafaryab Jilani, a lawyer, expressed his dissatisfaction over the verdict. "The Ayodhya verdict holds no value for us. We are dissatisfied with the verdict. It has a lot of contradictions. We will seek a review."

Zufar Faruqi, the chairman of the UP Sunni Waqf Board, struck a different note: "I, as the chairman of the UP Sunni Central Waqf Board, want to make it clear that the Board will not go in any review of the Supreme Court's order or file any curative petition."

Prime Minister Narendra Modi, who on Wednesday, warned his ministers not to make extreme comments on the judgment, irrespective of which way it went, welcomed the court's ruling. "The Honourable Supreme Court has given its verdict on the Ayodhya issue. This verdict shouldn't be seen as a win or loss for anybody. Be it Ram Bhakti or Rahim Bhakti, it is imperative that we strengthen the spirit of Rashtra Bhakti. May peace and harmony prevail!", he tweeted.

Addressing the nation later over the SC order, the Prime Minister said the verdict marked a new dawn and gave a message that even toughest issues can be resolved within the

**CONTINUED ON P6**



Bricks with the words 'Shri Ram' engraved on them at the Ram Janmabhoomi Nyas workshop in Ayodhya on Saturday. DEEPAK GUPTA/HT

**MUSLIM LEADERS MAY SEEK REVIEW**

**NEW DELHI/LUCKNOW:** The All India Muslim Personal Law Board (AIMPLB) said on Saturday it was considering seeking a review of the Supreme Court's decision in the Ayodhya title dispute case that allotted an alternative five-acre land to the Sunni Waqf Board, even as community leaders appealed for calm following the highly anticipated ruling.

**P11**

**CELEBRATIONS IN AYODHYA AFTER TOP COURT MAKES WAY FOR TEMPLE**

**AYODHYA:** Firecrackers lit up the sky and cries hailing the Hindu god Ram rent the slightly nippy November air in Uttar Pradesh's Ayodhya on Saturday as hundreds of men and women spilled on to the streets to celebrate the Supreme Court's decision that cleared the decks for a temple at the disputed site. Cadre from the Vishva Hindu Parishad burst crackers in almost every neighbourhood of the 500,000-strong town.

**P12**

**FULL COVERAGE P8-12, 16-17**

**VERDICT EXPLAINED: REVERSE OF FLAP**

**SECURITY STEPPED UP ACROSS COUNTRY**

**NEW DELHI:** As SC ruled on Saturday in favour of a Ram temple on the disputed site in Ayodhya, thousands of security personnel fanned out all over the country to deter trouble-makers. Home minister Amit Shah reviewed the security situation at a meeting also attended by NSA Ajit Doval. No violence had been reported as of Saturday night.

**P12**

## No place for fear, bitterness: Modi

**NEW DELHI:** Fear, bitterness and negativity have no place in new India, Prime Minister Narendra Modi said on Saturday, hours after the Supreme Court delivered its verdict on the Ramjanmabhoomi-Babri Masjid title suit. In an address to the nation, the PM urged people to put the past behind and move ahead, saying, "This controversy may have affected many generations, but after this decision, we have to make a resolution that now a new generation will start building a new India from scratch."

Many Opposition parties also hailed the verdict while appealing for peace even as one party chose to remain silent while another maintained that some parts of the judgment are "questionable".

The Congress on Saturday backed the construction of a Ram Temple in Ayodhya, saying the Supreme Court's ruling respects faith and has "shut the door" on BJP's divisive politics.

BSP chief Mayawati maintained that the judgment should be respected and Mamata Banerjee's TMC offered no comment. The CPI(M) took a nuanced stand while pointing at some "questionable premises".

**P8**

## 136 years on, what the order means for India

**NEW DELHI:** It is a dispute that has festered over a century, shaped the course of Indian politics and society in more recent decades, and has, en route, caused its share of violence and mayhem. At the end, it came down to five men and a legal text of over 1,000 pages. And it was all about 2.77 acres.

As SC delivered one of the most consequential judgments in India's judicial history on Saturday, history would have weighed heavily on the five judges.

The Ayodhya verdict is significant, not just for its value in providing a sense of resolution, because it is related directly to three fundamental shifts underway in India: the nature of state institutions and its changing relationship with faith; the nature of identity-based political mobilisation; and the nature of inter-community dynamics.

**P8**



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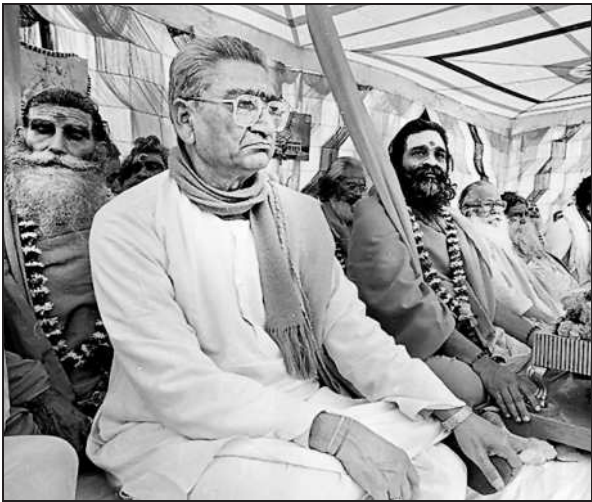


htspotlight

AYODHYA VERDICT

REVISITING THE PAST

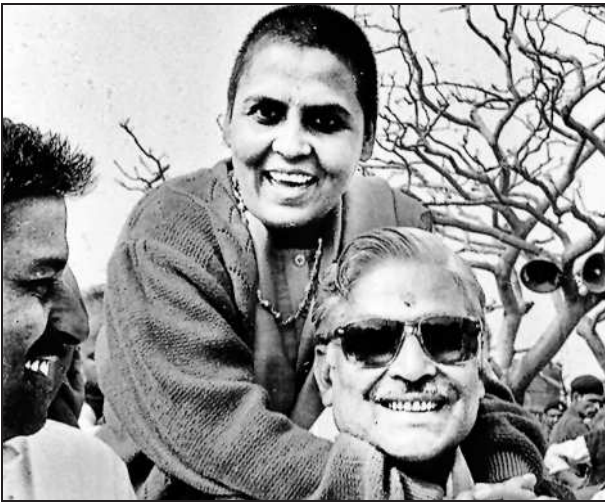
Prominent leaders, including LK Advani, Uma Bharti and MM Joshi, among others, took part in the temple movement, catapulting the issue to the centre stage of India's socio-political debate. HT looks back at some of the key moments associated with their campaign for a temple in place of the Babri Masjid, and other events in the decades-old dispute.



■ VHP leader Ashok Singhal in Ayodhya on December 6, 1992, the day the Babri Masjid was demolished. RAJIV GUPTA/HT ARCHIVE



■ BJP leader Lal Krishna Advani, on a rath yatra, in New Delhi on October 14, 1990. SANTOSH GUPTA/HT ARCHIVE



■ BJP leaders Uma Bharti (left) and Murli Manohar Joshi in Ayodhya on December 6, 1992. KEDAR JAIN/HT ARCHIVE

# What verdict says about India today

## Order heralds a new dawn: PM

**LANDMARK** The ruling is significant not just for its value in providing a sense of resolution. It's significant because it's related directly to 3 shifts underway in India

Prashant Jha  
■ letters@hindustantimes.com

**NEW DELHI:** It is a dispute that has festered over a century, shaped the course of Indian politics and society in more recent decades, and has, en route, caused its share of violence and mayhem. At the end, it came down to five men and a legal text of over 1,000 pages. And it was all about 2.77 acres.

As the Supreme Court delivered one of the most consequential judgments in India's judicial history on Saturday, enabling the construction of a temple on the disputed site in Ayodhya, history would have weighed heavily on the five judges. Along with history, contemporary concerns would have weighed in heavily, too.

The verdict is significant not just for its value in providing a sense of resolution and closure on such a long-smoldering issue. It is significant because it is related directly to three fundamental shifts underway in India — the nature of state institutions and its changing relationship with faith; the nature of identity-based political mobilisation; and the nature of inter-community dynamics on the ground.

First, the Ayodhya judgement is a step in the redefinition of India's constitutional secularism, from the idea that institutions would be scrupulously neutral, not favour any religion, and follow the text of the law to a doctrine where the sentiments of the religious majority are accorded priority, even when it clashes with the existing legal architecture.

To be sure, Indian secularism has never been rigid, and it has rested on the idea that all religions be treated equally rather than the premise that the state would be against religion. But equal treatment of all religions is increasingly giving way to somewhat partial treatment of the majority religion.

This is most clearly reflected in what is a paradox in the judgment. The court held that the installation of the idols of Lord Ram in 1949 violated law; it also held that the demolition of the Babri Mosque in 1992 was illegal (this matter is being dealt with separately). It is true that the question for the court at hand was of determining ownership. But without the act of installing the statues, and of the demolition — both of which were outside the framework of the law — it is unlikely that the verdict would have swung in favour of Hindu parties.

What this shows is the uneasy balance India's state institutions are seeking to achieve. The judiciary was, in a way, acknowledging that injustice had indeed been done to Muslims. It was acknowledging that constitutional principles had been undermined. Yet, it also



■ People celebrate the Ayodhya case verdict, outside the Supreme Court in New Delhi on Saturday. PTI

acknowledged the faith that lies at the heart of the Hindu case, making it the basis for its eventual decision. But because a wrong had been done, it invoked special powers to allocate 5 acres of land for the construction of a mosque at an alternative site.

This institutional balancing act brings us to the second core shift underway in India. The verdict is both a result of politics — do not underestimate the role of political mobilisation in giving the dispute the flavour and momentum it got in the last three decades — and will shape politics.

To understand how far politics has shifted, recall that after 1992, many spoke of how only reconstruction of the demolished mosque would represent justice. Today, that claim is barely heard. Instead, what India has witnessed is the Bharatiya Janata Party (BJP)'s successive electoral victories at the Centre in 2014 and 2019; the coming together of a pan-Hindu electoral constituency across castes; the perception of increased public support for the construction of the temple; the older "secular" opposition's silence on Ayodhya and even support for the temple as indicated in their responses after the verdict; the domination of the public sphere, especially electronic and social media, by supporters of Hindu causes; and a sense of fatigue and resigned acceptance among Muslims of the fate of mosque. All of this indicates that the BJP had already won the political and intellectual battle on Ayodhya; what was left was the mere formalisation of it through the sanction of law, which happened on Saturday. The verdict was not written in a vacuum.

But it will also shape politics. The salience of the Ayodhya issue may have dipped from the

crescendo it had reached in the 1990s. But the psychological impact of the judgment cannot be underestimated. The Rashtriya Swayamsevak Sangh (RSS), and within its fold, the Vishwa Hindu Parishad (VHP) would feel more energised and confident. This does not necessarily mean Kashi or Mathura are next, but they don't need to be because the pantheon of Hindutva's core issues has expanded substantially — from the Citizenship Amendment Bill to stronger action against conversions, from the Uniform Civil Code to action against inter-faith marriages and cow slaughter. The BJP's claims of representing the Hindu majority would get a boost. Its electoral tactic of cementing the Hindu vote would get a further fillip. The politics of secularism — or at least old-style secularism as practised by the Congress and socialist parties — would recede even further. All of this will play out to the BJP's advantage in the Hindi heartland, in particular.

This underlying shift in both the nature of Indian institutions and Indian politics, which the Ayodhya judgment reflects, will have a final impact on the nature of Hindu-Muslim ties.

Over the past five years, there has been a discernible shift on the ground. There is little doubt that Muslims today feel politically more disempowered than they have ever felt in Independent India's history. This is rooted in dismal political representation. The party which dominates the polity — the BJP — gives minimal space to Muslims in its political structure, even as the community harbours suspicions about the party. This has meant that the number of MPs, MLAs, even local representatives from the Muslim community in major states has dipped. Along with this are consistent reports of

localised violence, cases of lynching and vigilantism, in which Muslims have been the predominant targets. This has created a sense of insecurity within the community.

In the run-up to the verdict, there had been fears of violence. These have fortunately been belied. Both the central and state governments deserve credit for it. Prime Minister Narendra Modi — in his last *Mann ki Baat* address, in his instruction to cabinet colleagues and party workers, and in his address to the nation on Saturday evening — emphasised the idea that there were no winners and losers, underlined the values of peace, harmony, and unity in diversity, and the need to follow the rule of law. RSS chief Mohan Bhagwat too sent out a stern message that the verdict should not be greeted with a sense of triumphalism.

All of this is positive. But these calls are coming from a position of supreme strength and supreme confidence. Power has decisively shifted in favour of one spectrum of India's polity. This has happened democratically (through elections) and now through the court. But what is important is that this does not become the basis for continued insecurity for the "other". Peace is essential. But so is justice, and the sense that justice has been done. If India's substantial minorities feel that this is not the case, especially after the verdict, it could carry the seeds of longer-term discord, rather than unity.

And that is why the Ayodhya judgment must end the politics of religious polarisation, rather than inaugurate a new phase of it. The onus rests on the Indian government, Modi and the BJP, and in some ways, India's Hindu majority, to use this moment to build bridges and set in motion a process of reconciliation.

HT Correspondent  
■ letters@hindustantimes.com

**NEW DELHI:** Prime Minister Narendra Modi on Saturday said that the Supreme Court's verdict on the Ram Janmabhoomi-Babri Masjid title suit has brought a new dawn while underlining the unity in diversity that India is known for. He urged the people to put the past behind and move ahead.

"...This controversy may have affected many generations, but after this decision, we have to make a resolution that now a new generation will start building a new India from scratch," said Modi in an address to the nation. He added that fear, bitterness, and negativity have no place in new India.

Modi said just as November 9 marked a new beginning for Germany exactly 28 years back with fall of the Berlin Wall, the day has ushered a new dawn for India as well. "Today is November 9 [Saturday], the day when Berlin wall was brought down [in 1991]. Today, the Kartarpur Corridor was also inaugurated and today the Ayodhya verdict was also delivered... so this date gives us



■ Narendra Modi

the message to stay united and move forward," he said.

The address came hours after Modi inaugurated the corridor on the Indian side for pilgrims to the gurdwara built at the place where Sikhism's founder, Guru Nanak, spent his final years.

Modi said the people have accepted the Ayodhya verdict wholeheartedly and added that it shows the strength of India's unity and national character. He applauded the court and said the decision marked a golden day for the legal fraternity too. Modi added that the court's decision had shown that solutions to the most difficult issues lie within the ambit of the Constitution. "...no matter how long it takes, we must



■ Amit Shah

show patience," he said. "It is important to have unshaken faith in our constitution." He said the court heard everyone with patience and there was a unanimous decision.

Modi earlier tweeted that the Supreme Court's verdict should not be seen as "a win or loss for anybody". He added that it is imperative for Indians to strengthen their patriotic spirit. In a series of tweets, Modi said that the judgment was notable as it highlighted that any dispute could be resolved amicably.

"Be it Ram Bhakti [devotion] or Rahim Bhakti, it is imperative that we strengthen the spirit of Rashtra [nation] Bhakti. May peace and harmony prevail,"

## Oppn says SC order should be respected

Saubhadra Chatterji  
■ letters@hindustantimes.com

**NEW DELHI:** Many Opposition parties hailed the Supreme Court verdict on the long-standing Ayodhya dispute while appealing for peace even as even as one party chose to remain silent while another maintained that some parts of the judgment are "questionable."

Bahujan Samaj Party (BSP) leader, Mayawati, maintained that the judgment should be respected. "I appeal that the Honourable Supreme Court's historic verdict through consensus, in accordance with the Constitution by Babasaheb Ambedkar, should be respected and the next steps should be taken in a similar harmonious atmosphere," she tweeted.

Mamata Banerjee's Trinamool Congress offered no comments. Samajwadi Party (SP) leader, Akhilesh Yadav, who cancelled his public engagements in the wake of the judgment, wrote a poem but without any direct mention of Ayodhya case. "A decision which reduces distances/ makes people better human beings."

Rashtriya Janata Dal (RJD) asked parties to focus on public services while respecting the verdict. In his tweet, RJD chief, Tejaswi Yadav, said, "We respect the verdict of the apex court. All the temples, masjids, gurdwaras and churches belong to us. Nothing or no one belongs to outsiders. Everything belongs

I appeal that the Honourable SC's historic verdict...should be respected...next steps should be taken in a similar harmonious atmosphere

MAYAWATI, BSP supremo

to us. Now, political parties should focus on good schools, colleges, hospitals and on providing job opportunities..."

The Telugu Desam Party (TDP) chief, Chandrababu Naidu, tweeted: "The unanimous decision taken by the panel of esteemed judges must be respected. I request all to maintain peace and harmony."

DMK chief MK Stalin tweeted that the apex court has found a solution for a long-pending dispute. The CPI(M) took a nuanced stand while reiterating that it always maintained the Ayodhya case must be solved by a judicial verdict in the absence of negotiations. The CPI (M) politburo, however, also pointed at some "questionable premises" of the verdict. In a statement, the politburo said: "The CPI(M) has always maintained that the issue should be resolved by a judicial verdict if a negotiated settlement was not possible. While this judgment has provided a judicial resolution to this fractious issue there are certain premises of the judgment which are questionable."

### CALLS FOR PEACE

## Door shut on politics of division: Congress

Aurangzeb Naqshbandi  
■ aurangzeb.naqshbandi@hindustantimes.com

**NEW DELHI:** The Congress on Saturday backed the construction of a Ram temple in Ayodhya, saying that the Supreme Court's ruling that paved the way for it respects faith and had "shut the door" on the Bharatiya Janata Party (BJP)'s divisive politics.

"The issue is not to credit or discredit any individual, group of people, communities, organisations or political parties. The Supreme Court has respected the faith and belief," Congress's chief spokesperson Randeep Singh Surjewala said during a press conference.

The press conference followed an emergency meeting of the party's highest decision-making body, the Congress Working Committee (CWC), to firm up a stand on the court verdict. A resolution passed after the meeting held at Congress president Sonia Gandhi's residence said the party respected the verdict. "We appeal to all the parties concerned and to all communities to abide by the secular values and spirit of fraternity enshrined in our Constitution and to maintain peace and harmony," the resolution said.

"It is the responsibility of each one of us to reaffirm our tradition of mutual respect and unity among all that has defined our society through the ages."

Former Congress president Rahul Gandhi could not attend the meeting as he was abroad.

"The Supreme Court has pronounced its verdict on the Ayodhya issue. While honouring this decision of the court, we all should maintain mutual harmony. This is a time for brotherhood, trust and love among all Indians," he tweeted.

Congress general secretary Priyanka Gandhi Vadra tweeted: "All parties, communities and citizens should respect the decision and maintain our centuries-old culture of living in togetherness. We all have to together strengthen mutual harmony and brotherhood."

At the press conference, Surjewala underlined that Lord Ram was for all. "The verdict has opened the doors for the construction of the Ram Temple but it has also shut the door on the divisive politics played by the... BJP for decades," he said.

"I will also remind all that the entire land [in question] was acquired by the Congress government at the Centre in 1993 by way of the Ayodhya Act," he said. The Centre acquired the land after the demolition of the Babri Mosque built over it on December 6, 1992 through a law passed in 1993.

The CWC meeting was scheduled for Sunday but was held a day earlier after the SC said it will pronounce its ruling on the title case on Saturday. Sonia Gandhi chaired a hurriedly called meeting of senior leaders at her residence on Friday to take a call on the meeting and the party's stand on the issue.

## In 116-page note, lone judge relies on faith

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**NEW DELHI:** The addendum to the 929-page judgment authored by one of the five judges whose name was not revealed relies extensively on religious scriptures, practices, faith and belief of Hindus to hold that the disputed structure (mosque) was built on the "Janmasthan" (birthplace) of Hindu god Ram.

"It is thus concluded on the conclusion that faith and belief of Hindus since prior to construction of Mosque and subsequent thereto has always been that Janmasthan of Lord Ram is the place where Babri Mosque has been constructed, which faith and belief is proved by documen-

### THE JUDGE RELIES EXTENSIVELY ON RELIGIOUS SCRIPTURES, PRACTICES, FAITH AND BELIEF OF HINDUS

tary and oral evidence discussed," read the last paragraph of the 116-page addendum.

It was, however, not signed by other four judges. This may mean that though the judge who wrote the addendum agreed with the others on the final ruling, he gave a different opinion on how he arrived at the same conclusion. The unanimous verdict held Ram Lalla — the child deity — has the possessory title of the disputed site.

The addendum scrutinises in detail the scriptures, travelogues and gazetteers available between 1528 AD — when the mosque was purportedly built — to 1949, when Muslims were allegedly dispossessed of the mosque.

"It can, therefore, be held that the faith and belief of Hindus regarding location of birthplace of Lord Ram is from scriptures and sacred religious books including Valmiki Ramayana and Skanda Purana, which faith and beliefs, cannot be held to be groundless," read the view.

The judge quoted excerpts from epics such as the Valmiki Ramayana, Ramcharitmanas, the Skanda Purana, Janma Sakhye — which records visit of Sikhism's founder Guru Nanak at

Ayodhya and Darshan of Ram Janmabhoomi, Ain-i-Akbari belonging to the period of Mughal emperor Akbar, travelogues, gazetteers issued by British government and a report by the Archaeological Survey of India published in 1889 to maintain that Ayodhya, being the birthplace of Ram, is one of the holiest places worshipped by the Hindus.

"Faith and belief foster and promote the spiritual life of the soul. Religious faith of a person is formed on traditions, religious scriptures and practices. Their protest (by Hindus), persistence and actions to worship within the Mosque is testimony of their continued faith and belief that premises of the Mosque is Janmasthan of Lord Ram," the judge said.

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**NEW DELHI:** Chief Justice of India Ranjan Gogoi took the other members of the five-judge bench, which delivered the Ram Janmabhoomi-Babri Masjid judgment, to dinner on Saturday night.

The other judges on the bench are justices SA Bobde, DY Chandrachud, Ashok Bhushan and SA Nazeer. CJI Gogoi announced the dinner soon after the verdict was

delivered on Saturday morning and he took upon himself to take them out to the Taj Mansingh hotel.

Gogoi, who took over as the 46th CJI, is due to retire on November 17. Justice Bobde will be sworn in as the 47th CJI a day after Gogoi's superannuation.

The hearings in the sensitive case began on August 6 after a mediation attempt

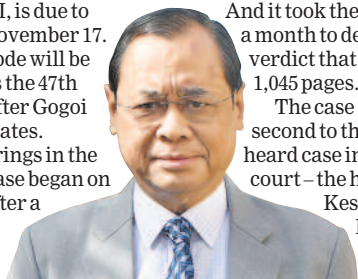
initiated by the court "to heal hearts and minds" failed to deliver.

The five-judge bench held a marathon 40-day hearing. And it took them less than a month to deliver the verdict that runs into 1,045 pages.

The case was a close second to the longest-heard case in the top court — the historic 1973 Kesavananda Bharti case. The

bench's unanimous verdict, whose operative part took around 30 minutes to read out in court, ended a contentious decades-old dispute. The verdict cleared the way for the construction of Ram Temple on the disputed site in Uttar Pradesh's Ayodhya as the bench accorded possessory title to Ram Lalla, the child deity.

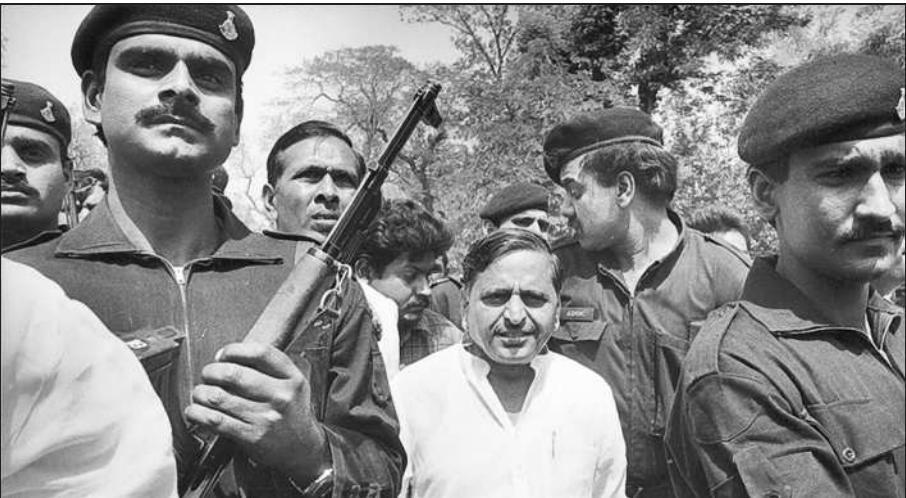
But the court also ordered five acres of land at an alternative site to the Sunni Central Waqf board in Ayodhya.





htspotlight

AYODHYA VERDICT



■ Mulayam Singh Yadav, the then chief minister of Uttar Pradesh, takes stock of the security situation in Ayodhya, on March 30, 1992. SANJAY SHARMA / HT ARCHIVE



■ VHP leaders Ramachandra Das Paramhans (left) and Ashok Singhal address a press meet in New Delhi on July 7, 1998. HT ARCHIVE



■ VHP leader Vinay Katiyar (left) is seen with seers during a dharna for a Ram temple in Ayodhya, in Lucknow on March 8, 1999. SUBHANKAR CHAKRABORTY / HT ARCHIVE

Moment of fulfilment: Advani

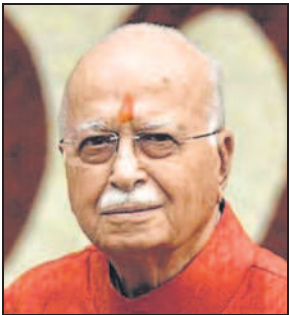
**REACTION** The BJP leader, who was at the forefront of the temple movement, says time has come to leave contention, acrimony behind

Kumar Uttam  
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**NEW DELHI:** Veteran Bharatiya Janata Party (BJP) leader Lal Krishna Advani on Saturday said that the Supreme Court’s ruling that paved the way for the construction of the Ram temple in Ayodhya has vindicated him. “...I feel deeply blessed,” said Advani, who led the BJP’s countrywide campaign for the temple construction in the early 1990s, in a statement. “This is a moment of fulfilment for me because God Almighty had given me an opportunity to make my own humble contribution to the mass movement, the biggest since India’s Freedom Movement, aimed at the outcome which the Supreme Court’s verdict today has made possible.”

Advani, a former deputy Prime Minister who turned 92 on Friday, only met a few close aides and former Union minister Uma Bharti, who, too, was part of the temple movement, on the day of

the verdict. Advani also welcomed the court’s ruling that five acres of land be given at a prominent place in India’s cultural and civilization heritage. He added that Ramjanmabhoomi (birthplace of Ram) holds a special and sacred place in the hearts of millions of countrymen in India and abroad. “Therefore, it is gratifying that their belief and sentiments have been respected,” he said. Advani also welcomed the court’s ruling that five acres of land be given at a prominent place in India’s cultural and civilization heritage. He added that Ramjanmabhoomi (birthplace of Ram) holds a special and sacred place in the hearts of millions of countrymen in India and abroad. “Therefore, it is gratifying that their belief and sentiments have been respected,” he said. Advani also welcomed the court’s ruling that five acres of land be given at a prominent place in India’s cultural and civilization heritage. He added that Ramjanmabhoomi (birthplace of Ram) holds a special and sacred place in the hearts of millions of countrymen in India and abroad. “Therefore, it is gratifying that their belief and sentiments have been respected,” he said.



Today’s judgment is the culmination of a long and contentious process that played itself out in various forums – both judicial and non-judicial.

LAL KRISHNA ADVANI, Senior BJP leader

India’s diverse society to work together to strengthen national unity and integrity. “During the course of the Ramjanmabhoomi Movement [for the temple construction], I had often stated that the true purpose of constructing a Ram Mandir at Ayodhya is to construct a magnificent Rashtra Mandir – building India as a strong, prosperous, peaceful and harmonious nation with justice for all and exclusion of none,” he said. “Let us rededicate ourselves to that noble mission today.” A person who works in his office said that Advani, who maintained silence throughout the day before sending out the

statement in the evening, watched TV for updates on the judgment. He added that Advani remained calm and composed. “There were a few phone calls, but Advani did not respond to them even as he met Bharti at his residence. “I came to thank him,” Bharti said after meeting Advani. “Without him, we would not have reached this stage,” Bharti added that she came to seek Advani’s blessings and bow before the veteran. Another BJP veteran Murlu Manohar Joshi, who was the party’s president when the Babri mosque was demolished in 1992, said that everyone should accept

the verdict and move on. “It is a happy moment for me.” Advani and Joshi are among those facing criminal conspiracy charges before a special Central Bureau of Investigation (CBI) court in Lucknow for allegedly bringing down the mosque. The special court has fixed December 24 as the last day for presenting the prosecution evidence in the case. The BJP first adopted a resolution on Ram Temple at its national executive meeting in Palampur in June 1989 under Advani’s leadership. The BJP’s backing of the Vishwa Hindu Parishad-led movement for the temple construction catapulted it to a position of prominence in Parliament. From two seats in 1984 national elections, the BJP’s tally improved to 85 in 1989. Advani began his temple campaign a year later and the issue first figured in the party’s selection manifesto for the 1991 election when the BJP won 120 seats and became the second-largest party in the Lok Sabha. The BJP emerged as the single largest party in the 1996 elections with 161 seats following the demolition of the Babri Mosque four years earlier.

UMA BHARTI THANKS LK ADVANI

**NEW DELHI:** With the Supreme Court clearing the way for construction of Ram temple in Ayodhya, BJP leader Uma Bharti on Saturday hailed party veteran LK Advani’s role in the Ram Janmabhoomi movement as she welcomed the court’s order. She said she met Advani to bow her head at his feet following the verdict. Bharti said Advani’s devotion to temple cause is at the root of the BJP’s success and it is coming back to power for another term. Advani, she said, changed the communal motives ascribed to the issue of nationalism and showed that it can change the country, she told reporters. PTI

It’s time to move on; Muslim side should not take 5-acre plot



**BY INVITATION**  
MOHAMMAD SAJJAD  
Unless one goes through the text of the verdict, on the Ayodhya case is little difficult to comment upon it in a more informed and meaningful way. Going by the reports flashing on the TV news channels, the only thing one can say is that this is some sort of judicial mediation. As far as I have been able to understand, it does not say anything conclusive about the title suit. Eventually, the piece of land has been given away to one whose undisputed ownership has not been established by the apex court even in this verdict.

Moreover, as per the Constitution, a structure in 1949 had to be recognised as such. So, whether this judgment really conforms to this is to be commented upon by the experts on the Constitution. As a student of history, I have always been intrigued as to how proprietary rights of that particular piece of land in Ayodhya will be decided. Because, pre-colonial India had state ownership of land, except for endowments such as Waqf. Land proprietary rights were vested with zamindars in some parts of India and to the ryots in other parts of India by the colonial regime. I was therefore curious to comprehend this aspect, which remains unresolved. I am also unable to understand why the Supreme Court felt compelled to allot five acres of land to the Muslims somewhere else? Did the Muslim petitioners ever ask for this? If the title suit is not in favour of these petitioners, why should they be allotted other piece of land? Even though on September 30, 2010, when the Allahabad High Court verdict came out, there was no law-and-order challenge, this time, the advertised administrative preparedness, and advisories by community leaders, mostly Muslims, created unnecessary apprehension. In many places, high-ranking police officers held consultative meetings, but only with Muslims. What does this imply and signify? Finally, the date chosen to pronounce the verdict fell on just a day prior to the Prophet Muhammad’s birth anniversary, which is celebrated by bringing out processions. These, and many other such pertinent questions apart, the verdict must be accepted by all Indians. For India’s Muslims, it is the closure of a festering issue. This

has now got an institutional stamp of as high an institution as the highest court of the land. With this verdict, if I have understood it correctly, the criminality of the demolition (December 6, 1992) vanishes, and if there is no crime, where is the issue of confession, and reconciliation with the aggrieved? If that is the case, then things should/would become even clearer to the petitioners and their co-religionists. If at all I am entitled to make an appeal, my personal suggestion to the Muslim petitioners would be not to accept the five acres of land offered to them to build a masjid. Who knows, sometimes in future, that too may become a disputed site. They must move ahead. They must not even think of going for a review of the judgment. They must continue to concentrate on their educational and economic well-being, keeping this fact in mind that majoritarian sentiments often become national sentiment. Presumably, there must have been some attempts from some to lure or intimidate the Muslim petitioners during the case. If this was so, they should be lauded for not getting allured, for not getting intimidated. They stood firm expressing their utmost faith in the judiciary. Some such Muslim bodies made a mistake in 1986 by getting a verdict on gender reforms (the Shah Bano) nullified through legislation. They didn’t learn a lesson, despite almost frank confessions made to this effect by Abul Hasan Ali Miyan Nadvi (1914-1999), in his Urdu memoir Karvan-e-Zindagi (1988, vol. 3, chapter 4). He concedes that majoritarian politics derived fodder from this un-wisdom of the Muslim clergy. The liberal-secular-Left forces failed to assert themselves against the reactionary Muslim clerics then. We should not be therefore surprised about why they are as helpless before the current rise of majoritarianism. This is not confined to India alone. There are grave economic issues India needs to address. Justice-loving people of all persuasions need to concentrate on working hard to make the masses aware of all these problems. I wish, a foreclosure of the Ayodhya dispute through this verdict will pave the way for prioritizing all these economic concerns. We have long been seized with the Ayodhya issue, possibly putting aside all our priorities of education, health, infrastructural development. To me, the significance of this verdict will lie in this realisation by all of us.

The author is Professor of Modern and Contemporary Indian History at Aligarh Muslim University

TEMPLE MOVEMENT LEADERS

A look at some of the prominent men and women who led the charge for building a Ram temple on the Babri masjid site



**LAL KRISHNA ADVANI**  
Considered a mascot of Ram Janmabhoomi campaign, he began a rath yatra from Somnath on September 25, 1990, in support of a temple at the disputed site, where the Babri masjid stood at the time. That campaign is credited with turning the BJP, then just a decade-old party, into a formidable political force.



**ASHOK SINGHAL**  
Born in 1926 in Agra, Singhal was a witness to several key episodes in Ayodhya movement — from shilanyas to kar seva to the demolition of Babri masjid in 1992. He was among the organisers of VHP’s first Dharma Sansad in 1984 in New Delhi. He also observed a fast for the temple and remained its staunch supporter till his death in 2015.



**RAMCHANDRA PARAMHANS**  
Former head of the Ram Janmabhoomi Nyas in Ayodhya, Paramhans led the temple campaign for over 50 years. In 1934, he played a key role in mobilising Hindu volunteers. In 1949, he was said to be instrumental in installing the statue of Lord Ram at the disputed structure. The Nyas fought several legal battles. He died in 2003.



**MIM JOSHI**  
Along with Advani, Joshi is another key BJP leader involved in the movement. He was named as an accused in a FIR after the demolition of the mosque in 1992. He was the president of the BJP (1991-1993). Joshi addressed kar sevaks in Ayodhya before the structure was demolished. He also addressed several public meetings and played an important role in movement.



**AAVADYANATH**  
He was the head priest of Gorakhnath Temple and key figure in the movement. He founded the Sri Ramjanmabhoomi Mukti Yagna Samiti — a body set up to propel the movement — in 1984, and launched a religious procession from Sitamarhi to Ayodhya that September. Through his sermons, he asked people to “liberate” Hindu religious places.



**UMA BHARTI**  
The firebrand leader is a prominent face of the movement. She was among the leaders present in Ayodhya on December 6, 1992, when the Babri masjid was demolished. The Liberhan Commission, which probed the demolition, said she was among those responsible for the demolition. But she denied inciting kar sevaks.



**VINAY KATIYAR**  
Katiyar was a parliamentarian from Faizabad (now Ayodhya), when the structure was pulled down in 1992. Katiyar founded the Bajrang Dal in 1984 to steer the movement. He began his political journey as an Akhil Bharatiya Vidyarthi Parishad worker and joined RSS. Katiyar has often triggered controversies over the issue.



**RITHAMBARA**  
Associated with the Sangh Parivar, she is one of the founding members of Durga Vahini, the women’s group of the VHP. She played a major role in the movement. She is one of the accused of the case dealing with the demolition of the structure. During the movement in 1991, cassettes containing her fiery speeches were circulated that called for construction of a temple.



**KALYAN SINGH**  
Kalyan Singh was the UP CM when the Babri masjid was demolished in 1992. In 1991, his government acquired land around the complex for tourism. In July 1992, a cemented platform was built there, and the VHP declared it as temple’s foundation. When kar seva was scheduled for 1992, in Ayodhya, he assured SC that the disputed structure wouldn’t be damaged.

Ruling to enhance brotherhood: RSS

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**NEW DELHI:** The mood was ecstatic, even if the celebrations were muted. As the Supreme Court announced its verdict on the Ramjanmabhoomi-Babri Masjid title suit, Rashtriya Swayamsevak Sangh (RSS) chief, Mohan Bhagwat, welcomed the decision and said it should not be viewed through the prism of “victory or defeat”. He also urged that those expressing happiness over the decision should do so “with restraint, moderation and politeness”, avoid any provocative action and stay within the limits of the Constitution and law. Bhagwat, who congratulated the people of India for patiently waiting for the “long-drawn” legal battle, was quick to add that the conclusion arrived through “churning of truth and justice” should be perceived as one that will “enhance the integrity and brotherhood of the entire Indian society”. The RSS, which is the ideological parent of the ruling Bharatiya Janata Party (BJP), has for decades pursued the issue of constructing a Ram temple on the disputed land in Ayodhya, where the Babri masjid stood till its

demolition in 1992. Earlier, along with its more headline affiliate, the Vishwa Hindu Parishad (VHP), the RSS had also nudged the BJP government to take the legislative route for the construction of the temple, just as it had been done for the Somnath Temple in Gujarat. On Saturday, the Sangh appeared measured in its response, taking care not to stoke unrest. “Taking forward the decision of the Supreme Court verdict, we hope that the government will initiate steps soon to end the controversy and acrimony,” Bhagwat said. To a question on whether the Sangh will now take up the issue of the Gyanvapi mosque in Varanasi and the Shahi Idgah in Mathura, which have also been on the list of temples that the VHP has been fighting to reclaim, Bhagwat said, “...there was a historic background to the RSS being involved in Ayodhya. Our work as an organisation is character building and we don’t involve ourselves in agitations.” RSS functionaries, who spoke on condition of anonymity, said that the Sangh had made a decision not to raise the issue of Kashi and Mathura. By doing so, the Sangh is also making an attempt



■ Mohan Bhagwat

to quell the possibility of communal flare-ups. The VHP, which was at the forefront of the Ayodhya movement, then led by its chief, Ashok Singhal, also chose a low key celebration. Its working president, Alok Kumar, said it is a day of expressing gratitude and thanks giving. “...this expression of joy cannot be aggressive. No one has been defeated. There should not be anything that offends or humiliates anyone.” Kumar also asserted that just as the Somnath Temple was built using donations from people, the Ram Temple at Ayodhya will not be built using government money. The stance of the RSS and the VHP leadership is in contrast to the statements that were made in the past by firebrand leaders such

as Pravin Togadia. To ensure they are not perceived as anti-Muslim, a massive outreach was planned by Sangh. While the Muslim outreach was planned ostensibly to prevent the repeat of violent protests that broke out on April 2 last year during the Bharat Bandh, but several functionaries aware of the developments said the Sangh is making a concerted attempt to shed its anti-Muslim image. Nine lives were lost during Bharat Bandh, organised by Dalit organisations over the alleged dilution of provisions such as automatic arrest, in the SCs/STs (Prevention of Atrocities) Act. The Sangh alleges that the protests were instigated from outside India and limited to the BJP-ruled states only. “It is not a Hindu-Muslim or a temple-mosque issue as it is made out to be. This is a fight to overturn a wrong...,” said a second functionary. Shirish Kashikar a political analyst, said the outreach stems from the RSS’s attempt to change the narrative that has been peddled by its opponents that it is anti-minorities. “It is an attempt at reaching out to the minorities and change the perception about them,” he said.

Accept the ruling, say Muslims; some apprehensive about precedent it sets

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**LUCKNOW/DELHI/KOLKATA/MUMBAI:** Opinion on what the Ram Janmabhoomi-Babri Masjid title verdict held out for the Muslim community diverged, though many in the community hoped that peace will prevail after the Supreme Court, on Saturday, delivered its judgment in the decades-old case in favour of the Hindu litigants and giving them control over the disputed land in Ayodhya. “As a citizen of India, we accept the court’s verdict and hope that now there will be no more fights in the name of religion. We want peace,” said Mohammed Bilal, a Lucknow-based entrepreneur.

We accept the court’s verdict and hope that now there will be no more fights in the name of religion. We want peace. MOHAMMED BILAL, Entrepreneur

ticularly in Ayodhya district, where the disputed land stands, on Saturday morning prior to the delivery of the judgment. Some compared Saturday’s judgment to the one delivered by the Allahabad high court in 2010, which gave the contesting parties, the Sunni Waqf Board, Nirmohi Akhara and Ram Lalla (represented by Ram Janmabhoom Nyas), one third each of the disputed 2.77 acres on which the land stood. This judgment was challenged in the Supreme Court, and led to Saturday’s verdict. Zainur Rasheed, city president of Jamiat-e-Ulema Hind, said, “The decision that the Allahabad high court gave in 2010 was

much better in which the court divided the disputed land among three stakeholders.” Nevertheless, he said he accepted the Supreme Court verdict to maintain peace and harmony. However, Muslims across the country also expressed apprehension over the precedent the verdict set. Kolkata-based Mohammed Reyaz, 34, an assistant professor in journalism at Aliah University, said: “What worries me is whether people will be encouraged to commit other acts of vandalism, whether in Charminar (Hyderabad) or Taj Mahal (Agra) and justify it in the name of a historical religious claim.” “I was not born when the structure was demolished. Today, all we understand is that humanity is above an individual’s religious beliefs,” Sonia Khan, a 15-year-old school student, said. “India is a diverse society and it is the primary and fundamental duty of the state to protect its citizens. Instead, the political course of Hindi-Hindu-Hindustan

instills fear in the mind of the ordinary Muslim. What is the message we get from this? Anyone can destroy a Muslim place of worship, and will it be legitimised?” asked Arshi Khan, a professor of political science at Aligarh Muslim University. “This is not just about the loss of a mosque. It’s about the context in which this is happening,” he said. Farah Naqvi, author of Working with Muslims: Beyond Burqa and Triple Talaq: Stories of Development and Everyday Citizenship in India said: “What are we going to do to stop the cycle of violence that preceded this judgment? Can we overlook the context in which this judgement has come — impunity for crimes like hate speech and lynchings?” “The razing of the mosque was a crime that still awaits punishment. The Liberhan Commission [set up to inquire into the demolition of the Babri Masjid in 1992] came out with its report 17 years later, and there is still no justice,” she added. (With inputs from bureaus)

Reinforces values of united India: Prasad

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**NEW DELHI:** The Supreme Court’s decision on the Ram Janmabhoomi-Babri masjid title suit was a moment of accomplishment for senior Union minister Ravi Shankar Prasad, among others. The Lok Sabha MP from Patna Sahib was counsel for the child deity, Ram Lalla, in the Allahabad high court. “It is an extraordinary and a historic judgment. The most important thing is that it reinforces all the values of a united India,” Prasad said. Stating that Lord Rama always talked of “Maryadit Aacharan” (dignified conduct), he said: “Let us renew the pledge for peace, amity and understanding.” The Union Minister further said, “Let India grow further and prosper

inspired by the eternal principles of our civilisational heritage.” A noted lawyer, Prasad is now the minister for law, communication and electronic and information technology in the Narendra Modi government. He has been a part of almost every campaign of the Bharatiya Janata Party (BJP) calling for a Ram Temple, and played a crucial role in organising the Ram Rath Yatra of party veteran LK Advani in 1990. Many of his arguments before the high court laid the foundation of the apex court judgment on Saturday. In 2010, the Allahabad high court had given one third of the 2.77 acre of disputed land to the deity.





htspotlight

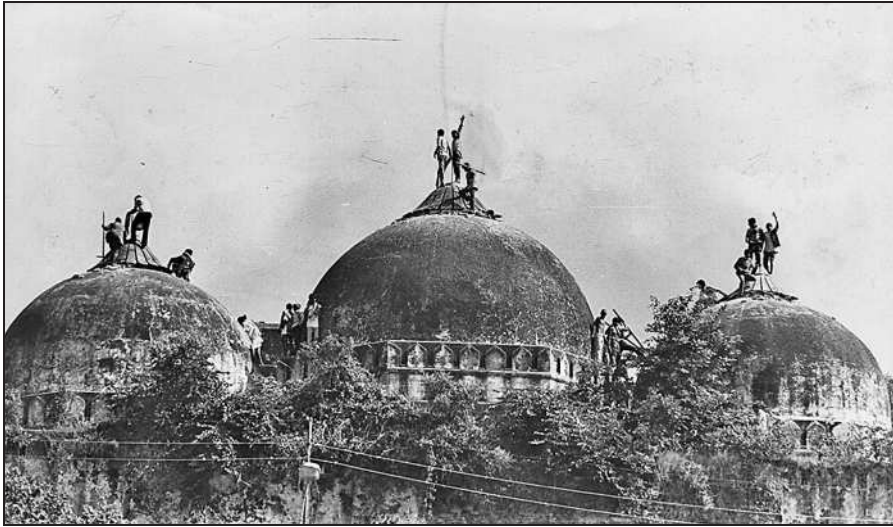
AYODHYA VERDICT

RELIGION, HISTORY, VIOLENCE

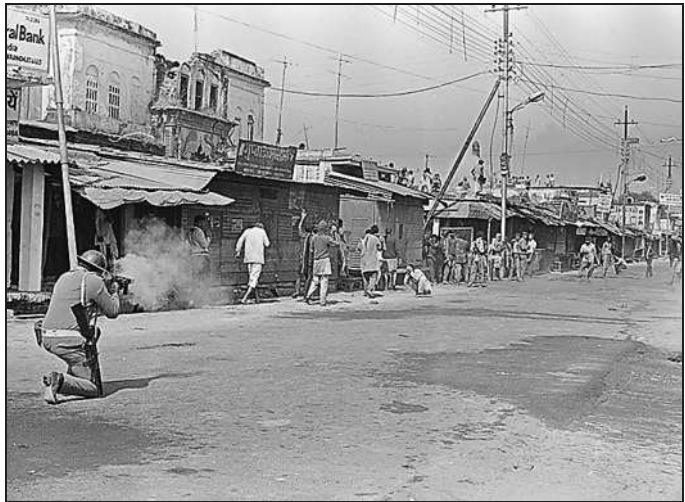
For several decades, the Ram temple movement and growing tensions at the Babri Masjid site in Ayodhya kept the nation on tenterhooks, and sparked violent clashes. HT takes a look at some of the biggest events that occurred in this period: from the mosque's demolition to the police firing on kar sevaks.



People climb atop the Babri Masjid in Ayodhya, Uttar Pradesh, on December 6, 1992.



SANJAY SHARMA/HT ARCHIVE



Paramilitary personnel open fire at kar sevaks near the Ram Janmabhoomi complex in Ayodhya on November 2, 1990.

Five key reasons behind SC ruling

**ORDER** A focus on evidence, not just faith, and establishing possession of the site were some big themes of the decision

HT Correspondent  
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**NEW DELHI:** The Supreme Court order giving Hindus the possession of the disputed site in Ayodhya rested on the understanding that the judges drew from the suits and evidence presented before them. Read the five main aspects of the judgment.

**ISSUE OF POSSESSION** One of the key basis for claims by the Muslim side was establishing possession, which can determine proprietorship of land according to Indian law in two ways: by establishing either adverse possession or exclusive possession. Adverse possession is a principle that gives proprietorship of a property to an entity that has had exclusive control for more than 20 years.

Muslim petitioners claimed that they had possession of the mosque since 1528 and continued to do so till 1949, when idols of the Hindu god Ram were placed in the mosque illegally. Consequently, "Muslims are in possession of that property... by way of an adverse possession," the petitioners contended.

The court rejected the claim and said there was evidence to show Hindus had unimpeded access to the parts of disputed site. "Hindu worship at Ramchabutra, Sita Rasoi and at other religious places including the setting up of a Bhandar clearly indicated their open, exclusive and unimpeded possession of the outer courtyard. The Muslims have not been in possession of the outer courtyard. Despite the construction of the wall in 1858 by the British and the setting up of the Ramchabutra in close proximity of the inner dome, Hindus continued to assert their right to pray inside the three-domed structure," the order said. In connection with the inner courtyard, there was no evidence in the suit by Sunni Board to show exclusive possession prior to 1857, the court noted.

**DIVISION IS IMMATERIAL** The bench suggested no distinction should be made between the inner and outer courtyards to establish possession and the disputed site should be seen as a whole. Concluding that the exclusion of Hindus from the inner courtyard was a matter of contention, the bench noted Hindus offered prayers to the 'Garbh Grih' (in the inner courtyard) with the belief that the birthplace of the god Ram was under the central dome of the mosque. The court also said that there was evidence, "on a preponderance of probabilities" to establish

that Hindus offered prayers at the inner courtyard prior to the annexation of Oudh by the British in 1857.

The separation of the courtyard goes back to the 19th century. In 1856-57, riots broke out between Hindus and Muslims in the vicinity of the structure. The British administration attempted to raise a buffer between the two communities by setting up a grill-brick wall. It divided the premises into two parts: the inner courtyard, which would be used by the Muslim community, and the outer courtyard, which would be used by the Hindu community.

The outer courtyard had several structures of religious significance for the Hindus, such as the "Sita Rasoi" and a platform called the "Ramchabutra".

**NOT JUST ABOUT FAITH** In sharp contrast to the 2010 Allahabad high court verdict on Ram Janmabhoomi-Babri Masjid title suit, which relied heavily on faith and belief, the five-judge bench of the Supreme Court said "the court does not decide title on the basis of faith or belief alone but on the basis of evidence."

Hindu parties had produced historical evidence and cited various customs such as 'parikrama' to show that devotees had "faith and belief" in the fact that disputed site was the birth place of the Hindu god Ram. But the court kept off from adjudicating on the issue on the basis of faith and belief and held, "Under our Constitution, citizens of all faiths, beliefs and creeds seeking divine providence are both subject to the law and equal before the law. All forms of belief, worship and prayer are equal. Those whose duty it is to interpret the Constitution, enforce it and engage with it can ignore this only to the peril of our society and nation."

Inferences drawn by historians in regard to the faith and belief of Hindus in the birthplace of Lord Ram constitute their opinion and the court cannot rest a finding of fact on the report of the historians and must evaluate the entirety of the evidence presented in the suits, the judges held.

**THE BENCH SUGGESTED NO DISTINCTION SHOULD BE MADE BETWEEN THE INNER AND OUTER COURTYARDS TO ESTABLISH POSSESSION AND THE DISPUTED SITE SHOULD BE SEEN AS A WHOLE**

**VALIDITY OF ASI REPORT** The Archaeological Survey of India's (ASI) excavation report on the disputed site in Ayodhya failed to arrive conclusively on whether a Hindu temple was demolished to construct a mosque at the spot, and was of little help to the judges.

Lawyers representing the Hindus had relied heavily upon the ASI report to assert their right over the 2.77 acre land and argued that a temple was pulled down to construct the mosque. Muslims questioned the accuracy of the report, which spoke of the presence of a 12th-century-old Hindu temple beneath the disputed site. The Muslim side contended structures that came to be revealed during the course of the excavation were of an 'Idgah' or 'Kanati Masjid.'

The ASI submitted its report on August 22, 2003 after carrying out excavations on the orders of Allahabad high court. The Supreme Court bench, however, found no evidentiary value in the report. "A finding of title cannot be based in law on the archaeological findings which have been arrived at by ASI... Title to the land must be decided on settled legal principles and applying evidentiary standards which govern a civil trial," the court said.

Sunni Waqf Board's Idgah defence was dismissed by the court.

The ASI report, the bench said, had not specifically opined whether a temple was demolished for the construction of the disputed structure (mosque). What emerged from the report was that a non-Islamic structure is believed to have existed, the order noted.

**HC ORDER DEFIED LOGIC** The Supreme Court said the 2010 Allahabad high court verdict, which trifurcated the disputed site at Ayodhya, "defies logic and is contrary to settled principles of law" as it struck it down. The judges said the "high court was not seized of a suit for partition", so it could not divide the land among the contesting parties.

The Supreme Court held that "the high court was called upon to decide the question of title, particularly in the suits, by the Sunni Waqf board and Ram Lalla Virajman. But it adopted a path which was not open to it."

On September 30, 2010, a three judge bench of the Allahabad high court delivered a judgment holding all the three sets of parties - Muslims, Hindus and Nir-mohi Akhara - as joint holders of the disputed premises and allotted one third share to each of them.

Ram Lalla is juristic person: Judges

Bhadra Sinha  
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**NEW DELHI:** In its unanimous verdict that brought down the curtains on the decades-old Ram Janmabhoomi-Babri Masjid title dispute case, a five-judge Supreme Court bench declared Ram Lalla as a juristic person.

A juristic person is a non-human legal entity recognised by the law and entitled to rights and duties in the same way as a human being. Though the Muslim side did not contest Ram Lalla being a juristic person, yet the court gave a conclusive finding on the issue because the deity was the main petitioner in a suit filed claiming ownership of the disputed land.

"Yes, Hindu litigants had a weak case as far as title suit was concerned. So, a decision to file a

**A JURISTIC PERSON IS A NON-HUMAN LEGAL ENTITY RECOGNISED BY THE LAW AND ENTITLED TO RIGHTS AND DUTIES IN THE SAME WAY AS A HUMAN BEING**

case on behalf of Ram Lalla was taken," said Vishwa Hindu Parishad leader Triloki Nath Pandey, who represented Ram Lalla Virajman as a 'next friend'.

Ram Lalla was first represented by a next friend in 1989, when Devki Nandan Agarwal, a judge of the Allahabad high court, filed a petition in the Faizabad district court in connection with the Ayodhya dispute. TP Varma took his place after his

death. In February 2008, Pandey became next friend - a next of friend is a person who acts on behalf of another individual who does not have the legal capacity to act on his or her own behalf.

Led by Chief Justice Ranjan Gogoi the bench, comprising justices SA Bobde, DY Chandrachud, Ashok Bhushan and SA Nazeer, declined to accept the Hindu litigants' argument to confer a similar identity to the Ram Janmasthan or the land where it is believed Lord Ram was born.

The bench held that such a conferment would immunise the property from competing title claims, as well as render laws that could meaningfully adjudicate upon civil suits, such as limitation, ownership, possession and division, ineffective.

"The disputed site is of religious significance, but that itself

is not sufficient to confer juridical personality on the land," the bench held. In its argument, the Hindu litigants had contended that the land itself is the manifestation of the deity and that the devotees worshipped not only the idol but the very land.

"A widespread belief in the religious nature of a site is not enough to confer upon the site legal personality... the concept for which juristic personality is conferred cannot be evolved into a Trojan Horse that permits, on the basis of religious faith and belief, the extinguishing of all competing proprietary claims over property as well stripping the property itself of the essential characteristic of immoveable property," the court said.

There was no evidence to show there was manifestation of God at the disputed site. And in the

absence of a manifestation, "recognising the land as a self-manifested deity would open the floodgates for parties to contend that ordinary land which was witness to some event of religious significance associated with the human incarnation of a deity (e.g. the site of marriage, or the ascent to a heavenly abode) is in fact a Swayambhu deity manifested in the form of land," ruled the bench.

"At the heart of the present dispute are questions pertaining to the rightful manager of the deity and the access of the devotees of Lord Ram to the idols. To ensure the legal protection of the underlying purpose and practically adjudicate upon the dispute, the legal personality of the first plaintiff is recognised," the court said.

Legal personality has been conferred on Hindu idols to adjudicate disputes before.

Civilisational dispute settled through a reasoned debate

BY INVITATION  
ABHINAV PRAKASH

The Ayodhya verdict by the Supreme Court of India has paved the way for the reconstruction of a Ram Mandir at Ayodhya and, with it, a painful chapter in the turbulent history of Indian civilisation has reached closure.

The Islamic invasions and destruction of numerous Hindu, Buddhist and Jain temples in the medieval period make up one of the most harrowing times of history when an ancient civilisation was brought to its knees. Irrespective of how the centuries-long coexistence between Hindus and Muslims gave rise to a unique composite culture, the initial centuries were violent and laid the foundations of the fault lines that still haunt the subcontinent today. Generation after generations of Hindus and Muslims have carried these old animosities and disputes with them, unable to view each other without suspicion and distrust.

There is hardly any Hindu temple in north India that is 200 years old. The famous Laxminarayana temple in Delhi, inaugurated by MK Gandhi in 1939, is the first large Hindu temple built in Delhi in over 800 years. Temples represented not only the faith but also the cultural and artistic expressions of society with social life intimately woven together with the sacred sites and shrines. But such was the fear and historical trauma that Hindus in the north had stopped building public temples, and

temples at homes would often be so small that they were hidden in the corner walls. Most of the famous temples today at the sacred sites were rebuilt only after the imperial power of Islamic rule waned with the rise of the Marathas.

But the very fact that they were rebuilt shows that Hindus never accepted the loss of their sacred sites and kept the memory alive for when the time was right and they could reclaim and rebuild them.

As the historian, Meenakshi Jain, documents in her recent book, *Flight of Deities and Rebirth of Temples: Episodes from Indian History*, if stones could speak the story of Hindu temples it would be one of resilience and rebirth in the face of unprecedented odds. The story of the Ram mandir is one such story. It is a story spanning centuries of struggle in hopeless circumstances to reclaim Ramjanambhoomi.

Hindus never renounced their claim to the sacred land and continued the efforts to reclaim the city and the temple site and thereby gained significant access to the site before the colonial government restricted them to the outer wall after 1858. The rest of the history and legal dispute is well known.

**GENERATION AFTER GENERATIONS OF HINDUS AND MUSLIMS HAVE CARRIED THESE ANIMOSITIES WITH THEM, UNABLE TO VIEW EACH OTHER WITHOUT SUSPICION AND DISTRUST**

The judgment is a significant moment of truth. It has blown away the blatant falsification of history by so-called eminent historians who were shown to be mere propagandist pamphleteers in the decades-long court proceedings.

It is a moment of realisation that the falsification of history cannot lead to a peaceful future. Only the closure of the old wounds is capable of bringing people together. It is also a significant moment in the civilisational history of India where the ghosts of the past are being exorcised so that the future generations shall be free of the shackles of the old disputes.

Otto von Bismarck famously said that the great questions of the day will not be settled by speeches or majority votes but by blood and iron.

But today, as the world watches, a country of 1.3 billion settled its centuries-old civilisational dispute neither by blood and iron nor by speeches and majority votes. It did so through reasoned debate and deliberation over evidence in the hallowed halls of the Supreme Court.

It is unprecedented in world history that a religious community of one billion people waited for over five centuries and then left the fate of one of their most sacred sites to the wisdom of five judges. It is unprecedented that the religious community of 200 million accepted the verdict peacefully even if some among the community believe their claim was legitimate. With this, one more brick has been laid in the foundation of modern India.

(Abhinav Prakash is assistant professor at Shri Ram College of Commerce, New Delhi)

5-judge bench



**CHIEF JUSTICE  
RANJAN GOGOI**

Justice Gogoi joined the Bar in 1978. He was appointed permanent judge at the Gauhati high court in 2001. He was transferred to the Punjab and Haryana HC in 2010 and appointed as its Chief Justice the next year. Gogoi was elevated to Supreme Court in 2012. In October 2018, he was appointed the Chief Justice of India.



**JUSTICE SHARAD  
ARVIND BOBDE**

Justice Bobde enrolled in the Bar Council of Maharashtra in 1978. He was sworn in as the Chief Justice of the Madhya Pradesh high court in 2012 and was elevated to the Supreme Court in 2013. Bobde will be the next Chief Justice of India, taking charge on November 18. He is due to retire in April 2021.



**JUSTICE DY  
CHANDRACHUD**

Justice Chandrachud, who was appointed as a Supreme Court Judge in 2016, was Chief Justice of Allahabad high court in 2013. He was appointed the Additional Solicitor General in 1998. He has practised law at Supreme Court and the Bombay HC. He obtained his Doctorate in Juridical Sciences from Harvard Law School, US.



**JUSTICE ASHOK BHUSHAN**

Justice Bhushan enrolled as an advocate with the Bar Council of Uttar Pradesh in 1979. Thereafter, he practised on civil and original side at the Allahabad HC till his elevation to the Bench. He was elevated as the permanent judge of Allahabad HC in 2001 and sworn in as Judge of the Kerala HC in 2014. He was elevated to the Supreme Court in 2016.



**JUSTICE S ABDUL NAZEER**

Justice Nazeer got enrolled as an advocate in 1983. He practised at the Karnataka high court and was appointed as an Additional Judge of the Karnataka high court in 2003. The next year, he was appointed as a Permanent Judge at the Karnataka HC. He was elevated as a Judge of the Supreme Court in 2017.

Interview

**IQBAL ANSARI**, Litigant

‘Construction of Ram Mandir will usher in new era of development’

Pawan Dixit  
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**AYODHYA:** Iqbal Ansari, son of late Mohammad Hashim Ansari, who was one of the original litigants in the Ram Janmabhoomi-Babri Masjid dispute, on Saturday welcomed the Supreme Court verdict favouring the construction of a Ram temple on the disputed 2.77-acre plot in Ayodhya and awarding a five-acre alternative plot to Muslims for building a mosque. Had his father been alive, he too would have welcomed the verdict, said Iqbal Ansari, who became a petitioner in the title dispute case after Mohammad

Hashim Ansari's death on July 20, 2016, at the age of 96. Edited excerpts from an interview:

**The Supreme Court has ruled in favour of the Ram mandir. How do you see this decision?** I have always maintained that whatever will be the court's decision, I will welcome it. Now, when the Supreme Court's decision is in favour of Ram Mandir, I welcome the court's decision.

**But Zafaryab Jilani, secretary of the Ali India Muslim Personal Law Board, is not satisfied with the court's verdict.** I have nothing to do with his [Zafaryab Jilani] views on the

court's decision. It is his personal opinion and not my opinion.

**What does the Supreme Court's decision mean for local Muslims of Ayodhya?** The Supreme Court's decision has laid to rest all controversies related to Ram Mandir in Ayodhya. Now, both Hindus and Muslims can heave a sigh of relief as after several decades, an old contentious issue has been resolved. Construction of Ram Mandir will also usher in a new era of development in Ayodhya. Locals will get more job opportunities and traders' business will also grow.



htspotlight

AYODHYA VERDICT



■ Policemen surround the vehicle of former Bharatiya Janata Party president LK Advani following his arrest on December 6, 1992, the day the Babri Masjid was demolished by kar sevaks. HT ARCHIVE



■ Hindu volunteers construct platform for worship in Ayodhya using construction material at the Babri Masjid-Ram Janmabhoomi complex. HT ARCHIVE



■ Hindu volunteers prepare stones for the Ayodhya temple. HT ARCHIVE

Muslim bodies divided on verdict

**RULING** AIMPLB secy Jilani says body may seek review, UP Sunni Waqf Board disagrees; final but not infallible: Owaisi

HT Correspondents  
■ letters@hindustantimes.com

**NEW DELHI/LUCKNOW:** The All India Muslim Personal Law Board (AIMPLB) said on Saturday it was considering seeking a review of the Supreme Court’s decision in the Ayodhya title dispute case that allotted an alternative five-acre land to the Sunni Waqf Board, even as leaders from the community appealed for calm following the highly anticipated court ruling.

Delivering the verdict in the dispute regarding the 2.77-acre land in Ayodhya, the SC’s constitutional bench headed by Chief Justice of India Ranjan Gogoi gave full possession of the contested property to a trust that will oversee the construction and management of a Ram temple.

The AIMPLB said it would go through the SC order and then take a call on filing a review.

“We are dissatisfied with certain findings of the Supreme Court... We respect the SC verdict and respectfully disagree with certain aspects of it,” said AIMPLB secretary Zafaryab Jilani, who is also the counsel for the Sunni Waqf Board, one of the parties in the title dispute case. He later clarified that he was speaking in his capacity as the AIMPLB secretary.

“Whatever legal recourse is possible, we will take... We will file a review petition if our committee agrees to it. It is our right and it is in Supreme Court’s rules

as well,” he said. Jilani repeatedly appealed for peace and tranquility, while underlining that the verdict was not a victory for any side. He said that some parts of the judgment will be “beneficial to the nation”.

Shortly after Jilani spoke at a news briefing, Uttar Pradesh Sunni Central Waqf Board chairman Zulfar Faruqi issued a statement that said the body will not go for a review of the verdict or file a curative petition.

“If anyone is saying that a review petition will be filed, it should not be taken as a statement on behalf of the board, it may be an individual opinion,” he said. Faruqi has previously differed with the AIMPLB’s stand on the matter in the past when he participated in the court-ordered mediation process in October.

“We have always maintained that we will honour and abide by the court verdict, whether it is in our favour or against us,” he said on Saturday. On the SC decision giving a five-acre alternative piece of land to the Sunni Waqf Board, Faruqi said: “I will discuss the matter with the board members and only then will be able to comment,” he said.

All India Majlis-e-Ittehadul Muslimin (AIMIM) president Asaduddin Owaisi, meanwhile, said the judgment on the Babri Masjid-Ram Janmabhoomi land dispute was a “victory of faith over facts” and suggested a rejection of the alternative five-acre plot. He quoted former Chief Jus-



■ AIMPLB member Zafaryab Jilani (right) addresses a press conference after the Supreme Court verdict in the Ram Janmabhoomi-Babri Masjid case in New Delhi on Saturday. MOHD ZAKIR/HT PHOTO

tice of India JS Verma that the “Supreme Court is supreme... and final but not infallible”. “This is a victory of ‘faith over facts’ judgment,” he said.

“I endorse the AIMPLB’s stand on the judgment... fight was for justice and legal rights. We don’t need 5-acre land as a charity,” he tweeted.

The constitution bench headed by CJI Gogoi has heard a batch of cross-appals against a 2010 Allahabad high court judgment. The original verdict ordered the division of the disputed 2.77 acres of land in Ayodhya into three equal parts to be divided among the Sunni Waqf Board, the Nirmohi Akhara, a religious denomination; and the Ram Lalla Virajman, which represents the child deity Ram.

On Sunday, the SC said the HC

order was “legally unsustainable”. The Uttar Pradesh Shia Central Waqf Board, whose appeal was dismissed by the SC in the case, welcomed the verdict.

“The Shia Central Waqf Board... congratulates people of the country, especially those who fought the legal battle in a dignified manner,” the board’s chairman Waseem Rizvi said.

“The dismissal of the Shia Central Waqf Board claim is not a big thing. It had only said the Ram temple should be constructed in Ayodhya and, therefore, today’s verdict is a victory for the board,” he added.

Flanked by other lawyers and Muslim leaders at his news briefing earlier, AIMPLB secretary Jilani said that Shariah laws don’t permit for a mosque or its

land to be gifted or be given to anyone else. “We have 30 days’ time to file a review petition. We are likely to file a review petition, as we are well within our rights to disagree with the judgment. We don’t think it is just to give them the entire land,” he said.

Jilani and Syed Sadatullah Husaini, president of Jamaat-e-Islami Hind, said they expected that the SC ruling would not have any impact on other mosques in the country. “This is our expectation that mosques in India will remain safe. And if anyone wants to raze up Mathura or Kashi, then the court’s doors are always open for us,” Husaini said.

He said that the AIMPLB will meet soon and the people of Ayodhya will also be consulted before the board’s next step.

MR Shamshad, another coun-

BABRI MASJID DEMOLITION CASE IN FOCUS

**LUCKNOW:** Now that the Supreme Court has delivered its verdict in the much-awaited Ram Janmabhoomi-Babri Masjid dispute case, the focus has now shifted to the case pertaining to the Babri Masjid demolition that took place on December 6, 1992.

This case, related to the alleged criminal conspiracy behind the demolition, is in the final stages of hearing in a Special CBI court in Lucknow. FIRs were registered against senior BJP leaders LK Advani, Murlidhar Manohar Joshi among others.

AGENCIES

sel for the Muslim parties, said the alternative land was never the issue. “We can buy much more land on our own. Even if one gives us ₹500 crores, we can’t sell the land or the mosque as it is the property of the almighty,” he said. “The judgment is to be respected because it is final. Despite all findings in favour of mosque and statements that title cannot be on the basis of faith, faith of one religion has prevailed to declare title. This will remain one questionable judgment in history of India,” Shamshad later tweeted.

(With inputs from agencies)

Govt meet next week on contours of trust

Amrita Madhukalya  
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**NEW DELHI:** After the Supreme Court in its verdict on the Ram Janmabhoomi-Babri Masjid title dispute directed that a Trust be formed by the Centre to construct and manage the Ram Temple at the disputed site, it has emerged that the Union ministry of culture will be the nodal ministry, as per government officials.

They said that the prime minister will call for a meeting this week to decide on the future course of action, after the government’s advisers go through the 1045-page judgment. A decision on the Trust will be taken after inter-ministerial deliberations, officials added.

The Trust, whose contours remain to be decided, could follow the example of the Somnath Trust, of which PM Narendra Modi and Bharatiya Janata Party

president Amit Shah are members. Other members of the Somnath Trust include veteran BJP leader LK Advani, former Gujarat chief minister Keshubhai Patel, retired Gujarat chief secretary Pravin Laheri, businessman Harshvardhan Neotia and professor Jivanbhai Parmar.

“The Central Government shall, within a period of three months from the date of this judgment, formulate a scheme... the scheme shall envisage the setting up of a trust with a Board of Trustees or any other appropriate body,” the judgement read.

Union minister Prahlaad Patel told reporters after the verdict that with the proceedings of the case over, the report of the Archaeological Survey of India (ASI) on the site should be published. “The report will now cease to be the SC’s property, and so the Centre will publish a book for our future generations,” Patel said.

Every final judgment may not necessarily be right and just

BY INVITATION



MR R SHAMSHAD

The judgment delivered by the Hon’ble Supreme Court of India on the Ram Janmabhoomi-Babri Masjid civil dispute in Ayodhya has given finality to the dispute over 1480 sq yds of land. This small tract of land where the Babri mosque once stood came to be believed to be the birthplace of Lord Ram.

This finality has to be respected. Such is the vigour and demand of a society governed by the Rule of Law. All communities of this great nation, of course including the Muslims, are bound by it. The collective sentiment of Indian Muslims must not supersede the Rule of Law.

However, every final judgment may not necessarily be right and just. The conclusions of the court, may be criticised, as being against justice and equity.

The Hon’ble Court accepted the contentions — Muslims offering namaz in the Babri mosque till 1949; idols being placed inside the Mosque in 1949; the demolition of the Mosque that stood for 464 years, in 1992, being a gross violation of Rule of Law; faith/belief and archaeological evidence cannot be the basis to decide title; the place of birth i.e. the Janamsthan is not a juristic personality. Having concurred on these facts, the court ought not to have decided to hand over the 1480 square yards to the temple side.

As the dispute before the Hon’ble Court was confined to 1480 square yards, there was no occasion for the court to grant five acres land for the mosque.

WHILE RECOGNISING THE FINALITY OF THE DECISION, THE COMMUNITY OUGHT TO REJECT THE FIVE ACRES GRANTED BY THE HON’BLE COURT

The Hindu side had offered 10 acres of land and ₹5 crores in exchange for the mosque in 1986. The offer stood till recently. One of the offers from the mediators to the dispute was five acres of land elsewhere, which was rejected by Muslim parties. I am of the opinion that while recognising the finality of the decision, the community ought to reject the five acres granted by the Hon’ble Court.

The final stamp of the Judiciary has recognised a certain faith and belief, and in doing so, has permitted Lord Ram to be historicised. A simple legal issue pending in court, came to be reignited through vested political interests by filing a fresh case in 1989.

The entire case thereafter became political at the behest of the Vishwa Hindu Parishad and its ilk. Finally, the politics of the country prevailed in the shape of tilted judicial verdicts, firstly by the high court and finally by the Supreme Court.

Faith prevailed upon the title by using the extraordinary power of the Supreme Court. The Supreme Court’s duty in this case was to ensure that the wrong caused to the mosque was cured and ensured rule of law and not to be benevolent by giving the land which Muslims had not demanded.

In mediation, at the outset I had objected in writing, to Sri Sri Ravi Shankar being a Ld. Mediator because of his well-known view of a resolution only being

possible if the Muslim parties give up the site. The said objection was mentioned in the first meeting held on 13.03.2019. The Ld. Mediation Panel assured us of their impartiality.

Even Sri Sri personally assured me that his personal views expressed in the past, would not prejudice his neutrality. Thus, we did not press that objection any further.

In the first private mediation proceedings, all the Muslim parties including the chairman, UP Sunni Central Waqf Board, in compliance to the request of a proposal, gave up their claim to a part of the land, in writing, in the larger interest.

Till the end of the first round of mediation, we kept asking the panel as to whether the other contesting parties had submitted a resolution plan. The answer was always negative.

All I was told was that they wanted Muslims to leave the entire disputed land. On one occasion, I asked the panel that, in terms of reciprocity, does the other side agree, that the mosque also needed to be built? If so, then where? The answer of the panel was for our side to agree to leave the site and such modalities to be worked out later.

I appeared before the panel on seven occasions. Sometimes with Muslim parties in the case, and twice by myself at New Delhi. On asking by the panel about the general issues faced by the community in general in the country, I summarised various issues before them, including the issue of how the central government and the Archaeological Survey of India had, over the years, taken over various religious structures of Muslims, like mosques and tombs, and prohibited the offering of prayer at these places.

I also pointed out that the State neither allowed the renovation of undisputed mosques in

Ayodhya, nor prayers thereat. Later I was told, one more person raised these issues in his individual session.

I also stated to them that despite the provisions of the Places of Worship (Special Provisions) Act, 1991, litigation involving many mosques still remain pending.

Despite this statute, majoritarian political will seems to be against law itself, targeting various religious places of Muslims. Thereafter, the panel formulated a settlement proposal, which included some answers to these issues. I cited these to show the prevailing scenario in the country and not as compensation for surrender of land.

In the last two meetings, the issue of ASI mosques and strengthening Places of Worship (Special Provisions) Act, 1991—in addition to building the mosque elsewhere in Ayodhya—was placed before the individual Muslim parties as a counter-proposal.

I was shown a draft by the panel to this effect in New Delhi meeting. After going through the draft proposal, I inquired, whether the subject set out in the counterproposal had the sanction from the executive/government.

The answer was negative. I think the approach of mediation panel was on a wrong premise.

Firstly, they thought if Muslims surrender their claim on this land, it would resolve other issues which the Muslim community is facing. Secondly, any talks with the Muslim parties were subject to the claim to the site of the Babri Mosque being given up.

Finally, in this case, Rule of Law has been defeated; majoritarianism and faith of one religion has prevailed.

The writer is the Advocate on Record for Iqbal Ansari in the Supreme Court of India. The views expressed are personal

THE FIVE SUITS IN AYODHYA TITLE DISPUTE CASE

After the idols were placed inside the Babri Mosque on the intervening night of December 22 and 23, 1949, it was followed by attachment of the disputed land by a magisterial court and the filing of the first of five suits in connection with the controversial site.

SUIT 1

**FILED BY:** Hindu devotee Gopal Singh Visharad in 1950

**SC VERDICT:** The right of the plaintiff in Suit 1 to worship at the disputed property is affirmed subject to any restrictions imposed by the relevant authorities with respect to the maintenance of peace and order and the performance of orderly worship.

**HISTORY:** On January 16, 1950, the suit was instituted by a Hindu devotee, Gopal Singh Visharad, before the civil judge at Faizabad, alleging that he was being prevented by officials from entering the inner courtyard of the disputed site to worship. Visharad sought a declaration that according to his religion and custom, he is entitled to offering prayer at the main Janmabhumi temple near the idols.

SUIT 4

**FILED BY:** Sunni Waqf Board in 1961

**SC VERDICT:** The suit is held to be within limitation. The judgment of the high court holding the suit to be barred by limitation is reversed. Muslims, however, can’t assert the right of adverse possession. A suitable plot of five acres must be granted to the board to set up a mosque.

**HISTORY:** On December 18, 1961, the Sunni Central Waqf Board and nine Muslim residents of Ayodhya filed a suit before the civil judge at Faizabad, seeking a declaration that the entire disputed site of the Babri Masjid was a public mosque and for the delivery of possession upon removal of the idols.

SUIT 2

**FILED BY:** Paramhans Ramchandra Das in 1950

**SC VERDICT:** On December 5, 1950, a suit was instituted by Paramhans Ramchandra Das before the civil judge at Faizabad, seeking reliefs similar to those in Suit 1. Suit 2 was subsequently withdrawn on September 18, 1990.

SUIT 3

**FILED BY:** Nirmohi Akhara in 1959

**SC VERDICT:** The suit filed by the Nirmohi Akhara has been held to be barred by limitation. The Nirmohi Akhara’s claim to be a shebait stands rejected. In the framing of the scheme by the trust, an appropriate role in the management will be assigned to the Nirmohi Akhara.

**HISTORY:** The Nirmohi Akhara is a religious denomination of sadhus belonging to the Ramanandi Bairagi sect. The Akhara head Mahant Ranjeet Lal Varma questioned the SC’s decision to reject its claim over the disputed 2.77-acre plot. “The Sunni Central Waqf Board’s application in the Supreme Court was filed after the Nirmohi Akhara had filed its petition. But the court awarded 5 acres of land for construction of a mosque in Ayodhya to the Sunni Central Waqf Board and rejected our claim,” they said.

removed. In 2010, the Allahabad HC held that the suit by Nirmohi Akhara was barred, but still gave it one third of the title rights.

The Akhara head Mahant Dhinendra Das, and his lawyer Ranjeet Lal Varma questioned the SC’s decision to reject its claim over the disputed 2.77-acre plot. “The Sunni Central Waqf Board’s application in the Supreme Court was filed after the Nirmohi Akhara had filed its petition. But the court awarded 5 acres of land for construction of a mosque in Ayodhya to the Sunni Central Waqf Board and rejected our claim,” they said.

Mahant Nritya Gopal Das, the head of the Nyas, said he was happy with the apex court’s verdict. “We were sure that the

court’s verdict will be in favour of Ram temple. Our preparations for construction of temple were going on since last several years. Everything is ready. The government can start temple construction anytime. Right from the temple’s architecture to its design and construction material, everything is ready,” he said. “Our opposition is not for construction of any other mosque in the temple town. We will take along Nirmohi Akhara along with us when it comes to construction of the temple,” he said. Ashok Singhal, the late International president of the Vishwa Hindu Parishad, had constituted the Nyas in 1993 with the sole objective to construct the Ram temple in Ayodhya.

Nirmohi Akhara questions rejected claim, Nyas happy with SC ruling

HT Correspondents  
■ letters@hindustantimes.com

**DELHI/AYODHYA:** A five-judge bench led by the Supreme Court of India dismissed the claims of Nirmohi Akhara to the Ram Janmabhoomi-Babri Masjid title dispute saying that its suit was time barred. On Saturday the Supreme Court held, “The period of limitation is six years. But the suit by Akhara was instituted on 17 December 1959. Hence, the suit is outside the prescribed period of limitation and is barred.”

The apex court also dismissed the petition of Sri Ram Janmabhoomi Nyas, a trust came into existence in 1985 and was first impleaded as a party in the Allahabad high court, as a party

THE ALLAHABAD HC DID NOT GIVE A CLEAR FINDING ON NIRMOHİ AKHARA’S RIGHTS IN ITS 2010 VERDICT

directly interested in the affairs of the plaintiff deities. The high court did not give a clear finding on its rights in its 2010 verdict. On Saturday, the SC has dismissed its petition.

Nirmohi Akhara had sought management rights of the temple after the City Magistrate on January 5, 1950, entrusted the management and charge of the temple to the receiver. In 1959, the Akhara pleaded that the receiver be



# htspotlight

## AYODHYA VERDICT

### HOW AYODHYA DISPUTE PANNED OVER THE YEARS

A timeline of the controversy that whipped up passions and triggered heated socio-political debates for decades



1528: Babri Masjid built

1959: Nirmohi Akhara files suit, seeking possession of the site

1981: UP Sunni Central Waqf Board files suit for possession of the site

DEC 6, 1992 : Babri Masjid structure demolished

DECEMBER 07, 1992

THE HINDUSTAN TIMES

Babri Masjid demolished, Centre sacks Kalyan Govt

All domes collapsed under kar sevaks' onslaught

MAY 9, 2011 : SC stays HC verdict on Ayodhya land dispute

SEP 30, 2010: In a 2:1 majority, HC rules the division of disputed area among Sunni Waqf Board, the Nirmohi Akhara and Ram Lalla

2002: Allahabad HC begins hearing on determining who owns the disputed site

OCT 24, 1994: In the historic Ismail Faruqi case, SC says that a mosque is not integral to practicing Islam

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Disputed site is Ram birthplace: HC

OCTOBER 01, 2010

FEB 26, 2016: Subramanian Swamy files plea in SC seeking construction of Ram Temple at the disputed site

MAR 21, 2017: Then CJI JS Khehar suggests out-of-court settlement among the litigants

JULY 20, 2018: SC reserves verdict

APRIL 6, 2018: Rajeev Dhavan files plea in SC to refer the issue of reconsideration of the observations in its 1994 judgment to a larger bench

MAR 14, 2018: SC rejects all interim pleas, including Swamy's, seeking to intervene as parties in the case

FEB 8, 2018: SC starts hearing the civil appeals

AUG 7, 2017: SC constitutes a three-judge bench to hear pleas challenging the 1994 verdict

SEP 27, 2018: SC declines to refer the case to a 5-judge Constitution bench, says civil suit will be heard by a 3-judge bench from Oct 29 but it later referred the matter to a special bench

JAN 25, 2019: Special Constitution bench is formed to hear the case

MARCH 8, 2019: SC refers the matter for mediation to a panel headed by retired SC judge FMI Kalifulla

AUG 2, 2019: The mediation proceedings did not result in any final settlement, the mediation panel said

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END OF ARGUMENTS

OCTOBER 17, 2019

NOV 9, 2019: SC rules in favour of Ram Lalla, the child deity, and orders that a separate plot of five acres be allotted to the Muslim parties for the construction of a mosque

OCT 16, 2019: SC reserves judgment, closes arguments

AUG 6, 2019: Five-judge Constitution bench begins hearing the title dispute

# Celebrations in Ayodhya as temple dream nears fruition

GROUND REPORT Devotees hopeful of visiting grand temple soon; residents say maintaining harmony crucial

Pawan Dixit and Umesh Raghuvanshi  
■ letters@hindustantimes.com

AYODHYA: Firecrackers lit up the sky and cries hailing the Hindu god Ram rent the slightly nippy November air in Uttar Pradesh's Ayodhya on Saturday as hundreds of men and women spilled on to the streets to celebrate the Supreme Court's decision that cleared the decks for a temple at the disputed site.

Cadre from the Vishwa Hindu Parishad (VHP), one of the organisations spearheading the temple movement for three decades, burst crackers in almost every neighbourhood of the 500,000-strong town. Pilgrims walked down the cramped lanes that lead to the makeshift Ram temple, surrounded by iron barricades and under a tent, hoping to get a glimpse of the deity.

"This may have been my last darshan of Ram Lalla at this makeshift temple," said Prem Tiwari, 50, who had travelled around 190km from Kushinagar for the pilgrimage to Ayodhya.

Behind him in the line were Golu Datre and Aditya Datre from Datya in Madhya Pradesh, and echoed the same sentiment. "We hope for a darshan at a magnificent temple the next time," they said.

Despite strict security restrictions, celebrations broke out in Ayodhya. Rajeshwar Patel, 21, and his friends rejoiced by lighting crackers. "Finally, the court has paved the way for the construction of Ram temple in Ayodhya," said Ramesh Yadav, 27.

Ayodhya was ensconced in a blanket of security for weeks preceding the verdict with hundreds of personnel marching through

■ People celebrate the Supreme Court judgment in Ayodhya on Saturday. DEEPAK GUPTA/HT

its narrow streets, keeping tabs on social media posts, and conducting human and drone surveillance. The administration's efforts paid off on Saturday with no incidents of violence reported.

"Not even a single incident has been reported, whether it is Muslim brothers or Hindu brothers, all have accepted the verdict," said Amar Singh, circle officer of Ayodhya.

Many residents said the decision capped decades of communal strife in a city where Hindus and Muslims had co-existed peacefully for centuries, in the shadow of the huge domes of the Babri Masjid that was ultimately demolished on December 6, 1992. "It is time for restraint and not act as if we were teasing a community," said Anil Singh, professor at the local Saket Degree College.

Many Muslims said they welcomed the verdict. "It is a historic verdict... Since ages, Hindus and Muslims have lived together and this culture will continue," said HS Mehandi, a local dentist.

But some people expressed

reservations. "We welcome the decision. But we are not fully satisfied. Our prime concern is to maintain peace in Ayodhya," said Mohammad Farid, a local trader. "The one corner of the town that remained bereft of large-scale celebrations was the neighbourhood of Karsevakpuram, once the nerve centre of the temple movement. The compound, which houses the local headquarters of VHP and a scale model of the proposed temple, saw very few visitors as the administration had barred any gathering at the spot.

"It is an irony that the Karsevakpuram is no more abuzz with kar sevaks on the day when the SC ruled in favour of the Ram temple," said Sharad Sharma, regional spokesperson of the VHP, saying that no programmes were on at the moment. Nonetheless, the Hindu activists who lived there described the verdict as the brightest spot of their lives. "This is the happiest moment for crores of Hindus," said Virendra Kumar, an RSS member.

(With inputs from agencies)

## For kar sevaks, order douses years of anger

Pankaj Jaiswal  
■ letters@hindustantimes.com

LUCKNOW: For close to three decades, Sudhir Nag carried around a scar on his face and a grudge in his heart. The 50-year-old was hit by a bullet in 1990 when state police opened fire at a congregation of kar sevaks, or Hindu devotees, near the disputed site in Ayodhya town, on the orders of then chief minister Mulayam Singh Yadav. The .303 rifle bullet tore through his face and shattered the retina of his right eye, crippling the then 21-year-old.

On Saturday, however, he was beaming. "I had been angry all these years. But now, I am very happy," he said, referring to the Supreme Court's order clearing the decks for the construction of the temple in the disputed site.

Nag condemned the deaths of 28 other kar sevaks in the firing that ratcheted up tensions across UP then, but said he was calmer now. "I appeal to people to respect the judgment. Hindus may celebrate, I am celebrating, but celebrations should not be done in a way to tease or hurt other community people," he said.

The Ayodhya resident was one of thousands of Hindu foot soldiers who left their homes to march to Ayodhya in the early 90s, many of them with weapons in their hands, chanting slogans to demolish what they believed was a mosque built on the ruins of a temple dedicated to Ram. Many of them formed the mobs who stormed the police barricades on

December 6, 1992, climbed on top of the three domes of the Babri masjid and hacked it to pieces with hammers and pick-axes.

At the height of the temple movement in 1990, kar sevaks decided to march to Ayodhya. On October 30, Nag was leading a batch of 70 men when the bullet hit him. He survived, but Ram Kothari (22) and Sharad Kothari (20) weren't as lucky.

For years, their families mourned their loss, but the apex court's judgment brought them cheer. "Our family is very happy. We waited for 29 years for justice. My brothers who died fighting for Ram Mandir would now rest in peace," said Poornima, their elder sister, from Kolkata.

As news of the judgment spread, kar sevaks across India rejoiced. Mandasaur-based Ashutosh Navaal, 48, recalled he had to walk for nearly 200 kms to reach the Saryu river bridge, often hiding in drains, to escape police scrutiny. "A rickshaw puller named Bhola had pity and took us to his village and fed us," he remembered.

Many of these devotees had moved away from the temple movement but said the court's verdict had reignited their passion about Ram Mandir. Nag, for example, vowed to never go back to the site until the temple was built, and stuck to his pledge for almost 30 years. But on Saturday, his conviction was wavering. "Now I think sometime today or tomorrow I will go there," he said.

(With agency inputs)

## INDIA HITS OUT AT PAK FOR REMARKS ON THE VERDICT

HT Correspondent and PTI  
■ letters@hindustantimes.com

NEW DELHI: India hit out at Pakistan on Saturday for objecting to the timing of the Ayodhya verdict, saying Islamabad's "pathological compulsion" to comment on its internal affairs with the obvious intent of spreading hatred is condemnable.

Pakistan foreign minister Shah Mahmood Qureshi objected to the timing of the Ayodhya verdict, which coincided with the inauguration of the Kartarpur corridor, saying he was "deeply saddened" at the "insensitivity" shown at "such a joyous occasion".

"We reject the unwarranted and gratuitous comments made by Pakistan on the judgement of the Supreme Court of India on a civil matter that is completely internal to India," ministry of external affairs spokesperson Raveesh Kumar said.

"It pertains to the rule of law and equal respect for all faiths, concepts that are not part of their ethos. So, while Pakistan's lack of comprehension is not surprising, their pathological compulsion to comment on our internal affairs with the obvious intent of spreading hatred is condemnable," he added.

The Supreme Court in a unanimous verdict on Saturday cleared the way for the construction of a Ram Temple at the disputed site in Ayodhya, and directed that an alternative five-acre plot be allotted to the Sunni Waqf Board for building a mosque at a "prominent" place in the holy town in Uttar Pradesh.

## India under a security blanket

Tens of thousands of police and paramilitary troopers have fanned out all over the country to maintain peace

## State, central forces step up vigil on ground, social media

HT Correspondents and Agencies  
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NEW DELHI: As the Supreme Court ruled on Saturday in favour of a Ram temple coming up on the disputed 2.77 acre religious site in Ayodhya, tens of thousands of police and paramilitary troopers fanned out all over the country to deter troublemakers and enforce peace after the central home ministry sounded a high security alert.

Home minister Amit Shah reviewed the security situation at a meeting attended by National Security Adviser Ajit Doval, home secretary Ajit Bhalla and Intelligence Bureau director Arvind Kumar as Chief Justice of India Ranjan Gogoi, head of the five-judge Constitution bench, started reading out the judgement around 10.30 am.

At the meeting, the home minister was given a detailed briefing on the law and order situation across India, particularly in Uttar Pradesh, a home ministry official said. Shah also spoke to a few chief ministers to take stock of the situation in their states and asked them to make sure that the police and civilian administrators stay alert.

In Delhi, the police kept a high profile in the old quarters, enforced prohibitory orders banning the assembly of more than four people in the entire city and staged a flag march in the Jama Masjid area after reinforcing security at the residences of the five Supreme Court judges, and appealed to "every citizen to contribute to peace and tranquillity".

The dispute over the plot of land in Ayodhya has been seen as a potential flashpoint for communal trouble. The December 1992 destruction of a 16th century mosque that stood on the site, which Hindus believe marks the birthplace of the warrior-god Ram, sparked a cycle of violence and riots that claimed thousands of lives.

Schools and colleges were shut in several states, some of which also ordered the closure of liquor outlets, amid calls by political leaders for public calm. Across states, an unspecified number of potential troublemakers were

### HOME MINISTER AMIT SHAH REVIEWED SECURITY ALONG WITH NSA AJIT DOVAL, HOME SECRETARY AJIT BHALLA AND INTELLIGENCE BUREAU DIRECTOR ARVIND KUMAR

arrested in a preventive move.

By Friday night, Ayodhya itself had turned into a fortress, with 90 companies, or around 9,500 men, of armed police, including troopers from 37 UP Provincial Armed Constabulary companies, taking position in the holy city and its surroundings. Across Uttar Pradesh, the police has been conducting drills, flag marches and drone surveillance to prepare for any fallout from the Ayodhya judgment.

In Lucknow, UP chief minister Yogi Adityanath visited the police's 112 control room, where an emergency operational centre has been set up to keep a watch on the situation across the state, and monitor posts on social media and calls made by ordinary citizens. Officers of central paramilitary forces, including the Border Security Force, Central Reserve Police Force and Railway Protection Force, took part in a meeting presided over by Adityanath, who also spoke to district magistrate of Ayodhya, Anuj Jha, on the situation in the holy town.

It was crucial for the Centre to maintain the peace in the aftermath of the judgment, one analyst told Bloomberg. "It could be a test of India's ability to clamp down on violence and not allow this to spiral out of control. It would reflect negatively on Modi if empowered citizens used this as an excuse to enact violent measures," Akhil Bery, South Asia analyst at risk consultancy Eurasia Group, was quoted as saying.

The tough measures put in place to deal with any outbreak of trouble seemed to have worked. No violence had been reported as of Saturday night.

In the newly created Union Territory of Jammu and Kashmir, the administration imposed

orders banning the assembly of more than four people, closed educational institutions and cancelled examinations.

Liquor vends were shut in the Jammu region. A protective curfew was imposed in Kishtwar town, deputy magistrate Anprez Singh Rana said, adding that "the situation is absolutely normal".

In Rajasthan, Internet services were suspended to prevent rumours from doing the rounds on social media in addition to educational institutions being closed.

In Mumbai, prohibitory orders were enforced from 11 am Saturday until 11 am Sunday and the police were monitoring 5,000 CCTV cameras, including those at religious places and sensitive installations. The police "mobilised additional security forces in highly communally sensitive pockets of the city," deputy commissioner of police (operations) Pranay Ashok said. "We have put our 40,000-plus strong force on security bandobast."

In Bengaluru, Section 144 was enforced from 7 am to 12 midnight, banning more than four people from gathering in public, and all liquor stores ordered shut and social media sites were under the police scanner. "Strict action will be taken against anybody trying to disturb peace and communal harmony," Bengaluru police commissioner Bhaskar Rao said.

In Kolkata, all police stations were in a state of high alert. The West Bengal government asked police personnel to be cautious in how they deal with the situation because the day coincided with Milad-un-Nabi, marking the birthday of prophet Mohammad, a senior official told PTI.

Several state CMs, including Odisha's Naveen Patnaik, Kerala's Pinarayi Vijayan, MP's Kamal Nath and Bihar's Nitish Kumar, called for public calm and warned of tough action against troublemakers.

"The SC verdict is final and all should respond to it positively. Nothing should happen that will vitiate the communal fabric of the state. The state has been always a model to other states on such issues and we will maintain it," Vijayan said.

### VOICES IN OLD DELHI

## ‘Now we must talk about the future’

Harikrishnan Nair  
■ letters@hindustantimes.com

NEW DELHI: In the packed lanes of Old Delhi market, shadowed by the imposing domes of the Jama Masjid, business picked up at around 9 am. This Saturday was much like any other weekend - the only sign of something out of the ordinary was the presence of numerous people in khaki uniforms.

Everyone knew why. "It [the Ayodhya verdict] is a sensitive issue," said a local who asked not to be named. "But we are going about our daily lives."

And so they did. Haji Miyan opened his hotel at 9 am. His staff was getting ready to receive the day's guests. Tarik Hasan Khan opened his travel agency half an hour later. He expected day's collections to be like any other day - "just enough to get by".

A man at an eatery that served nihari and paya seemed disinterested in the day's developments too. "There is no tension here. Mostly because this has been going on for some time. What more can be said?" he asked, turning around to his staff and asking about an order that was to go out.

Several people, did not wish to speak about the verdict at all - refusing with a polite wave of the hand while going about their own way.

The police conducted motorcycle patrols; there were additional two companies of police on the ground. Inside the police post, a few policemen carried walkie-talkies. Inspector Karan Singh stood on the balcony looking out to the Jama Masjid. "There has been no trouble so far. We had asked our

■ A securityman outside the Jama Masjid in Delhi on Saturday. BURHAAN KINU/HT

men to do rounds and be alert," he said.

Outside the grand mosque, news reporters sought sound bites from the people.

"For the good of the nation, peace is important," said Mohammed Aslam, a local resident. "We have to respect the decision of the Supreme Court." In the bylanes of the markets, a man played the news on his phone, its volume amplified by the narrowness of the road. Above, a few women peered out of the window. "I am just interested in how it will turn out," he said, identifying himself as Ali, 26. "This is something that happened before I was born," he said.

At the Jama Masjid, the men supervising the entrance tickets

said there had not been any let up in the number of people visiting the mosque - be it tourists or the devout.

Tourist guide Sanjay Vohra was herding his flock of eight Australians. "I have told them about the pending verdict. We did not get any instructions from the police. But even then, I did not get into the game of spreading fear," he said.

"I would like to see a temple where Ram was born. Sure, give the Muslims a mosque, too, someplace else," he continued. "However, I think what is more important is schools and hospitals. When it comes to the Supreme Court, we should accept the verdict, whatever it is."

Aa 10.30 am approached,

there were no queues at the stores to watch the news, not were there many discussions on the subject. Most street conversations dealt with work and closing business deals.

At an eatery opposite the mosque's Gate 1, a man had earphone into one ear, his mobile streaming a Hindi news channel, while he made rotis at the same time.

An hour later, while the judgement was being delivered, the man thought he had heard the TV anchor say that evidence of a previous structure was enough to fix the title suit. "So that means it would be given for masjid?" he asked, stopping his roti-making for a while. A few minutes later, when he heard that a temple would come up at the disputed site, he was a little confused. "Maybe I misheard it," he said, before turning to handle a fresh order to make 10 more rotis.

At 12.30 pm, the call for prayers rang out from the mosque. Tourists were asked to make way for those coming to offer namaz. Children accompanied their fathers, cleaning themselves at the pool, towards the prayer hall.

"I prayed for the good of all people," said Zakir who sells carpets in the bazaar. "Especially my business - it is not doing too well now. What is the point of dividing people on religious lines? Don't we have the same blood?"

Travel agent Tarik Khan didn't really want to talk about the verdict either. "Whatever happened has happened. Now we must talk about the future," he said. "Hopefully this will be the end of it."



# Finally, a closure on Ayodhya

## Hindus and Muslims could aim for a new equilibrium now

A legal dispute dating back to the late 19th century, a question of faith going back even longer, and a political issue that has shaped Indian politics for three decades were all addressed by the Supreme Court (SC) on Saturday, when it ruled on the Ram Janmabhoomi-Babri Masjid issue.

The court ruled in favour of a temple at Ayodhya, where many people believe Hindu God Ram was born, but also sought to address what it describes as a wrong committed against Muslims (especially during the 1992 demolition of a mosque that stood at the disputed site) by giving the Sunni Waqf Board five acres elsewhere in Ayodhya for a mosque.

Prime Minister Narendra Modi, whose Bharatiya Janata Party (BJP) has had the building of a Ram temple as one of the fixtures in its manifesto, described the verdict as neither a victory nor a defeat, eschewing triumphalism, as indeed he has asked his colleagues to. Mohan Bhagwat, the supremo of the BJP's ideological parent, the Rashtriya Swayamsevak Sangh (RSS), which has, directly, and through its affiliates, been at the forefront of the Ram Janmabhoomi movement, echoed that sentiment.

While there's been some talk (but no confirmation) of the Muslim parties seeking a review, most analysts are of the opinion that the court's ruling marks the effective closure of the movement to build a temple. As such, it is a decision that has national, social, and political impact.

At the political level, the resolution of the temple issue means that 2019 has seen the end of both Mandal and mandir (temple) issues. The first refers to the 1990 implementation of the Mandal

AT THE NATIONAL LEVEL, THE OVERWHELMING FEELING SEEMS TO BE ONE OF RELIEF. THE MOVEMENT TO BUILD A TEMPLE HAS HAD VIOLENT TURNS IN THE PAST, INCLUDING THE DEMOLITION OF THE MOSQUE, AND THE NATIONWIDE RIOTS THAT FOLLOWED

Commission's report, reserving 27% of government jobs and college seats for Other Backward Classes. For at least three decades after that, the country's political landscape was largely shaped by Mandal's biggest beneficiaries. It was only the parliamentary elections of 2019 that finally seemed to put the ghost of Mandal to rest.

If Mandal gave India's political landscape a clutch of parties that would dominate at least regional politics for three decades, the mandir movement gave it the BJP. The temple was the singular issue that helped revive the party's fortunes after it slipped to two Lok Sabha seats in the 1984 parliamentary elections. Still, it was only after Narendra Modi and Amit Shah figured out a way to also consolidate the non-dominant OBC groupings that it really emerged the pole of Indian politics.

The verdict delivered by the SC is the beginning of the end of the mandir issue. Sure, its effects will be felt perhaps even in 2024 (it is likely that it will take a few years to build the temple, which is perfect timing for the next Lok Sabha polls), but not beyond. Which means 2019 has been a milestone year for the two significant political issues that have pretty much shaped Indian politics over the past three decades. It is the year one became irrelevant, and the other neared (if not achieved) closure.

At the national level, the overwhelming feeling seems to be one of relief. The movement to build a temple has had violent turns in the past, including the demolition of the mosque, and the nationwide riots that followed. India has many pressing issues and can't afford to be held back by such conflicts. Much, though, will depend on whether the court's decision encourages the RSS and its affiliates to seek similar resolution of other disputes involving places of worship. The organisation has said that it will not. Much also will depend on how the Muslim parties to the dispute react to the judgment. Seeking a review of the decision is within their rights, although they must respect the verdict—and they have said that they will. A compromise formula agreed to by some of the Muslim parties to the dispute has some commonalities with the verdict, which means that at least some of them do want to move on.

At the social level, there are two alternative ways to view the verdict. One is to see it as a deeply polarising judgment that alienates the Muslims, some of whom already see themselves being targeted by a State they perceive to be majoritarian. The other is to see it as a unifying one, which addresses one of the most sticky issues in the country, and attempts to strike a balance. With that out of the way, Hindus and Muslims could well aspire to arrive at a new equilibrium, one that puts the country first.

# This should be a guide for the future

When the Ram temple is finally built, it will signal the end of mental servitude and subordination



SWAPAN DASGUPTA

There is an anecdote narrated to me by the late Arun Jaitley that comes to mind on the day the final hurdles in the path of the construction of a grand temple to Lord Ram at his birthplace in Ayodhya have been removed.

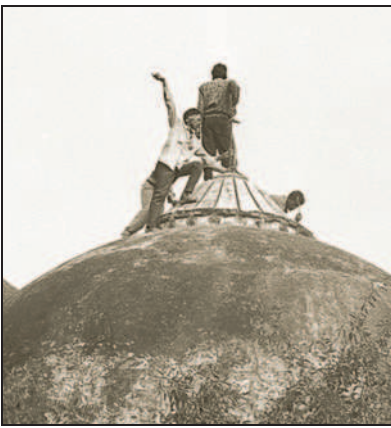
The event centres on the evening of December 6, 1992, in the central office of the Bharatiya Janata Party (BJP) on Ashoka Road in New Delhi. The news of the demolition had just come through. The party office was relatively deserted, with most of the party bigwigs either in Ayodhya or digesting the unexpected happenings in their homes. One of the few holding the fort was KR Malkani, a venerable intellectual who was also prone to believing in conspiracy theories. It was he, among others, who spun the story of the demolition being masterminded by a dirty tricks department of either a foreign power or the Congress government. The mood was sullen and confused.

At this point, in walked an exuberant Sikander Bakht, for long the most prominent Muslim face of the BJP. Without any inhibitions, he joyously embraced the veterans, called for *mithai*, and exclaimed loudly: *Aaj to Hinduo ne kamaal kar diya* (Today the Hindus have excelled themselves).

I was in Ayodhya that day, with LK Advani, Murli Manohar Joshi, Ashok Singhal, Uma Bharati and the entire leadership of the Vishwa Hindu Parishad. The scene was very different. As the demolition neared completion, the entire crowd swayed—as if mesmerised—to the *ek dhakka aur do* chant of Sadhvi Rithambara. As the final dome of the disputed Moghul shrine crumbled in a heap of red smoke, the mood was wildly ecstatic. Apart from Advani, who retreated into a dark room to reflect on the consequences of an unplanned deed, it almost seemed that the day of Hindu liberation had finally arrived.

Almost 27 years after the controversial demolition, an act which the Supreme Court has understandably held to be illegal, the construction of the Ram temple now seems assured. This was the moment of actual celebration, but as of now, the mood has been one of dignified restraint. Happiness has been coupled with an equal determination to not hurt the feelings of those who—quite erroneously in my view—equated the denial of a Ram temple with upholding the secular fabric of India. It was not merely India's Muslims who were led to believe that the shrine built by Mir Baqi on a site venerated by local Hindus had come to epitomise India's defence of minority rights. This was the consensual view of India's cosmopolitan intelligentsia, who were bound by a common dread of Hindu assertiveness and, above all, the emergence of the political Hindu.

In the coming days and weeks, there will be agonised hand-wringing over the Supreme



■ Almost 27 years after the demolition, an act which SC called illegal, the temple's construction now seems assured HT ARCHIVE

Court judgment by those who see Indian secularism as a denial of Hindu aspirations. Some will no doubt even call it a political judgment aimed at pleasing the present government. However, few in the despondent army will care to introspect and analyse why a local dispute in Awadh dating back to Moghul times suddenly became a national issue in democratic, sovereign India.

Denial has been the hallmark of the "secular" resistance. There was steadfast denial of the waves of temple destruction that had marked the history of India from the Sultanate to the death of Aurangzeb. Historians, some eminent and others charlatan, had been wheeled out by the score to inform Indians that popular narrative was spurious and that temple destruction, where it occurred, was not a sign of intolerance but assertions of State power. Undeniably, some of it was, but to

those countless rural women I saw flocking to catch a glimpse of Advani's rath yatra in 1990 and offering aarti, the re-construction of a temple in Ayodhya also meant securing justice at last.

This was something the leaders of the national movement had clearly understood and internalised. The reconstruction of the Somnath temple in the early 1950s was promoted and endorsed by nearly the entire post-Independence leadership, with the possible exception of Jawaharlal Nehru. It was seen as a symbolic act of redemption and an assertion of sovereignty after centuries of bondage. Unfortunately, the subsequent generation of politicians lost sight of this vision and took it upon themselves to equate national aspirations with prejudice and bigotry. It was this creeping polarisation that transformed Ayodhya into a national issue. It pitted ordinary decencies against an attempt to reinvent India.

When the Ram temple in Ayodhya is finally inaugurated, using bricks consecrated in countless villages and towns, it will signal the end of a long period of mental servitude and subordination. It should, hopefully, also mark an end to the long and bitter struggle to rectify the wrongs of history. What we are as a people has been shaped by history, but we cannot forever remain its prisoner. A final closure of the Ayodhya dispute will also mean looking ahead with the self-confidence of an unshackled people. There is a need for humility and even magnanimity. Equally, the sheer tenacity of the Ayodhya movement suggested a refusal to be cowed down by sneers and condescension. That determination should also be a guide for the future.

Swapan Dasgupta is Member of Parliament, Rajya Sabha  
The views expressed are personal

## LOOKING AHEAD



■ The Supreme Court of India has ruled that 2.77 acres, possibly the most disputed land in Indian history, will go to a trust to be formed by the government and five acres of land in Ayodhya will go to the Muslim party SONU MEHTA/HT

# The Ayodhya verdict: Is this justice? I ask myself

Muslims should clearly, politely and unequivocally refuse the Supreme Court's offer of five acres of land in Ayodhya



SYEDA HAMEED

It's almost like it happened yesterday. I watched the masjid come down from my home in Jamia while the then Prime Minister watched it from 7, Race Course. Twenty seven years later it has come to a close with the unanimous judgment of five Supreme Court judges.

The 2.77 acres, possibly the most disputed land in Indian history, will go to a trust which will be formed by the government (within three months) and five acres of land somewhere in Ayodhya goes to the Muslim party. Is this justice? In its wording and in its spirit? I asked myself.

Snippets from media reports come back to me. The court has used the word illegal for the demolition of the Babri Masjid. I have a simple question to place before the honourable judges.

If breaking the Masjid was illegal, why has the 2.77 acres been gifted to the very elements who were party to this? The relief that has been offered to the aggrieved party does not suggest that there was any illegality in the demolition of the masjid.

Some other thoughts follow this question. There were two original Hindu parties (to the case): the Nirmohi Akhara and Ram Lalla Virajman. Later, a third entity entered the fray, the Ram Janmabhoomi Nyas, which now is the paramount player. Will it now be dominant party of the trust and gain control of the huge sums that have been gathered for this cause from India and around the world?

The ASI's main report, which was signed by all those who framed it, stated that no temple was found beneath the masjid. At the end of the report, there was an unsigned epilogue. It stated that the structure beneath did not look Islamic. Has the court relied on the unsigned epilogue rather than on the signed report?

What about the optics of this judgement?

Does it appear as if a majoritarian judgement was delivered within a majoritarian ethos to please the majority? Does it set a precedent? We have an ancient history when entire cities have been built on the ruins of other cities. (Delhi was razed and rebuilt seven times). What about Kashi? Mathura? What about thousands of religious places which are on the demolition list?

Should relief follow from the findings or should it be contrary to the findings? Can it be said in all fairness that the consequence of what the court described as illegality is that the "aggressor" party has got what it wanted.

To quote Maulana Abul Kalam Azad, "*Jo hona tha woh ho chuka*" (Whatever was supposed to happen, has happened). For Muslims, the question I ask myself in the words of Allama Iqbal is: "What should we do now? What should we not do?"

There has been unprecedented security across the country as though fearing that Muslims will come out in protest from every gully and mohalla of the country. Or that Hindus will emerge with bands and banners from all corners. That's very unlikely. That should not happen. I cannot speak for the Hindus but for Muslims. I say with humility to my co-religionists that we have no power, no agency, no spaces left for protest. Those spaces are fast disappearing for all who believe in resisting the establishment. I don't want to see innocent blood spilling on the streets, because it is only the poor and wretched who are used by the powerful to create divisions and violence.

There is one talisman for Muslims which has been given by none other than their sole guides, the Koran and the Prophet. They should clearly, politely and unequivocally refuse the offer of five acres of land in Ayodhya. Then they should say to the powers that be: "Since you have in one voice given the judgment that the demolition and placement of idols was illegal then don't give us substitutes like pieces of land; we reject such offers. In the spirit of your judgment, just give us one assurance that this will never happen again."

Syeda Hameed is a writer and president of the Muslim Women's Forum  
The views expressed are personal

# The Supreme Court's unanimous verdict on Ayodhya is remarkable

The only correct, efficacious and lasting solution to this divisive issue is the binding judgment of the apex court



ABHISHEK SINGHVI

To analyse, much less critique, a 1,045 page, 805 paragraph and 3.03 lakh word Supreme Court (SC) judgment before the ink on it is dry is neither possible, nor apposite. While a comprehensive critique must await fuller study, a few legal, political and general points are nevertheless in order.

First, we tend to ignore the remarkable achievement of a unanimous Constitution Bench judgment on a highly fractious and divisive issue, riven by law, factual controversy, emotions, archaeological evidence and historical treatises. Far lesser cases have led to 4-1 or 3-2 verdicts. The court must be publicly applauded for this unanimous approach which sends out its own clear and significant message to all segments of Indian society. It also immeasurably enhances the strength and weight of the judgment.

Second, the only correct, efficacious and lasting solution to this highly divisive issue is a binding judgment of the apex court. Neither the best intentioned mediation, nor any bonafide government or a responsible opposition can achieve the quietus and finality which a reasoned apex court judgment can.

Third, it is neither the job of an apex court nor humanly possible in any system to satisfy every litigant or every stakeholder. To be human is to be fallible. More than anyone else, the SC has said so in innumerable judgments. The SC is right because it is final, and not final because it is right. And that can and should never be a ground for uninformed criticism.

Fourth, while the judgment has opened the doors for the swift construction of a grand temple (and a much larger space elsewhere in the same city for a grand mosque), it has also rightly closed the doors to constant politicisation of this issue, its exploitation for cheap sensationalism or petty political gains, or for flogging a festering sore to extract unnecessary mileage for ulterior motives. Thus, the very desirable opening of some doors has led to the equally commendable closing of other doors.

Fifth, a bare look at the text of this long judgment shows that the court has laboured long and hard, and most of its findings are unexceptionable. It has held the Akhara's suit barred by limitation, as the dates clearly show. It holds proceedings

by others (including the Sunni board) to be within limitation. It has rightly held that while the deity has an independent right to sue, a mere Poojari cannot be equated with a Shebait, because the latter is supposed to be an agent of the idol and entrusted with the idol's property to manage it, which has not been established by any evidence. Equally, it has rightly held the later suits maintainable, noting that the earlier 1885 suit was for distinct prayers relating merely to the Ram Chabutara and filed by different parties (pr. 446). Similarly, it held the Sunni suit to be maintainable (pr 627).

Sixth, in important findings from paras 795 to 801, the court has, after analysing a humongous amount of evidence, held that the Hindus have continuously used the outer courtyard from inception; that the Hindus have even used the inner courtyard from well before 1857; that though the Muslims also intermittently offered prayers in the inner courtyard area from 1600 to 1949, they were unable to establish their exclusive possession of the inner courtyard; that, however, their longstanding practice of Namaz in the inner courtyard was unlawfully stopped in 1949 and consequently, while they had failed to prove exclusive possessory rights, their longstanding (although irregular) practice of Namaz and their unlawful ouster in 1949 justified the invocation of special apex court powers under article 142 of the Constitution to award restitution and direct the availability of a five-acre alternative site in Ayodhya for the construction of a new mosque.

Seventh, from paras 508 to 512, the court has analysed in great detail and endorsed the Archaeological Survey of India (ASI) report which gave clear factual findings on the pre-existence of a big structure beneath the demolished mosque structure; the fact that the earlier structure was non-Islamic; and that it had several motifs and features which related to Hindu culture and religion. The Supreme Court thus upheld the conclusion of Justice Sudhir Agarwal of the High Court that the ASI's omission to give one crucial finding (namely whether the earlier structure was a temple or not) would not change anything.

Several other paras discuss the question of faith and belief which undeniably establishes the fact that the Hindus consider this spot as the birthplace of Lord Ram (paras 556-558). The relief granted is, however, clearly not founded upon mere faith and belief.

None of the above reasoning or findings can be said to be perverse, unknown to law, or dehors established legal principles of judicial adjudication. It is entirely possible for legal practitioners, politicians and citizens alike to quibble about legal niceties and political rhetoric (indeed, democracy would be in danger if this cacophony was absent). But it would be unwise, hasty, knee-jerk and irresponsible to launch broadsides of uninformed criticism against this comprehensive judgment.

Abhishek Singhvi is a member of Parliament, the national spokesperson of the Congress, former chairman, Parliamentary Committee on Law & Justice, and former additional solicitor general of India  
The views expressed are personal



# Law distinct from ideology, religion

**HISTORIC VERDICT** The SC ruling in the Ayodhya title suit brought to an end a 136-year-old dispute. Here are excerpts from the main pronouncement of the order

Chief Justice of India (CJI) Ranjan Gogoi, justice SA Bobde, justice DY Chandrachud, justice Ashok Bhushan and justice S Abdul Nazeer

The facts, evidence and oral arguments of the present case have traversed the realms of history, archaeology, religion and the law. The law must stand apart from political contestations over history, ideology and religion. We must remember that it is the law which provides the edifice upon which our multi-cultural society rests. The law forms the ground upon which, multiple strands of history, ideology and religion can compete. By determining their limits, this Court as the final arbiter must preserve the sense of balance that the beliefs of one citizen do not interfere with or dominate the freedoms and beliefs of another.

There is one unanimous judgment delivered by this Bench. In deciding the appeals before us, we have come to the following conclusions.

The pleadings in Suit 5 demonstrate that even according to the plaintiffs, the mosque was built by Mir Baqi, a commander of Babur's forces, during the time of Babur. The precise date of the construction of the mosque is a matter which has no practical relevance to the outcome of the present controversy.

On the night of 22 December 1949, the idols of Lord Ram were placed inside the mosque. On a preponderance of probabilities which govern civil trials, the finding of the High Court that the idols of the deity were installed in the intervening night of 22/23 December 1949 commands itself for our acceptance.

It was not disputed by the litigating parties that the plot of land in which the disputed structure existed was recorded as Nazul land.

It is inappropriate for this Court to enter upon an area of theology and to assume the role of an interpreter of the Hadees. The true test is whether those who believe and worship have faith in the religious efficacy of the place where they pray. The belief and faith of the worshipper in offering namaz at a place which is for the worshipper a mosque cannot be challenged. It would be preposterous for this Court to question it on the ground that a true Muslim would not offer prayer in a place which does not meet an extreme interpretation of doctrine. This Court, as a secular institution, set up under a constitutional regime must steer clear from choosing one among many possible interpretations of theological doctrine and must defer to the safer course of accepting the faith and belief of the worshipper.

The Places of Worship Act which was enacted in 1991 by Parliament protects and secures the fundamental values of the Constitution. The State has, by enacting the law, enforced a constitutional commitment and operationalised its constitutional obligations to uphold the equality of all religions and secularism which is a part of the basic features of the Constitution. The Places of Worship Act imposes a non-derogable obligation towards enforcing our commitment to secularism under the Indian Constitution. The Act reflects the commitment of India to the equality of all religions. Above all, the Places of Worship Act is an affirmation of the solemn duty which was cast upon the State to preserve and protect the equality of all faiths as an essential constitutional value, a norm which has the status of being a basic feature of the Constitution.

No submissions were made challenging the legal personality of the first plaintiff in Suit 5. The first plaintiff 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 legal personality of the first plaintiff is recognised.

**The recognition of 'Asthan Sri Ram Janam Bhumii' as a juristic person would result in the extinguishment of all competing proprietary claims to the land in question. The extinguishing of competing claims would arise not by virtue of settled legal principles, but purely on the basis of the faith and belief of the devotees. This cannot be countenanced in law. In a country like ours where contesting claims over property by religious communities are inevitable, our courts cannot reduce questions of title, which fall firmly within the secular domain and outside the rubric of religion, to a question of which community's faith is stronger. The second plaintiff in Suit 5 - 'Asthan Shri Ram Janam Bhumii' is not a juristic person.**

In Suit 1, the pleadings indicate that the right asserted was not a private right, but a right in common with and for the benefit of other Hindu devotees to pray at the disputed property. The right claimed



■ (From left): Justices Ashok Bhushan, SA Bobde, Ranjan Gogoi, DY Chandrachud and S Abdul Nazeer. COURTESY: SUPREME COURT

was that of the "Hindu public" to worship at the disputed property without undue interference. The right asserted on behalf of the larger "Hindu public" does not stand extinguished upon the death of the original plaintiff and can be pursued by his son who is also a worshipper.

**In Suit 3, the entire case of Nirmohi Akhara is of the deprivation of its shebaiti rights by the Magistrate's order under Section 145. Suit 3 filed by Nirmohi Akhara is not a suit for possession which falls within the meaning and ambit of Article 142 of the Limitation Act. Neither Article 47 nor Article 142 is attracted. Suit 3 filed by Nirmohi Akhara is governed by the provisions of Article 120. The period of limitation under Article 120 is six years. Nirmohi Akhara claims that the cause of action arose on 5 January 1950. The suit was instituted on 17 December 1959. Hence, the suit is outside the prescribed period of limitation and is barred.**

The case of the plaintiffs that the institution of the Suit 5 was necessitated as a result of the deity not being a party to the earlier suits and based on the apprehension that in the existing suits, the personal interests of the leading parties were being pursued without protecting the independent needs and concerns of the deity of Lord Ram, is well and truly borne out by the proceedings as they unfolded in the proceedings before this Court. Suit 5 is maintainable as a suit instituted by a next friend on behalf of the first and second plaintiffs in the absence of a lawfully recognised shebait.

A wealth of arguments have been urged on the archaeological evidence in the present dispute. The ASI submitted its final report on 22 August 2003. The process of excavation was carried out in the presence of parties and was governed by the directions issued by the High Court to ensure impartiality and transparency.

There is adequate basis in the material contained in the ASI report to lead to the following conclusions:

- (i) The Babri mosque was not constructed on vacant land;
- (ii) The excavation indicates the presence of an underlying structure below the disputed structure;
- (iii) The underlying structure was at least of equal, if not larger dimensions than the disputed structure;
- (iv) The excavation of the walls of the underlying structure coupled with the presence of pillar bases supports the conclusion of the ASI of the presence of a structure underlying the disputed structure;
- (v) The underlying structure was not of Islamic origin;
- (vi) The foundation of the disputed structure rests on the walls of the underlying structure; and
- (vii) Artefacts, including architectural fragments which have been recovered during excavation have a distinct non-Islamic origin. The conclusion which has been drawn by the ASI that the nature of the underlying structure and the recoveries which have been made would on stylistic grounds suggest the existence of temple structure dating back to the twelfth century A.D. would on a balance of probabilities be a conclusion which is supported by evidence.

Significantly, the ASI has not specifically opined on whether a temple was

**THE LAW FORMS THE GROUND UPON WHICH HISTORY, IDEOLOGY AND RELIGION CAN COMPETE. IT MUST PRESERVE THE SENSE OF BALANCE THAT THE BELIEFS OF ONE CITIZEN DO NOT INTERFERE WITH OR DOMINATE THE FREEDOMS AND BELIEFS OF ANOTHER.**

demolished for the construction of the disputed structure though it has emerged from the report that the disputed structure was constructed on the site of and utilised the foundation and material of the underlying structure. ASI, as an expert body refrained from recording a specific finding on whether the underlying structure was demolished for the purpose of the construction of a mosque. The ASI report has left unanswered a critical part of the remit which was made to it, namely, a determination of whether a Hindu temple had been demolished to pave way for the construction of the mosque. A determination of title was not obviously within the remit of ASI. A finding of title cannot be based in law on the archaeological findings which have been arrived at by ASI.

Analysing the depositions of Hindu and Muslim witnesses, the following facets can be gleaned:

- (i) Hindus consider Ayodhya as the birth-place of Lord Ram. Hindu Shastras and religious scriptures refer to it being a place of religious significance;
- (ii) The faith and belief of the Hindus is that Lord Ram was born inside the inner sanctum or 'Garbh Grih' right below the central dome of the three domed structure;
- (iii) What Muslims call the Babri mosque, the Hindus consider as the Ram Janmabhumi or the birth-place of Lord Ram;
- (iv) The faith and belief of the Hindus that Lord Ram was born in Ayodhya is undisputed. Muslim witnesses also stated that Hindus have faith and belief in the existence of the Janmasthan; and
- (v) Both Hindu and Sunni witness testimonies indicate that the disputed site was being used for offering worship by devotees of both faiths;

The Hindu witnesses have furnished statements of their faith and belief in the place under the central dome being the birthplace of Lord Ram. The cross-examination of the witnesses has not established any basis for the court to be led to the conclusion that the faith and belief of the Hindus, as portrayed through these witnesses is not genuine or that it is a mere pretence. Whether a belief is justified lies beyond ken of judicial inquiry. Faith is a matter for the individual believer. Once the court has intrinsic material to accept that the faith or the belief is genuine and not a pretence, it must defer to the belief of the worshipper. This, we must do well to recognise, applies across the spectrum of religions and their texts, Hinduism and Islam being among them. The value of a secular constitution lies in a tradition of equal deference. The fact that a belief and faith is held is however a matter which is distinct from the actual place where worship was offered.

The plaintiffs in Suit 5 placed reliance on the accounts of numerous travellers and Gazetteers to highlight the religious importance attached to Ayodhya and the disputed site for the Hindus. Historical records of travellers (chiefly Tieffen-thaler and the account of Montgomery Martin in the eighteenth century) indicate:

- (i) The existence of the faith and belief of the Hindus that the disputed site was

- the birth-place of Lord Ram;
- (ii) Identifiable places of offering worship by the Hindus including Sita Rasoi, Swargdwar and the Bedi (cradle) symbolising the birth of Lord Ram in and around the disputed site;
- (iii) Prevalence of the practice of worship by pilgrims at the disputed site including by circumambulation (parikrama) and the presence of large congregations of devotees on the occasion of religious festivals; and
- (iv) The historical presence of worshippers and the existence of worship at the disputed site even prior to the annexation of Oudh by the British and the construction of a brick-grill wall in 1857.

**The accounts of the travellers must be read with circumspection. Consulting their accounts on matters of public history is distinct from evidence on a matter of title. An adjudication of title has to be deduced on the basis of evidence sustainable in a court of law, which has withstood the searching scrutiny of cross-examination. Similarly, the contents of gazetteers can at best provide corroborative material to evidence which emerges from the record. The court must be circumspect in drawing negative inferences from what a traveller may not have seen or observed. Title cannot be established on the basis of faith and belief. Faith and belief are indicators towards patterns of worship at the site on the basis of which claims of possession are asserted.**

The plaintiffs in Suit 4 have sought a declaration that the property is a public mosque and [a part of it] a Muslim graveyard. The suit in the circumstances is a suit for possession of immovable property falling in the description provided by the first column of Article 142. The act of placing the idols under the central dome on the night intervening 22/23 December 1949 effectively desecrated the mosque. This was an ouster of possession. The suit has been instituted within a period of twelve years of the date of alleged dispossession on 23 December 1949 and is hence within limitation.

The claim of possession is based on the plea that there has been a continuous use of the mosque for offering prayers since its inception and that this use has been long, continuous and exclusive. It is impossible for the plaintiffs in Suit 4 to set up a case of being in peaceful, open and continuous possession of the entire property.

In spite of the existence of the structure of the mosque, possession as asserted by the Muslims cannot be regarded as meeting the threshold required for discharging the burden of a case of adverse possession. The evidence in the records indicate that Hindus, post the setting up of the railing have, in any event, been in possession of the outer courtyard.

In seeking to establish their rights over the disputed land, the parties have turned back the clock of human history, to establish a point of genesis, where one party's claims over the disputed property were uncontested; to establish the first right and the first wrong. The evidence and arguments submitted before this Court have canvassed four distinct legal regimes. The legal consequences of actions taken, proprietary rights perfected, or injuries suffered in previous legal regimes can only be enforced by this Court if they received implied or express recognition by subsequent sovereigns. Absent such recognition, the change of sovereignty is an act of State and this Court cannot compel a subsequent sovereign to recognise and remedy historical wrongs.

The claim in Suit 4 is that since the date of its construction until the mosque was attached in December 1949, Muslims offered prayers continuously in the

**WE'RE OF THE VIEW THAT IT WOULD BE NECESSARY TO DIRECT THE CENTRAL GOVERNMENT TO FRAME A SCHEME IN EXERCISE OF THE POWERS CONFERRED UPON IT BY SECTIONS 6 & 7 OF THE AYODHYA ACQUISITION ACT, 1993 TO SET UP A TRUST OR OTHER APPROPRIATE MECHANISM TO WHOM THE LAND WOULD BE HANDED OVER IN TERMS OF THE DECREE IN SUIT 5 (RAM LALLA).**

mosque. But, a crucial aspect of the evidentiary record is the absence of any evidence to indicate that the mosque was, after its construction, used for offering namaz until 1856-7. Several witnesses who deposed on behalf of the plaintiffs in Suit 4 stated that they had visited the Babri Masjid to offer namaz. There is evidence on record to hold that Muslims offered Friday namaz at the mosque and had not completely lost access to or abandoned the disputed property.

**There was a consistent pattern indicating possession and worship by the Hindus at the outer courtyard**

after the setting up of the railing in 1856-7. The offering of worship at Ramchabutra which was situated in close proximity to the railing coincided with the attempt by the colonial administration, post the communal incident of 1856-7, to conceive of the railing as a measure to maintain peace and order. The extensive nature of worship by the Hindus is indicated by the existence of specific places of worship and the permission by the administration for the opening of an additional point of entry in 1877 due to a large rush of devotees. In the face of a consistent pattern of worship by the Hindus in the outer courtyard after 1856-7, the documentary material does not indicate either settled possession or use of the outer courtyard by the Muslims. In so far as the inner courtyard is concerned, it appears that the setting up of the railing was a measure to ensure that peace prevailed by allowing the worship of the Muslims in the mosque and the continuation of Hindu worship outside the railing. In so far as the worship by the Muslims in the inner courtyard is concerned, the documentary material would indicate that though obstructions were caused from time to time, there was no abandonment of the structure of the mosque or cessation of namaz within.

The plaintiffs in Suit 4 were unable to establish a specific grant of the land as a foundation of legal title prior to the annexation of Oudh or upon the transfer of power to the colonial administration after 1857. It was urged that even in the absence of an express dedication, the long use of the disputed site for public worship as a mosque elevates the property in question to a 'waqf by user'. No evidence has been produced to establish worship at the mosque or possessory control over the disputed property over the period of 325 years between the alleged date of construction in 1528 until the erection of railing by the colonial government in 1857.

If the contention urged by the plaintiffs in Suit 4 that the entire disputed property is a waqf by user is accepted, it would amount to extinguishing all rights claimed by the Hindus in the disputed property as a site of religious worship. The consequences that stem from recognising the entire disputed property in the present case as waqf by user is a mirror image to the claim of the plaintiffs in Suit 5 of recognising the land itself as a juristic person. The consequence would be the destruction of the rights of another community to offer worship by virtue of the internal tenets of a specific religion which have been recognised for a specific purpose. This may not be extended to the extinguishment of competing and established religious rights of another community in the same property.

The disputed site has witnessed a medley of faiths and the co-existence of Hindu and Muslim practices, beliefs and customs. A blend of Hindu and Muslim elements emerges from the religious and architectural tradition associated with the erstwhile structure which embodied features both of a temple and a mosque. They were symbols of a syncretic culture. Their co-existence was at times, especially before 1856, accepting and at others, antagonistic and a cause of bloodshed. Yet, the distinctive features of the site, embodying both Hindu and Islamic traditions led to the creation of a space with an identity of its own. The real significance attached to the composite structure is evidenced by the nature and the length of use by both of the parties.

Though, the case of the plaintiffs in Suit 4 is that the mosque was constructed in 1528 by or at the behest of Babur, there is no account by them of possession, use or offer of namaz in the mosque between the date of construction and 1856. For a period of over 325 years which elapsed since the date of the construction of the mosque until the setting up of a grill-brick wall by the British, **the Muslims have not adduced evidence to establish the exercise of possessory control over the disputed site. Nor is there any account in the evidence of the offering of namaz in the mosque, over this period; On the contrary, the travelogues (chiefly Tieffen-thaler and Montgomery Martin)**

**provide a detailed account both of the faith and belief of the Hindus based on the sanctity which they ascribed to the place of birth of Lord Ram and of the actual worship by the Hindus at the Janmasthan.**

On 6 December 1992, the structure of the mosque was brought down and the mosque was destroyed. The destruction of the mosque took place in breach of the order of status quo and an assurance given to this Court. The destruction of the mosque and the obliteration of the Islamic structure was an egregious violation of the rule of law.

The High Court on a finding that Hindus and Muslims were in joint possession directed a three-way bifurcation of the disputed site, one third each being assigned to the Muslims, Hindus and Nirmohi Akhara. The High Court was not seized of a suit for partition. The High Court was called upon to decide the question of title particularly in the declaratory suits, Suits 4 and 5. The High Court has adopted a path which was not open to it. Having come to the conclusion that Suit 3 (filed by Nirmohi Akhara) and Suit 4 (filed by Sunni Central Waqf Board) were barred by limitation, the High Court proceeded to grant relief in Suit 5 to the plaintiffs in Suits 3 and 4. This defies logic and is contrary to settled principles of law.

In the balance of probabilities, there is clear evidence to indicate that the worship by the Hindus in the outer courtyard continued unimpeded in spite of the setting up of a brick grill wall in 1857. Their possession of the outer courtyard stands established together with the incidents attaching to their control over it. As regards the inner courtyard, there is evidence on a preponderance of probabilities to establish worship by the Hindus prior to the annexation of Oudh by the British in 1857.

**Muslims 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. After the setting up of the brick grill wall, the structure of the mosque continued to exist and there is evidence to indicate that namaz was offered within its precincts. The exclusion of the Muslims from worship and possession took place on the intervening night between 22/23 December 1949 when the mosque was desecrated by the installation of Hindu idols. The ouster of the Muslims on that occasion was not through any lawful authority but through an act which was calculated to deprive them of their place of worship. During the pendency of the suits, the entire structure of the mosque was brought down in a calculated act of destroying a place of public worship. The Muslims have been wrongly deprived of a mosque which had been constructed well over 450 years ago.**

We are of the view that on the one hand a decree must ensue in Suit 5, Suit 4 must also be partly decreed by directing the allotment of alternate land to the Muslims for the construction of a mosque and associated activities.

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.

Having weighed the nature of the relief which should be granted to the Muslims, we direct that land measuring 5 acres be allotted to the Sunni Central Waqf Board either by the Central Government out of the acquired land or by the Government of Uttar Pradesh within the city of Ayodhya.

We are of the view that it would be necessary to direct the Central Government to frame a scheme in exercise of the powers conferred upon it by Sections 6 and 7 of the Ayodhya Acquisition Act 1993 to set up a trust or any other appropriate mechanism to whom the land would be handed over in terms of the decree in Suit 5.

The scheme shall incorporate all provisions necessary to vest power and authority in relation to the management of the trust or the body chosen for the vesting of the land.

Nirmohi Akhara's claim to be a shebait stands rejected. However, having regard to the historical presence of Nirmohi Akhara at the disputed site and their role, it is necessary for this Court to take recourse to its powers under Article 142 to do complete justice. Hence, we direct that in framing the scheme, an appropriate role in the management would be assigned to the Nirmohi Akhara.

**SIGNIFICANTLY, THE ASI HAS NOT SPECIFICALLY OPINED ON WHETHER A TEMPLE WAS DEMOLISHED FOR THE CONSTRUCTION OF THE DISPUTED STRUCTURE THOUGH IT HAS EMERGED FROM THE REPORT THAT THE DISPUTED STRUCTURE WAS CONSTRUCTED ON THE SITE OF AND UTILISED THE FOUNDATION AND MATERIAL OF THE UNDERLYING STRUCTURE.**





## A Prayer and a Punch

How does an athlete at the pinnacle of her career motivate herself for more? Boxing champion MC Mary Kom has the answer

## AYODHYA VERDICT

FULL COVERAGE  
PAGES 10-14, 17

RSS welcomes verdict, says Sangh role in temple movement done, it's over to government now



## IDEA EXCHANGE PAGE 9

'TEMPLE ISSUE CHANGED COUNTRY'S CHARACTER... TELL PEOPLE HUMANISM ABOVE NATIONALISM'

ASHOK GEHLOT, Rajasthan CM

## CONSTITUTION BENCH DIRECTS CENTRE TO FORMULATE A SCHEME WITHIN 3 MONTHS FOR TEMPLE TRUST

# Temple gets site, mosque a plot



AFTER THE RULING: Justice Ashok Bhushan, Justice S A Bobde, Chief Justice of India Ranjan Gogoi, Justice D Y Chandrachud and Justice S A Nazeer.

## 5 judges unanimous on Ayodhya, call Babri razing illegal

ANANTHAKRISHNAN  
NEW DELHI, NOVEMBER 9

BRINGING TO AN end a seven-decade legal battle over the title to the disputed Ram Janmabhoomi-Babri Masjid site in Ayodhya, an issue that roiled India and propelled the rise of the BJP, a five-judge Constitution Bench of the Supreme Court, in a unanimous verdict Saturday, ruled that the entire disputed land be handed over to a trust to be constituted for construction of a Ram temple and that Muslims, in the name of "equity", be given five acres of either the acquired land near the site or at "a suitable prominent place in Ayodhya" for building a mosque.

Underlining that it had been "tasked with the resolution of a dispute whose origins are as old as the idea of India itself", the Bench of Chief Justice of India Ranjan Gogoi, Justices S A Bobde, D Y Chandrachud, Ashok Bhushan and S A Nazeer overturned the September 30, 2010 judgment of the Allahabad High Court which had ordered three-way division of the disputed 2.77

### BUSINESS AS USUAL

By UNNY



acres between the Nirmohi Akhara sect, the deity Ramlalla Virajman and the UP Sunni Central Waqf Board.

While dismissing the Nirmohi Akhara suit as barred by limitation but upholding the suits of the UP Sunni Central Waqf Board — the High Court order had said the Board suit was barred by limitation — and Ramlalla Virajman, the Bench said the High Court order was "legally unsustainable" and "dividing the land will not subserve the interest of either of the parties or secure a lasting sense

CONTINUED ON PAGE 2



Outside Hanuman Garhi in Ayodhya, Saturday. Ritesh Shukla

## No place for fear, bitterness in new India: PM



Modi with Manmohan Singh

LIZ MATHEW

NEW DELHI, NOVEMBER 9

INVOKING THE fall of the Berlin Wall on this day 30 years ago in his address to the nation Saturday, hours after the Supreme Court verdict on the Ram Janmabhoomi-Babri Masjid title suit, Prime Minister Narendra Modi said it was time to "unite" and "take everyone

together... without leaving anyone behind".

Describing the judgment as a "golden chapter in India's judicial history", Modi said the unanimous verdict "shouldn't be seen as a win or loss for anybody".

Pointing out that November 9 was the date when the Berlin Wall was brought down, Modi said: "Today, the Kartarpur corridor was also inaugurated. Now the Ayodhya verdict, so this date

gives us the message to stay united and move forward."

Termining the verdict as a "new dawn", Modi said: "Now, the next generation will build a new India. Today is the day to forget any bitterness one may have; there is no place for fear, bitterness and negativity in new India."

The Prime Minister also said the judgment will "further increase people's faith in judicial

CONTINUED ON PAGE 2

## AIMPLB SAYS NEITHER EQUITY, NOR JUSTICE

## Sunni board says won't go for review; Muslim parties cold to five-acre offer

ABANTIKA GHOSH, ASAD REHMAN & SHAJU PHILIP  
NEW DELHI, LUCKNOW, THIRUVANANTHAPURAM, NOVEMBER 9

AS THE All India Muslim Personal Law Board (AIMPLB) contemplates a review of the Supreme Court verdict on Ayodhya and whether to accept the five acres offered for a mosque in lieu of the disputed plot, there were differing voices within the community on the way forward.

Uttar Pradesh Sunni Central Waqf Board chairman Zufar Farooqui said the board, one of the main litigants in the case, would not file a review petition. "The board will not go in for any review of the apex court's order or file any curative petition," Farooqui said at a press conference in Lucknow, adding that "it would not look good" if any of

the Muslim litigants do not accept the verdict.

The Indian Union Muslim League (IUML), which had split in 1992 over a "moderate" stand on the issue, also said it respected the judgment.

The AIMPLB, however, expressed "grave dissatisfaction", calling the verdict "neither equity nor justice". On an alternative plot for a masjid in Ayodhya, its counsel Zafaryab Jilani said, "You cannot exchange land for a mosque." Another AIMPLB member, AIMIM MP Asaduddin Owaisi, said the offer of five acres should be rejected, while regretting the victory of "faith over facts".

The AIMPLB working committee will take a call on whether to file for a review, which must be done within 30 days. "If they so decide, we will file a petition," said Jilani, who is the AIMPLB secretary. The working committee will also take a

CONTINUED ON PAGE 2

## How the scales tilted in favour of temple parties

APURVA VISHWANATH

NEW DELHI, NOVEMBER 9

RELIANCE ON records of European travellers, lack of evidence from the Muslim side to prove continuous, uninterrupted and exclusive possession prior to 1856, treating the outer and inner courtyard of the disputed structure as one unit in a significant departure from the Allahabad High Court verdict — a

combination of these factors tilted the Constitution Bench verdict in the Ayodhya title dispute against the Muslim side.

The court, while using the "preponderance of probabilities" as a standard of proof, picks the claim of the Hindu side as more plausible than the Muslim side.

"The Muslim account of worship prior to 1856 is conspicuously silent as opposed to the accounts of worship being

CONTINUED ON PAGE 12

## Rebuilding Babri Masjid to welcoming Ram temple, how Cong re-calibrates

MANOJ CGG

NEW DELHI, NOVEMBER 9

MINUTES AFTER the Supreme Court delivered its verdict on Ram Janmabhoomi-Babri Masjid title suit case, the Congress said Saturday it respects the decision and declared it was in favour of construction of a Ram temple. There was no mention of Babri Masjid, the rebuilding of which

then Prime Minister P V Narasimha Rao had publicly committed to in 1993 — or the fact that one side had several questions about the verdict.

The Congress, which sank into political insignificance in the Hindi heartland in the last three decades after it got caught in the Mandal (social justice) versus Kamandal (Hindutva) narrative, appeared to be circumspect and wary of the political fallout of the

verdict especially since it was a unanimous one. Perhaps, learning from the experience of the last three decades, it subtly sought to move the present day Congress closer to the Congress of three decades ago.

For, it was the Rajiv Gandhi government which allowed the opening of the locks of the Babri Masjid in 1986 and permitted Shilanyas there three years later.

CONTINUED ON PAGE 2

### EXPRESS NETWORK



**CYCLONE BULBUL MAKES LANDFALL, 2 DEATHS IN BENGAL, ODISHA**  
PAGE 7

## At Ground Zero, sigh of relief: bawal khatam hua

MAULSHREE SETH

AYODHYA, NOVEMBER 9

THERE WAS some fear and some hope. But after the Supreme Court delivered its verdict on the Ram Janmabhoomi-Babri Masjid title suit, the mood in Ayodhya was that of relief.

"I cannot speak on behalf of others but for me, the case is closed," Iqbal Ansari, who is one of the litigants in the case, told *The Indian Express*. "Accha hai,



Prayers on the banks of the Saryu in Ayodhya. Ritesh Shukla

bawal khatam hua (It's good that the issue has been resolved)," said Altaf Ansari, the young nephew of Iqbal Ansari.

At Ground Zero of the decades-old case, the day began with business as usual: Pilgrims started arriving at the makeshift Ramlalla temple and Hanuman Garhi, shops selling puja material opened on time, and the local priests were busy preparing for daily pujas.

But as the verdict came

CONTINUED ON PAGE 2

# Emotions blur borders as history marks Kartarpur opening

KANCHAN VASDEV & MAN AMAN SINGH CHHINA  
KARTARPUR, NOVEMBER 9

ASURGE of emotions blurred the border Saturday, as over 500 Indian pilgrims crossed a 4.2-km stretch from Gurdaspur to the Durrar Sahib gurdwara in Pakistan's Kartarpur to mark the historic opening of the corridor to one of the holiest shrines of the Sikh community.

Prime Minister Narendra Modi flagged off the first jatha led by Akal Takht jathedar Giani Harpreet Singh, and prominent

leaders including former Prime Minister Manmohan Singh, from near the Dera Baba Nanak shrine in Gurdaspur.

In Kartarpur, Pakistan Prime Minister Imran Khan opened the corridor and unveiled a kirpan as the symbol for the gurdwara complex in Narowal district. "It was a good beginning to normalise relations between the two countries. It is a big day for us," said Manmohan Singh.

Punjab Chief Minister Amarinder Singh said he was "overwhelmed to be a part of the first jatha as a humble devotee" and to see the fulfillment of a

70-year demand of the Sikh community.

As soon as the pilgrims crossed into Pakistan, they were greeted by Pakistan Rangers personnel. "It is as if we are meeting after the Partition. We are the same people. It's just that two generations have passed with the pain of Partition," a Pakistani immigration official told *The Indian Express*.

Welcoming the Indian pilgrims, including his cricketing friend and MLA Navjot Singh Sidhu, Imran Khan said that if the Kashmir issue was resolved, borders could open and trade



Pilgrims visit Kartarpur, Saturday. Neeraj Priyadarshi

would take place. "When I was elected Prime Minister, I told Modi that our biggest problem was poverty. I told him that if we open our borders, then trade will eliminate poverty," he said.

"If Modi is listening to what I am saying, then I would like to tell him that peace comes from justice, injustice can only breed antagonism," Khan said.

The Pakistan Prime Minister said that he could "see the happiness on the faces of Sikh pilgrims". "Kartarpur is like Medina for the Sikh community. Think how a Muslim would feel if he were able to see Medina from

3 km away but not able to visit it," Khan said.

Apart from the gurdwara itself, one of the main attractions for pilgrims from India was "Guru Nanak's well". "This is a corridor of hope. We have come from Italy to be a part of the first jatha," said Jagwant Singh, who reached India on the government's invitation.

Delivering an emotional speech on the occasion, Sidhu thanked Imran Khan for fulfilling the promise made by him in ten months. He also said that Modi and Khan had put a salve on the wounds of the Sikhs.

Apart from Manmohan Singh and Amarinder Singh, the Indian delegation included Union ministers Harsimrat Badal and Hardeep Puri, and Punjab ministers and MLAs. It also included former Chief Minister Parkash Singh Badal, and his son and former Deputy Chief Minister Sukhbir Singh Badal.

On the Pakistan side, the ceremony was attended by Foreign Minister Shah Mehmood Qureshi, Pakistan Punjab province's Governor Chaudhry Mohammad Sarwar and Chief Minister Usman Buzdar.

CONTINUED ON PAGE 2





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WEB EXCLUSIVE



WHY SC REJECTED THE ALLAHABAD HC JUDGMENT ON AYODHYA DISPUTE

"Legally unsustainable... dividing the land will not subserve the interest of either of the parties or secure a lasting sense of peace and tranquillity," the Supreme Court said.

VIDEO OF THE DAY



KEY TAKEAWAYS:  
AYODHYA VERDICT 5:4

FULL COVERAGE



KARTARPUR CORRIDOR  
Imran Khan opens Corridor, PM Modi flags off pilgrimage from India

## EXPRESS AUDIO

### How Tik Tok has changed social media in India

NEW EPISODE EVERYDAY

In the latest episode of the tech podcast, we discuss the changing face of social media in the country and why Tik Tok has caught the imagination of the country.

# FROM PAGE ONE

## Sunni board

call on whether to accept the five acres.

There was palpable disappointment among AIMPLB office-bearers and leaders of various Muslim organisations. "The court has exercised extraordinary powers to confer the title (to the Hindu side)... This is questionable... There are some parts of the judgment with serious implications for the secular fabric of the country. We hope no mosque will be touched in the future," Advocate M R Shamsad said, speaking on behalf of the AIMPLB, while adding, "We have always said we will abide by the judgment of the court. We regret that the other side never said that."

Replying to a question on the offer of five acres, Jilani said, "You cannot exchange land for mosque, it was not about land but about a mosque... This is neither equity nor justice." Appealing to all to "maintain peace", he added, "This is not somebody's defeat or victory, we will adopt whatever legal course is possible."

AIMPLB member Kamal Farooqui said, "It was never about land. They can take 100 acres from us if they want."

Owaisi said, "In my personal opinion we should reject the five-acre land because this is a legal fight. As former CJI Justice Verma said, the SC is supreme,

not infallible. This country is becoming a Hindu Rashtra." He added that he feared that this "victory of faith over facts" would ignite dispute over other mosques too.

The Sunni Central Waqf Board was non-committal on the alternative land. "It was not our demand that we want five acres. Since it has been granted, we respect the decision of the court. We will soon have a board meeting on this," Farooqui said, adding that Owaisi's stand was his personal view.

Given the verdict, the AIMPLB is also undecided over a review. A visibly disheartened member of the board's legal team said, "Is there really any point asking for review of a unanimous judgment?"

Jilani said, "Article 142 does not allow you to do this... We have a right to disagree but will never say there was any pressure on the court. Anybody may make a mistake. The SC has reviewed its judgment in many cases, if working committee decides, we will file a review."

In a statement issued in Malappuram, Kerala, saying it respected the verdict, IUJML president Panakkad Sayed Hyderali Shihab Thangal said, "There should not be any tension or provocation." The party, which is an ally of the Congress at the Centre as well as in Kerala, will

hold a meeting in Monday to discuss the verdict.

Accepting the verdict, the Shahi Imam of the Jama Masjid in Delhi, Syed Ahmed Bukhari, said the matter should not be stretched further. "Muslims of India want peace. Before the court's order, all Muslims had said they would accept the order, whatever it be," the Imam said.

Even as he appealed to the community to maintain peace, Navaid Hamid, the president of All India Muslim Majlis-e-Mushawarat, described as a "joke" the order to allot five acres for a mosque. "The government took 67 acres Muslim land and we are now being given five acres that we never demanded. Why should we take this consolation prize?... The judgment sets a dangerous precedent because it is not the duty of the government under our secular Constitution to involve itself with the construction of a temple or a mosque."

Jamiat Ulama-i-Hind president Arshad Madani said Muslims should not be disappointed, and must trust Allah. "We did what we could, at our level best," he said.

Syed Sadatullah Hussaini, president of the Jamaat-e-Islami Hind, said that while some points of the judgment "are very important as they strengthen the Constitution of India and will help in maintaining law and order", they disagreed with many others, "especially the conclusion".

Shia cleric and AIMPLB senior vice-president Kalbe Sadiq said, "Everyone had said we will accept whatever the verdict is... We should now see what the future holds. Muslims should focus on issues like education. What has happened has happened."

## 'No place for fear'

processes". "The halls of justice have amicably concluded a matter going on for decades. Every side was given adequate time and opportunity to express differing points of view," he said.

"The Supreme Court's Ayodhya judgment is notable because it highlights that any dispute can be amicably solved in the spirit of due process of law. It reaffirms the independence, transparency and farsightedness of our judiciary. It clearly illustrates everybody is equal before the law," Modi said.

"Today, the world has also realised how vibrant and strong our democracy is. After today's verdict, the manner in which every section of society, every community, every religion, the entire nation accepted the verdict with open arms, this is a manifestation of India's age-old ethos, culture and traditions, as well as our inherent spirit of brotherhood," the Prime Minister said.

Modi signed off by extending his wishes for the festivals ahead, including Eid Miladul Nabi Sunday.

In his tweet earlier, Modi wrote: "Be it Ram Bhakti or Rahim Bhakti, it is imperative that we strengthen the spirit of Rashtra Bhakti. May peace and harmony prevail."

The ruling BJP, which aggressively championed the Ram temple issue while in Opposition, was measured in its response to the judgment.

Leaders of the party, which had adopted the VHP's temple agitation as part of the agenda in its Palampur resolution of 1989, hailed the judgment but without breaking into celebrations. They said it reaffirmed the "independence, transparency and farsightedness" of the judiciary.

Both the government and the party tried to project the verdict as a victory for the country, its heritage and its legacy.

Maintaining that the verdict will "strengthen India's unity and integrity", BJP National President and Home Minister Amit Shah appealed to all communities and

# Five-judge Bench unanimous on title

of peace and tranquillity".

The Bench said "on the balance of probabilities, there is clear evidence to indicate that the worship by the Hindus in the outer courtyard" of the disputed site "continued unimpeded in spite of the setting up of a grill-brick wall in 1857. Their possession of the outer courtyard stands established together with the incidents attaching to their control over it".

"As regards the inner courtyard, there is evidence on a preponderance of probabilities to establish worship by the Hindus prior to the annexation of Oudh by the British in 1857. The Muslims 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."

"The Hindus never accepted the division of the inner and the outer courtyard. For the Hindus, the entire complex as a whole was of religious significance. A demarcation by the British for the purposes of maintaining law and order did not obliterate their belief in the relevance of the 'Garbh-Grih' being the birthplace of Lord Ram. This is evident from the witness testimonies which indicate that pilgrims offering prayer standing at the railing by looking towards the sanctum sanctorum."

It acknowledged that "exclusion of the Muslims from worship and possession took place on the intervening night between 22/23 December 1949 when the mosque was desecrated by the installation of Hindu idols" and "the ouster of the Muslims on that occasion was not through any lawful authority but through an act which was calculated to deprive them of their place of worship".

Noting that "during the pendency of the suits, the entire structure of the mosque was

brought down in a calculated act of destroying a place of public worship" and that "Muslims have been wrongly deprived of a mosque which had been constructed well over 450 years ago", the Bench said: "This Court in the exercise of its powers under Article 142 of the Constitution must ensure that a wrong committed must be remedied."

"Having weighed the nature of the relief which should be granted to the Muslims, we direct that land admeasuring 5 acres be allotted to the Sunni Central Waqf Board either by the Central Government out of the acquired land or by the Government of Uttar Pradesh within the city of Ayodhya. This exercise, and the consequent handing over of the land to the Sunni Central Waqf Board, shall be conducted simultaneously with the handing over of the disputed site comprising the inner and outer courtyards," it said.

"The Central Government shall, within a period of three months from the date of this judgment, formulate a scheme pursuant to the powers vested in it under Sections 6 and 7 of the Acquisition of Certain Area at Ayodhya Act 1993. The scheme shall envisage the setting up of a trust with a Board of Trustees or any other appropriate body under Section 6. The scheme to be framed by the Central Government shall make necessary provisions in regard to the functioning of the trust or body including on matters relating to the management of the trust, the powers of the trustees including the construction of a temple and all necessary, incidental and supplemental matters;

Possession of the inner and outer courtyards shall be handed over to the Board of Trustees of the Trust or to the body so constituted. The Central

Government will be at liberty to make suitable provisions in respect of the rest of the acquired land by handing it over to the Trust or body for management and development in terms of the scheme framed in accordance with the above directions."

"Nirmohi Akhara's claim to be a shebait stands rejected. However, having regard to the historical presence of Nirmohi Akhara at the disputed site and their role, it is necessary for this Court to take recourse to its powers under Article 142 to do complete justice. Hence, we direct that in framing the scheme, an appropriate role in the management would be assigned to the Nirmohi Akhara," it said.

The Bench agreed with the Archaeological Survey of India (ASI) findings about a centuries-old structure of Hindu religious origin having existed beneath the disputed site and that the Masjid was not constructed on vacant land. But it noted that "mere existence of a structure underneath the disputed property cannot lead to a legally enforceable claim to title today".

It upheld the Hindu claim that Ram Lalla was a juristic person, but rejected Ramjanmabhoomi's claim to the same, saying accepting the claim would extinguish all competing proprietary claims. It said that the Sunni Central Waqf Board had not been able to establish its case of adverse possession of the structure, nor able to prove waqf by user.

The Hindus, it ruled, were in "exclusive and unimpeded possession of the outer courtyard where they have continued worship" while the "inner courtyard has been a contested site with conflicting claims of the Hindus and Muslims".

Awarding the disputed site for construction of a temple, the Bench concluded that the inner

and outer courtyards on the disputed site was "one composite whole" and that the railing erected outside the Masjid in 1856-57 to demarcate the area as inner and outer courtyards following communal riots "did not either bring about a sub-division of the land or any determination of title".

Referring to the construction of the Ram Chabutra in close proximity to the railings from where Hindus made offerings to the 'Garbh Grih', the Bench said "there can be no manner of doubt that this was in furtherance of their belief that the birthplace of Lord Ram was within the precincts of and under the central dome of the mosque".

The ruling said that though the dispute is over immovable property, "the Court does not decide title on the basis of faith or belief but on the basis of evidence. The law provides us with parameters as clear but as profound as ownership and possession. In deciding title to the disputed property, the Court applies settled principles of evidence to adjudicate upon which party has established a claim to the immovable property".

It also said "scriptural interpretations are susceptible to a multitude of inferences. The Court would do well not to step into the pulpit by adjudging which, if any, of competing interpretations should be accepted. Faith is a matter for the individual believer. Once the Court has intrinsic material to accept that the faith or the belief is genuine and not a pretence, it must defer to the belief of the worshipper. This, we must do well to recognise, applies across the spectrum of religions and their texts, Hinduism and Islam being among them. The value of a secular Constitution lies in a tradition of equal deference".

religions to accept the decision of the court and remain committed to the slogan, "one India, great India".

The party's working president J P Nadda said the BJP "salutes the people of the country who have united and kept the social, cultural and spiritual fabric of the country intact". "This decision has given a clear message that we are united and the roots of democracy in India are very strong," Nadda said.

The responses were carefully calibrated after the top leadership had warned strictly against any celebrations. But the mood was in contrast to the apprehension within the party after the 2010 Allahabad High Court order, which divided the disputed land into three. Union Minister Ravi Shankar Prasad, who had appeared as an advocate for Ram Lalla then, had said at the time: "...even (Justice) S U Khan has said that Ram Lalla will not be moved out from that place even when it will be divided into three".

## At Ground Zero

through on smartphones at tea stalls and shops, a sense of foreboding took over with the stream of pilgrims thinning visibly, shopkeepers downing shutters and the talk turning to stocking up vegetables and LPG cylinders. "Curfew na lag jaye (Hope curfew is not imposed)," said a local resident at a tea stall.

"Devotees have stopped coming. Why should we keep the shops open?" said Angad Kumar Saini, who sells gift items near the makeshift temple. "The barricading and security checks have led to the fear that there might be a

curfew soon," he said.

Soon, security forces stepped up their vigil as some scenes of celebrations were seen near Hanuman Garhi, where crackers were burst and sweets distributed — and a sadhu was seen dancing with a flag in his hand. At Karsevakpuram, where a model of the proposed Ram temple is kept, a group of students from a Sanskrit school placed a big pot of kheer on wooden blocks for distribution.

"We are happy with the judgment and want the construction of the temple to start as soon as possible... and the trust (mandated by the court) to be formed as soon as possible," said Triloki Nath Pandey, who represented Ram Lalla Virajman in the case.

"I am happy that 5 acres have been given for the mosque. We have no reservations... there are already 30-32 mosques in Ayodhya. Our ancestors are the same... I am sure that Muslims will not only support the construction of the Ram temple but also offer their respects," said Pandey, who is also the organisation secretary of the VHP.

"Maintaining peace is of utmost importance and showing patience in expressing feelings," said Sharad Sharma, the VHP spokesperson in Ayodhya who is monitoring activity at the Parishad's temple workshop.

A few kilometres away, Iqbal Ansari said that he respected the court's decision and would not challenge it. "My father fought for it and it came down to me. I had said in the past and repeat today that the court's verdict is acceptable to us. I will not pursue the case further," Ansari said.

Ansari's nephew, Altaf, who

lives next door and drives an autorickshaw, said: "The land for the mosque will be given in Ayodhya itself. It's now the responsibility of the government."

As the day progressed, pilgrims from other parts of the state, and some from as far as Nepal, were scrambling to board buses to return home. By noon, most of the streets in Ayodhya town were a deserted look.

Santosh Tiwari, one of the priests at the makeshift temple, said: "The number of pilgrims today has reduced drastically despite the fact that visitors are being allowed as per the routine schedule." A security personnel said, "Usually, about 14,000 pilgrims visit the temple by this time every day. But today, only about 800 have visited so far."

By evening, amid reports of calm, some shopkeepers were back in business, devotees gathered for the Saryu aarti at Naya Ghat, and traffic jams were seen in Ayodhya town..

## Congress

Rajiv began his campaign for the 1991 Lok Sabha election from Ayodhya promising to usher in Ram Rajya. In 1991, the Congress manifesto for the Lok Sabha polls said the party was for construction of the temple without demolishing the mosque. Rajiv's Congress perhaps wanted to appropriate or defuse the Sangh Parivar's Hindu card.

Cut to 1991, Rao's Congress government enacted a law laying down that the religious character of a place of worship shall continue to be what it was on August 15, 1947. The attempt was to assuage Muslims who were getting apprehensive of

the Sangh Parivar's Kashi and Mathura agenda. By keeping the 'Ramjanmabhoomi-Babri Masjid' complex out of the ambit of the law, the Congress sent a signal to Hindus too. The same Congress, however, held Rao responsible for the demolition of the Babri Masjid. Asked about his commitment to rebuild the mosque, Rao told India Today in January 1993, a month after the demolition: "We are not going back on that now. We have said we would see to it that it is rebuilt. That's all. There are so many other cobwebs we have to remove. The whole thing is in litigation. But then I had to make the commitment to rebuild it. I was duty-bound."

Rao was purged. And the party, through the 1990s, spoke about the 1991 Central law. At the same time, ever since the mid-1990s, the Congress — wary of the electoral slide — was silent on both the temple and the mosque. The party recalibrated its line to support either a negotiated settlement "between parties to the dispute" or await for a judicial settlement. Today, it was, however, silent on the mosque and asserted it was in favour of construction of a Ram temple.

The CWC met at party chief Sonia Gandhi's residence even before the Supreme Court began reading out its verdict. "The Indian National Congress respects the verdict of the Supreme Court in the Ayodhya case. We appeal to all the parties concerned and to all communities to abide by the secular values and spirit of fraternity enshrined in our Constitution and to maintain peace and harmony. It is the responsibility of each one of us to reaffirm our tra-

dition of mutual respect and unity among all that has defined our society through the ages."

An hour later, former Congress president Rahul Gandhi tweeted: "The Supreme Court has pronounced its verdict in the Ayodhya matter. While honouring this court verdict, we all should maintain mutual harmony. This is a time for brotherhood, trust and love among us all Indians."

Echoed Priyanka Gandhi Vadra. She said "all parties, communities, and citizens should respect the decision and maintain our centuries-old culture of living in togetherness. We all have to together strengthen mutual harmony and brotherhood."

But Randeep Singh Surjewala, the party chief spokesperson, said the Congress was in favour of construction of a Ram temple. He said the Supreme Court has respected "belief and faith."

"The decision of the Supreme Court has come. Naturally, our reply to your question is in the affirmative. The Congress is in favour of construction of a temple for Lord Ram," he said replying to a question. Asked about the All India Muslim Personal Law Board's unhappiness, he said: "They have also said that they deeply respect the judgment of the Supreme Court of India. Of course, everybody has a right to their own legal remedies and they can always choose to exercise their remedies but, as far as the Congress goes, we have said what we have to say."

Attacking the BJP, he said the Supreme Court's verdict has opened the doors for construction of a Ram Temple and at the same time it has for once and for all shut the doors for BJP and others to use people's faith and belief for political gains.

Welcoming the verdict "on Ayodhya and the construction of Ram Temple," senior Congress leader Anand Sharma said: "Land for Mosque confirms that justice and equity have prevailed. Unanimous verdict is laudable as issues involved were not only legal and historical but also fractious, emotional and religious."

Speaking to The Indian Express, CWC member and former Assam Chief Minister Tarun Gogoi said: "We never said that we are against construction of a Ram Temple. We only said it should be settled in a Constitutional manner." On the Congress's silence on the mosque, he said "The court has said it (demolition) was not lawful." Asked why the Congress was silent, he said: "What is need of saying now? There is no need. Now the question is the Supreme Court judgment. So, unnecessarily, why should we bring up old issues? There is a judgment, there is some settlement... we are welcoming it... we don't want to bring back old disputes again. Disputes have been settled, since it has come to an end, the Congress welcomes it." On the mosque, he said: "We are for it also because as a whole, whatever the judgement has been given we respect it, we welcome it... the court has made it clear that 5 acres should be given for construction of a mosque."

## Kartarpur

In his speech, Qureshi said he wanted "this message of love from Kartarpur" to reach Kashmir, too.

"The Berlin Wall came down on this day, November 9, and the LoC too can come down. PM Modi said thanks to Imran Khan for the Kartarpur corridor. As Foreign Minister, I say, Mr Modi you can also give a chance to Imran Khan to say thanks to you — by lifting curfew in Kashmir, by removing the communication blockade..." he said.

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# 10 AYODHYA VERDICT



## UNITED IN SUPPORT



“This is the power of 136 crore people of India. We will express these powers through one India, best India... The way the decision has been accepted by the entire country shows the confidence of the people in each other. It also proves how we can take tough decisions by staying within the framework of the Constitution under difficult circumstances.”

### YOGI ADITYANATH

CHIEF MINISTER OF UTTAR PRADESH

“The decision should be respected by all. This is the solution to the matter.”

### NITISH KUMAR,

CHIEF MINISTER OF BIHAR

“BJP, RSS, VHP should have left the matter to the judiciary at that time. If they had done it, the country could have been saved from violence and bloodshed.”

### ASHOK GEHLOT,

CHIEF MINISTER OF RAJASTHAN

“I respect the apex court’s verdict from the bottom of my heart. Every temple, mosque, gurdwara, church belong to all of us. Nothing and no one is an outsider. We all are one.”

### TEJASHWI YADAV,

RJD LEADER

“At this hour of victory, let us remember Shri Ashok Singhal. NaMo Govt must immediately announce Bharat Ratna for him.”

### SUBRAMANIAN SWAMY,

BJP RAJYA SABHA MP

“I whole-heartedly welcome the historic judgment of the Supreme Court. This has brought joy and relief to people of both communities from a long-standing dispute.”

### SRI SRI RAVISHANKAR,

WAS PART OF MEDIATION PANEL APPOINTED BY SC FOR AMICABLE RESOLUTION OF THE DISPUTE

“Hindu brothers should set an example by helping Muslim brothers in construction of mosque.”

### RAMDEV,

YOGA GURU, ENTREPRENEUR

“It could not have been a better judgment. This verdict will be a symbol of national unity. It will set an example for brotherhood and fraternity.”

### GHAYORUL HASAN RIZVI,

CHAIRPERSON, NATIONAL COMMISSION FOR MINORITIES

“If the Gandhi murder case was retried by the Supreme Court today, the verdict would have been Nathuram Godse is a murderer but he is also a desh bhakt.”

### TUSHAR GANDHI,

MAHATMA GANDHI’S GREAT-GRANDSON

## INTERNET CURBS

# 37 held in UP, online posts taken down

### KARISHMA MEHROTRA

NEW DELHI, NOVEMBER 10

FROM MAKING arrests to reprimanding those publishing “objectionable posts”, police forces across the country cracked down on alleged social media violations in the run-up to the Ayodhya verdict. The day of the verdict also resulted in the most Internet shutdowns ordered on one day in the past year.

Most Internet curbs and social media-related arrests occurred in UP and Rajasthan. Shutdowns on Saturday were confirmed in the districts of Aligarh, Kota, Jaipur, Jhunjhuna, Alwar, Sikar, Dausa and Bharatpur, according to the UP and Rajasthan state police as well as the Software Freedom Law Center (SFLC)’s Internet Shutdown Tracker.

In New Delhi, Union Home Minister Amit Shah on Saturday cancelled his pre-scheduled engagements and held a high-level meeting with key intelligence agencies to take stock of the security situation in view of the verdict.

Shah held a meeting with National Security Advisor Ajit Doval, home secretary Ajit Bhalla and Director of the Intelligence Bureau Arvind Kumar at his residence in the morning. He also spoke to some CMs such as Yogi Adityanath in UP and Kamal Nath in MP informing them about the available reinforcements, in case they needed any.

A senior Home Ministry official also kept in touch with chiefs of state police forces and CAPFs during the day, a senior official said.

As per the office of DGP, Uttar Pradesh Police, 12 cases were registered and 37 people arrested during the last 24 hours in connection with “objectionable posts” on social media related to the verdict. Police said action was taken in the case of 3,712 social media posts, including getting posts deleted through direct messages and removing profiles.

UP Police lodged 8 cases against users who did not take down posts after being alerted by the UP Police, said UP Inspector General Law and Order Praveen Kumar. For overall breach of peace, 33 people were held in UP.

In Aligarh, four students were booked under Section 153 A for allegedly making derogatory comments on the court’s decision. One is a student of Aligarh Muslim University and was booked for his Facebook posts. Police said none of the accused have been arrested and will instead be sent for counselling.

In Meerut, seven people were arrested — six for allegedly bursting crackers and one for his Facebook post — for allegedly violating preventive measures set in place by the police.

Police cells monitoring social media across UP sent responses to 500 social media posts

on Saturday that they deemed to be “inflammatory” and asked users to take them down, according to Kumar.

In a memo to the UP Police personnel, the social media monitors were ordered to only direct message (DM) Twitter handles with objectionable posts, and any public posts by police must be authorised by those of higher rank. It also asks them to not take any action against those who are expressing their views.

The officers were given a ready-made statement to message offenders: “Your post can influence the social harmony. So please delete immediately or else legal action could be taken against you.”

A note from Saharanpur’s Deputy Inspector General directed senior police officials in Saharanpur, Muzaffarnagar, and Shamli to collect information regarding WhatsApp groups in which news is circulated. They were to collect details such as administrator name, group name, number of members, and mobile number of the admin.

UP DGP O P Singh also issued an appeal to the public to check the messages before forwarding on WhatsApp. Similarly, a notice in Jharkhand on November 5 warned that not only the administrator of a group with messages inciting violence, but those who forward such messages can also be charged.

According to police in Ghaziabad and Gautam Budh Nagar, 50 potential troublemakers were identified through social media presence on November 7. “If an inflammatory post is forwarded on a WhatsApp group, everyone on the chain, including the admin, is liable for action under the Gangsters Act,” said B N Singh, Gautam Budh Nagar district magistrate.

Rajasthan police arrested one dozen people for objectionable social media posts, according to B L Soni, Rajasthan ADGP for Crime.

District Magistrates also used Section 144 of the Code of Criminal Procedure to suspend Internet services in Goa, Jaisalmer, Bengaluru, and Bhopal, SFLC said.

The last time Internet shutdowns on this scale occurred on one day was during a “Bharat Bandh” by Dalit organisations against the SC verdict regarding the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. SFLC said suspensions occurred in UP, Rajasthan, and Punjab at that time.

“Internet shutdowns, where access to the Internet is completely blocked, violate the fundamental right of citizens to freedom of speech and expression that includes the right to access information,” said Sundar Krishnan, Executive Director of SFLC.

**INPUTS FROM AVANEESH MISHRA (LUCKNOW); DEEPTIMAN TIWARY, KRISHNA KAUSHIK AND AML BHATNAGAR (DELHI)**

# Certain premises of SC’s verdict questionable: CPM

### EXPRESS NEWS SERVICE

NEW DELHI, NOVEMBER 9

THE CPI(M) said that while the Ayodhya verdict has provided a judicial resolution to the “fractious” issue, “there are certain premises of the judgment which are questionable.”

“The CPI(M) has always maintained that the issue should be resolved by a judicial verdict if a negotiated settlement was not possible. While this judgment has provided a judicial resolution to the fractious issue, there are certain premises of the judgment which are questionable,” the CPI(M) said in a statement.

Pointing out that the apex court’s judgment has itself stated that the demolition of the Babri Masjid in December 1992 was a violation of law, the party said that the “cases pertaining to the demolition should be expedited and the guilty punished.”

“The court has also appreciated the 1991 Places of Religious Worship Act. Adherence to this law should ensure that no such disputes on religious places are again raised and utilized,” the CPI(M) said.

The CPI called the apex court’s judgment “reconciliatory.”

“While upholding that all faiths are equal, the apex court has delivered this reconciliatory judgment. This should be seen in the larger perspective of ethics, justice and secularism. This should not be seen as a victory to any party or litigant and in the prevailing situation nobody should resort to any provocation.” CPI General Secretary D Raja told *The Sunday Express*.

“It’s a reconciliatory judgment. There are questions which need to be answered. They said the demolition (of Babri Masjid) was wrong... What does the court want to say?” Raja added.



## ON ALERT

Security was stepped up in Varanasi ahead of the Supreme Court verdict on Ayodhya. *Anand Singh*

# From backroom boy to Prime Minister, Modi’s mandir journey

### LIZ MATHEW

NEW DELHI, NOVEMBER 9

SINCE HIS first brush with Ayodhya three decades ago, Prime Minister Narendra Modi’s political life has been enmeshed with the issue. Now, with the Supreme Court delivering its verdict on the decades-long dispute, Modi is heading the government that will oversee the construction of the Ram temple there.

The BJP organisation man who coordinated a part of the first leg of the movement, is today the PM who, after the apex court verdict, urged the nation to build a new India without bitterness.

The RSS and its affiliate groups had initially decided to raise the pitch for construction of a temple at the site where the Babri Masjid stood, claiming that the 16th-century mosque was built by demolishing a temple at the birthplace of Ram. After the BJP’s dismal electoral performance in 1984 — it got only two seats in the Lok Sabha — the party leadership along with its ideological parent decided to use the Ram temple issue in its efforts for national recognition as well as electoral growth.

With the efforts yielding results — the party won 89 seats in 1989 — then BJP president L K Advani planned a Rath Yatra as part of the Ram temple movement. Modi, then a member of the BJP’s national election committee, was tasked with coordinating the yatra from Somnath in Gujarat on September 25, 1990, to Mumbai.

In 2002, Modi had just taken over as Chief Minister of Gujarat when a train carrying more than 2,000 passengers, who were returning after kar seva in Ayodhya, were attacked. Fifty-nine kar sevaks were burned to death. The incident triggered riots in Gujarat, and more than a thousand people were killed, most of them Muslims. While Modi maintained that he did everything in his power to contain the rioting, his critics accuse him of indifference to the plight of Muslims.

The incident left a deep scar on Modi’s image. Congress president Sonia Gandhi went to the extent of referring to him as “*maut ka saudagar*” (merchant of death) during the 2007 Gujarat election campaign, and the term was used by Bihar Chief Minister Nitish Kumar, leader of BJP’s ally Janata Dal-United, to break away from the NDA. The Atal Bihari Vajpayee-led NDA’s defeat in the 2004



Modi coordinated a part of Advani’s rath yatra. *Archive*

**The developments helped Modi emerge as a prominent Hindu leader, and he took the Hindutva line in the following Assembly elections. However, he did not use the Hindutva plank during his campaign for the 2014 Lok Sabha elections**

general election was also attributed to the dent in the BJP’s image due to the Gujarat violence. Vajpayee told a television channel that the “impact of the Gujarat riots was felt nationwide... Modi should have been removed after the incident.” However, Advani had called Modi a victim of the vilification campaign over the Gujarat riots.

The developments helped Modi emerge as a prominent Hindu leader, and he took the Hindutva line in the following Assembly elections. However, he did not use the Hindutva plank during his campaign for the 2014 Lok Sabha elections. With Modi riding on the development narrative, the BJP put the Ram temple construction under the sub-head “Cultural Heritage” in its election man-

ifesto, which stated: “BJP reiterates its stand to explore all possibilities within the framework of the Constitution to facilitate the construction of the Ram temple in Ayodhya.”

Ahead of the 2017 Uttar Pradesh elections, however, the issue was back on the party’s primary agenda. The Union government in October 2016 announced the setting up of a Ramayana Museum in Ayodhya.

During his first term as PM, Modi, who had several times before 2014 raised the issue passionately, did not even visit Ayodhya, but held election rallies outside the temple city. As PM, he also refrained from referring to the temple issue.

Addressing the nation after the Supreme Court judgment was pronounced on Saturday, Modi highlighted that it was a unanimous verdict. He said: “Today is 9th November, the day when Berlin Wall was brought down. Today the Kartarpur Corridor was also inaugurated, (and) now the Ayodhya verdict, so this date gives us the message to stay united and move forward.”

“The verdict has brought a new dawn, now the next generation will build a new India. Today is the day to forget any bitterness one may have; no place for fear, bitterness and negativity in new India,” he said, adding that the message was about coming together to move forward.

# BJP state chief attacks Mamata for ‘silence’ on judgment, Trinamool cites cyclone work

### SWEETY KUMARI & ABANTIKA GHOSH

KOLKATA, NEW DELHI, NOVEMBER 9

WEST BENGAL BJP president Dilip Ghosh welcomed the Supreme Court’s Ayodhya verdict, calling it an ethical win for the party. Ghosh also questioned the Trinamool Congress’s silence on the verdict.

“I would like to thank the apex court for the historic verdict. All of us should respect the judgment. We are hopeful that the temple would be built soon. Hundreds of karsevaks, who lost their lives during the Ram Janambhoomi movement, will now rest in peace,” Ghosh said.

West Bengal Chief Minister Mamata Banerjee is yet to respond to the Ayodhya verdict. Trinamool leaders claimed that the state government was busy containing the effects of Cyclone Bulbul. The Chief Minister spent time until midnight on Saturday at the con-



**Sources said CM told party leaders not to react to verdict. *Express***

trol room of the state secretariat reviewing evacuation efforts. However, according to sources, Banerjee had instructed party leaders not to react to the Ayodhya verdict in a meeting held two days ago.

“Cyclone Bulbul is about to pass through Bengal. Our State Administration is closely

monitoring the situation 24x7. We are taking all measures to tackle any contingency. Special Control Rooms have been set up and NDRF-SDRF teams are deployed. Schools, colleges and anganwadi centres have been closed and more than 1 lac 20 thousand people have already been rescued from the vulnerable coastal areas,” Banerjee tweeted a few hours after the verdict.

“Ayodhya is a delicate issue for us. If we welcome the judgment or stay silent, that will upset our core Muslim voters. If we criticise it, the bogey of Muslim appeasement will return. The Congress has given a balanced statement. It is possible that because the judgment is voluminous, it is currently being studied and the party will firm up its stand depending on how others react,” says a source in the party.

Attacking the Chief Minister for her silence, Ghosh said, “They (Trinamool) prefer silence when it comes to taking a stand on issues related to national and social interests... I would ask them to come out clean.”

# SP says verdict ‘step in right direction’, BSP calls for harmony

### EXPRESS NEWS SERVICE

LUCKNOW, NOVEMBER 9

SAMAJWADI PARTY chief Akhilesh Yadav termed the Supreme Court verdict on the Ayodhya dispute “an important step in the right direction of strengthening secularism, rule of law and democracy.”

In a press release, Yadav said that the verdict would be remembered as “historic” and hoped that everybody would maintain peace and that no one would hurt feelings of any community or create any tension.

“Since 1986, it has been the stand of the Samajwadi Party that the dispute should be resolved either through dialogue or through court... since the issue could not be resolved through dialogue, the SC had to give its ver-



**SP Chief Akhilesh Yadav says verdict must be accepted by all. *Express***

dict. As per Indian Constitution, accepting the Supreme Court decision is mandatory. Even this decision will be accepted by all,” Yadav said.

“*Jo faisley faslon ko ghatatey hain, woh insaan ko behtar insaan banate hain* (Decisions which bridge gaps, make people better human beings,” Yadav tweeted later.

Bahujan Samaj Party chief Mayawati also urged people to respect the verdict and maintain harmony.

“Under the secular Constitution of Dr Bhimrao Ambedkar, the honourable Supreme Court gave a unanimous decision in the Ramjanambhoomi-Babri mosque land dispute. Everyone should respect the verdict and further work should be done in this issue in harmonious manner...,” the BSP chief tweeted.



# AYODHYA VERDICT



## Court’s questions—and answers



Outside the Supreme Court on Saturday.  
Praveen Khanna

‘This Court is tasked with the resolution of a dispute whose origins are as old as the idea of India itself..’

‘The physical structure of a mosque did not shake faith, belief of Hindus that Lord Ram was born at the disputed site’

‘Court can’t overlook entitlement of Muslims deprived of mosque through means (not befitting) a secular nation committed to rule of law’

Why key challenge before court was two quests for truth?

The lands of our country have witnessed invasions and dissensions. Yet they have assimilated into the idea of India everyone who sought their providence, whether they came as merchants, travellers or as conquerors. The history and culture of this country have been home to quests for truth, through the material, the political, and the spiritual. This Court is called upon to fulfil its adjudicatory function where it is claimed that two quests for the truth impinge on the freedoms of the other or violate the rule of law... This Court is tasked with the resolution of a dispute whose origins are as old as the idea of India itself... Though the significance of the site for the Hindus is not denied, it is the case of the Muslims that there exists no proprietary claim of the Hindus over the disputed property.

How reliable are the accounts of travellers?

The accounts of the travellers must be read with circumspection. Their personal observations must carefully be sifted from hearsay — matters of legend and lore. Consulting their accounts on matters of public history is distinct from evidence on a matter of title. An adjudication of title has to be deduced on the basis of evidence sustainable in a court of law, which has withstood the searching scrutiny of cross-examination. Similarly, the contents of gazetteers can at best provide corroborative material to evidence which emerges from the record. The court must be circumspect in drawing negative inferences from what a traveller may not have seen or observed. Title cannot be established on the basis of faith and belief above. Faith and belief are indicators towards patterns of worship at the site on the basis of which claims of possession are asserted. The court has evaluated the rival claims to possessory title in a situation in which the state has expressly stated in its written statement that it claims no interest in the land.

What is the significance of the ASI findings?

(i) Archaeological finds in the area of excavation reveal significant traces of successive civilisations, commencing with the age of the North Black Polished Ware traceable to the second century B.C.; (ii) The excavation by the ASI has revealed the existence of a pre-existing underlying structure dating back to the twelfth century. The structure has large dimensions, evident from the fact that there were 85 pillar bases comprised in 17 rows each of five pillar bases; (iii) On a preponderance of probabilities, the archaeological findings on the nature of the underlying structure indicate it to be of Hindu religious origin, dating to twelfth century A.D.; (iv) the mosque in dispute was constructed up on the foundation of the pre-existing structure. The construction of the mosque has taken place in such a manner as to obviate an independent foundation by utilising the walls of the pre-existing structure...

Does an ancient Hindu temple exist beneath Babri Masjid?

1. The foundation of the mosque is based on the walls of a large pre-existing structure; 2. The pre-existing structure dates back to the twelfth century; and 3. 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... 4. Since the ASI report dates the underlying structure to the twelfth century, there is a time gap of about four centuries between the date of the underlying structure and the construction of the mosque. 5. No evidence is available to explain what transpired in the course of the intervening period of nearly four centuries; (Finally, the court concludes that no evidence is available in a case of this antiquity on the cause of destruction of the underlying structure and whether the pre-existing structure was demolished for the construction of the mosque.)

What is legal character of deity Ram Lalla vs Janmasthan?

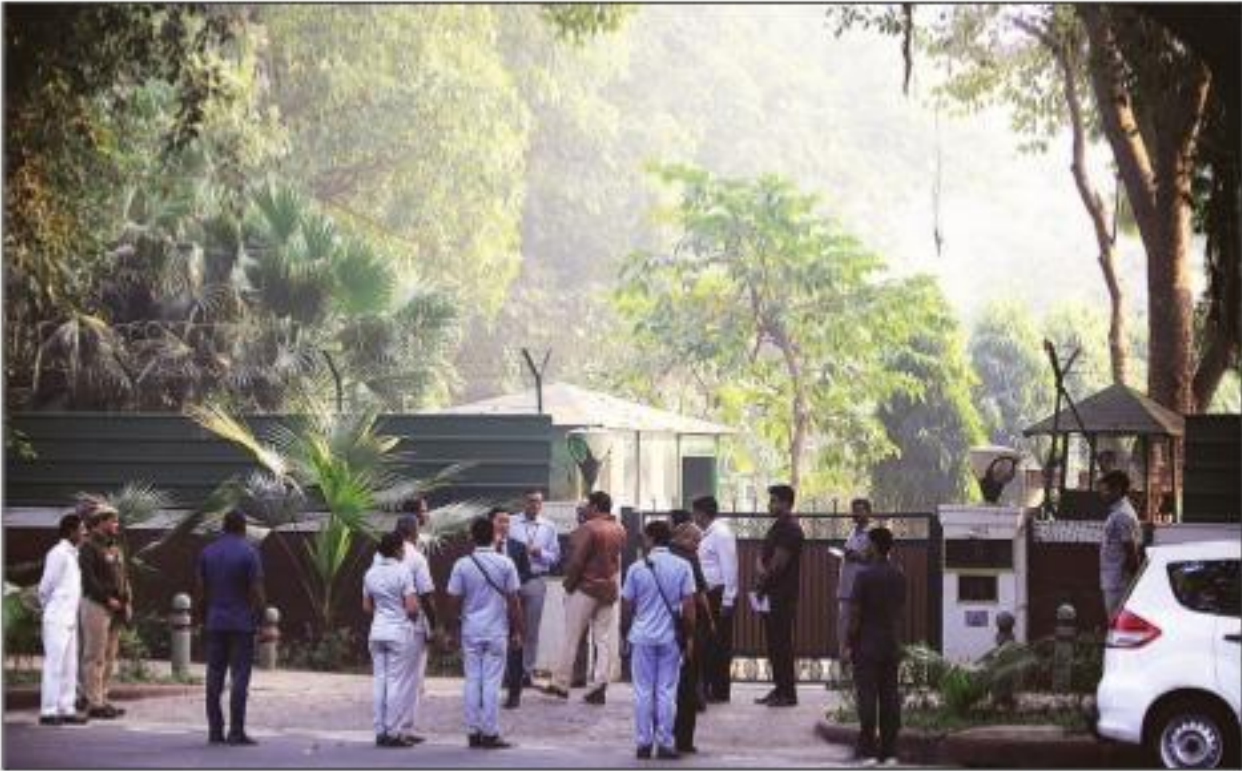
The recognition of the Hindu idol as a legal or juristic person is... based on two premises employed by courts. The first is to recognise the pious purpose of the testator as a legal entity capable of holding property in an ideal sense absent the creation of a trust. The second is the merging of the pious purpose itself and the idol which embodies the pious purpose to ensure the fulfilment of the pious purpose. So conceived, the Hindu idol is a legal person. The property endowed to the pious purpose is owned by the idol as a legal person in an ideal sense. The reason why the court created such legal fictions was to provide a comprehensible legal framework to protect the properties dedicated to the pious purpose from external threats as well as internal maladministration. ... the recognition of Asthan Sri Ram Janam Bhumis as a juristic person would result in the extinguishment of all competing proprietary claims to the land in question. This conferral of absolute title (resulting from the conferral of legal personality on land) would in truth render the very concept of title meaningless. Moreover, the extinguishing of competing claims would arise not by virtue of settled legal principles, but purely on the basis of the faith and belief of the devotees. This cannot be countenanced in law. The conferral of legal personality by courts is an innovation arising out of necessity and convenience. ... The conferral of legal personality on Hindu idols arose due to the fundamental question of who the property was dedicated to and in whom the dedicated land vested. In the present case, there exists no act of dedication and therefore the question of whom the property was dedicated to does not arise and consequently the need to recognise the pious purpose behind the dedication itself as a legal person also does not arise.

Who had possession of the disputed 2.77 acres?

The evidence indicates that despite the existence of a mosque at the site, Hindu worship at the place believed to be the birth-place of Lord Ram was not restricted. The existence of an Islamic structure at a place considered sacrosanct by the Hindus did not stop them from continuing their worship at the disputed site and within the precincts of the structure prior to the incidents of 1856-7. The physical structure of an Islamic mosque did not shake the faith and belief of Hindus that Lord Ram was born at the disputed site. On the other hand, learned counsel fairly stated that the evidence relied on by the Sunni Central Waqf Board to establish the offering of namaz by the Muslim residents commences from around 1856-7... Essentially, the setting up of Ramchabutra within a hundred feet or thereabouts of the inner dome must be seen in the historical context as an expression or assertion of the Hindu right to worship at the birth-place of Lord Ram. Even after the construction of the dividing wall by the British, the Hindus continued to assert their right to pray below the central dome. Muslims have no proof to show 'exclusive' possession of the disputed structure. ...there is no evidence to the contrary by the Muslims to indicate that their possession of the disputed structure of the mosque was exclusive and that the offering of namaz was exclusionary of the Hindus... Testimonies of both Hindu and Muslim witnesses indicate that on religious occasions and festivals such as Ram Navami, Sawan Jhoola, Kartik Poornima, Parikrama Mela and Ram Vivah, large congregations of Hindu devotees visited the disputed premises for darshan... There can (be) no denying the existence of the structure of the mosque since its construction in the sixteenth century with the inscription of Allah on the structure. The genesis of the communal incident of 1856-7 lies in the contestation between the two communities over worship. The setting up of the railing in 1856 was an attempt by the administration to provide a measure of bifurcation to observe religious worship — namaz by the Muslims inside the railing within the domed structure of the mosque and worship by the Hindus outside the railing. How placing idols under dome, demolition deprived Muslims? The events preceding 22/23 December 1949 indicate the build-up of a large presence of Bairagis in the outer courtyard and the expression of his apprehension by the Superintendent of Police that the Hindus would seek forcible entry into the precincts of the mosque to install idols. In spite of written intimations to him, the Deputy Commissioner and District Magistrate (K K Nayyar) paid no heed and rejected the apprehension of the Superintendent of Police to the safety of the mosque as baseless. The apprehension was borne out by the incident which took place on the night between 22/23 December 1949, when a group of fifty to sixty persons installed idols on the pulpit of

the mosque below the central dome. This led to the desecration of the mosque and the ouster of the Muslims otherwise than by the due process of law. The inner courtyard was thereafter attached in proceedings under Section 145 CrPc 1898 on 29 December 1949 and the receiver took possession... On 6 December 1992, the structure of the mosque was brought down and the mosque was destroyed. The destruction of the mosque took place in breach of the order of status quo and an assurance given to this Court. The destruction of the mosque and the obliteration of the Islamic structure was an egregious violation of the rule of law. Why HC ‘completely erred’ in grant of its relief? The High Court has adopted a path which was not open to it in terms of the principles formulated above. It granted reliefs which were not the subject matter of the prayers in the suits. In the process of doing so, it proceeded to assume the jurisdiction of a civil court in a suit for partition, which the suits before it were not... In assessing the correctness of the decree of the High Court, it must be noted at the outset that the High Court was not seized of a suit for partition. In a suit for partition, it is trite law that every party is both a plaintiff and defendant... The High Court was called upon to decide the question of title particularly in the declaratory suits. The High Court has completely erred in granting relief which lay outside the ambit of the pleadings and the cases set up by the plaintiffs... We have already concluded that the three-way bifurcation by the High Court was legally unsustainable. Even as a matter of maintaining public peace and tranquillity, the solution which commended itself to the High Court is not feasible. The disputed site measures all of 1500 square yards. Dividing the land will not subserve the interest of either of the parties or secure a lasting sense of peace and tranquillity... Why it was necessary to give Muslims alternative land? The allotment of land to the Muslims is necessary because though 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, the Muslims were dispossessed upon the desecration of the mosque on 22/23 December 1949 which was ultimately destroyed on 6 December 1992... There was no abandonment of the mosque by the Muslims. This Court in the exercise of its powers under Article 142 of the Constitution must ensure that a wrong committed must be remedied. 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. Tolerance and mutual co-existence nourish the secular commitment of our nation and its people.

## Faith establishes birth place: A post script, unsigned



Security outside CJI Gogoi’s residence in Delhi ahead of the Supreme Court verdict on Saturday. Praveen Khanna

ANANTHAKRISHNAN G  
NEW DELHI, NOVEMBER 9

WHILE THE ruling of the five-judge Constitution bench steered clear of interpreting scriptures and other material related to faith in adjudicating the dispute, one of the judges went into the question and concluded that the disputed structure was the birthplace of Ram as per faith, belief and trust of the Hindus. “Faith and belief of Hindus as depicted by the evidence on record clearly establish that Hindus believe that at the birthplace of Lord Ram the Mosque was constructed, and (the) three-dome structure is the birthplace of Lord Ram,” his ruling, an addendum to the judgment, stated. It is not signed by the judge who authored it, nor is there any concurring signature. For the purpose of evidence, the ruling divided the historic period into three: before 1528, when the mosque is said to have been constructed; from 1528 to October 31, 1858; and from 1858 until 1949. “Religious scriptures, which are main source of Hinduism, are the foundation on which faith of Hindus is concretised,” the judge stated. “It is, however, true that Valmiki Ramayana does not give any description of place of birth, except that Lord Ram was born to Kaushalya at Ayodhya in the Palace of King Dasratha.” His version also referred to Skanda Purana, believed to have been constructed between 7th and 9th century. It then goes on to cite witnesses who quote the Ayodhya Mahatmya of Skanda Purana as saying that Ram’s birth place is the sanctum sanctorum. One of them, Jagadguru Ramanandacharya Swami Rambhadracharya, stated that Ram’s birth place is clearly described in Ayodhya Mahatmya.

The additional version also refers to Janma Sakhies, which speak about the visit of Guru Nanak to Ayodhya for a darshan of Ram’s birth place. The addendum stated, “...it can, therefore, be held that the faith and belief of Hindus regarding location of birth place of Lord Ram is from scriptures and sacred religious books including Valmiki Ramayana and Skanda Purana, which faith and beliefs, cannot be held to be groundless.” For the period 1528 to 1858, the judge cited Ramcharitmanas of Tulsidas, composed during 1574-75 and said it refers to Ram’s birth place. The judge noted that the court can take into consideration the Gazetteers under Evidence Act, 1872, adding that although the statement in Gazetteers will not be treated as conclusive evidence, the presumption of correctness of that statement is attached to it. For the period 1858-1949, it cited Gazetteers, reports of the Archaeological Survey of India, books and other documentary evidence, which have been exhibited in the suits and other documentary and oral evidence. The judge wrote, “The oral evidence... clearly proves faith and belief of Hindus that Janmasthan of Lord Ram is the place where Babri Mosque has been constructed. Three-dome structure was treated as birth place of Lord Ram. Worship of the three-dome structure, parikrama of the entire premises by the devotees have been amply proved by oral evidences led in the Suit...” The addendum noted, “It is thus concluded... that faith and belief of Hindus since prior to construction of Mosque and subsequent thereto has always been that Janmasthan of Lord Ram is the place where Babri Mosque has been constructed, which faith and belief is proved by documentary and oral evidence discussed above.”

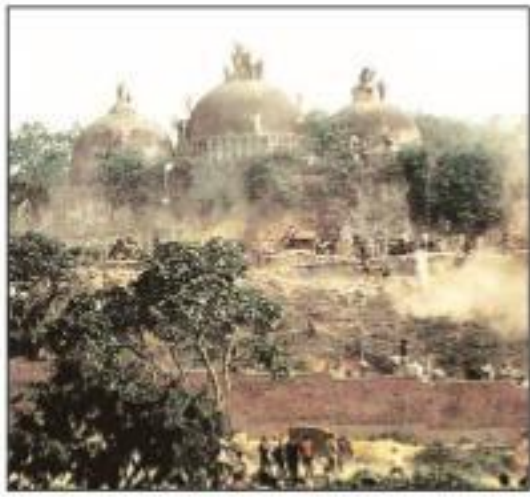




# 13 AYODHYA VERDICT



## TIMELINE



**1885-86** The sub-judge and district judge of Faizabad dismiss a suit by Mahant Raghubar Das seeking to build a temple on land in Ayodhya adjoining the Babri mosque

**1949** On December 22-23, idols of Lord Ram and other objects of worship appear under central dome of the Masjid

**1950** Two suits are filed before Faizabad court by Gopal Visharad (Suit 1) seeking permanent mandatory injunction restraining Muslims from removing idols of Lord Ram

**1959** Nirmohi Akhara files a suit (Suit 3) against Baboo Priya Ram Dutt for possession of the entire property arguing that they were dispossessed of the property in 1949 after the property was entrusted to Dutt

**1961** The UP Sunni Central Waqf Board, and 9 Muslims of Ayodhya file a suit (Suit 4) against Gopal Visharad, Mahant of Nirmohi Akhara, and 22 others seeking a declaration of the title

**1986** District Judge of Faizabad orders removal of barriers, locks and brick-grill wall for Hindus to worship the idols

**1989** Bhagwan Sri Ramlalla Virajman at Sri Ram Janam Bhoomi Ayodhya, Asthan Sri Ram Janam Bhoomi, Ayodhya file a title suit (Suit 5) represented by "next friend" Deoki Nandan Agarwala, a former judge of the Allahabad High Court

**2010** Allahabad HC holds that the three parties—Bhagwan Ramlalla Virajman, Nirmohi Akhara and UP Sunni Central Waqf Board—are in joint possession of the disputed 2.77 acres in the absence of a better title, and direct a three-way partition

## Citing demolition, court says land for masjid upholds equity, just outcome



AIMPLB's Zafaryab Jilani (left) and Kamal Farooqui (right) along with other advocates addressing a press conference in New Delhi after the verdict. Amit Mehra

**KAUNAIN SHERIFF M & APURVA VISHWANATH**  
NEW DELHI, NOVEMBER 9

WHILE MAKING over 30 references to the demolition of the Babri Masjid, and calling it "an egregious violation of the rule of law", which took place in "breach of the order of status quo and an assurance given to this court", the Supreme Court resorted to Article 142 of the Constitution to direct the Central government to allocate five acres of land in Ayodhya to the Sunni Central Waqf Board to build a new mosque.

The Article gives the court necessary powers for "doing complete justice in any cause or matter pending before it".

Saying "the damage to the mosque in 1934, its desecration in 1949 leading to the ouster of the Muslims and the eventual destruction on 6 December 1992 constituted a serious violation of the rule of law", the court said the rationale for granting land for the new mosque was based on "equity and good conscience" and the inadequacy of statutory law.

"Equity and good conscience play a supplementary role in enabling courts to mould the relief in order to ensure just outcome," the court said, while adding that the Sunni Waqf Board did not have evidence to show its possession of the Babri Masjid was 'exclusive'.

The observations are significant as they come against the backdrop of the parties, at the conclusion of the hearing, urging the court to "mould" the relief in such a manner that it reflects "constitutional values".

"The case canvasses the rule of law, religion and law and conquest, besides a myriad of conflicting interests. These cannot always be comprehended within the available statutory framework applicable to the present facts. This makes the role of the court even more sensitive as it must craft a relief that accords with justice, equity and good conscience," the court said.

The Supreme Court added, "Where positive law is silent and equity steps in to furnish a source of law, its content is informed by analogous provisions of the law that furnish (as) a useful guide. This ensures that eq-

uity operates within a larger legal framework informed by the values which underline the legitimacy of the legal system as a whole."

The bench also held that equity "as an essential component of justice" formed the final step in the just adjudication of disputes. "After taking recourse to legal principles from varied legal systems, scholarly written work on the subject, and the experience of the Bar and Bench, if no decisive or just outcome could be reached, a judge may apply the principles of equity between the parties to ensure that justice is done. This has often found form in the power of the court to craft reliefs that are both legally sustainable and just."

It added, "The complexities of human history and activity inevitably lead to unique contests—such as in this case, involving religion, history and the law—which the law, by its general nature, is inadequate to deal with. Even where positive law is clear, the deliberately wide amplitude of the power under Article 142 empowers a court to pass an order which accords with justice. For justice is the foundation which brings home the purpose of any legal enterprise and on which

the legitimacy of the rule of law rests," the court said.

The bench also refuted the claims of Hindu groups that the idols of Ram under the central dome of the Babri Masjid had existed before the intervening night of December 22-23, 1949. The court concluded that the idols were placed surreptitiously, ruling out the oral evidence given by witnesses from the Hindu sides.

The verdict clarifies repeatedly it cannot claim against "actions of the Mughal rulers against Hindu places of worship in a court of law today" and that the recourse for such claims is not found in law.

"Our history is replete with actions that have been judged to be morally incorrect and even today are liable to trigger vociferous ideological debate. However, the adoption of the Constitution marks a watershed moment where we, the people of India, departed from the determination of rights and liabilities on the basis of our ideology, our religion, the colour of our skin, or the century when our ancestors arrived at these lands and submitted to the rule of law," the court said.

## 24 mentions of 'secular' in verdict that underlines tolerance

**EXPRESS NEWS SERVICE**  
NEW DELHI, NOVEMBER 9

IN TRYING to find a solution for a dispute between two religions claiming exclusive rights of worship over a piece of land, the Supreme Court emphasised on the secular and inclusive character of the nation and the Constitution several times.

Though the word 'secular' appears just 24 times in the over thousand-page judgment, it underlines the importance of the principle.

In one of the operative paragraphs, the Supreme Court verdict reads: "The Constitution postulates the equality of all faiths. Tolerance and mutual co-existence nourish the secular commitment of our nation and its people."

The Supreme Court opens the judgment by saying: "The lands of our country have witnessed invasions and dissensions. Yet they have assimilated into the idea of India everyone who sought their providence, whether they came as merchants, travellers or as conquerors. The history and culture of this country have been home to quests for truth, through the material, the political, and the spiritual. This Court is called upon to fulfil its adjudicatory function where it is claimed that two quests for the truth impinge on the freedoms of the other or violate the rule of law."

It mentions that "Parliament determined that independence from colonial rule furnishes a constitutional basis for healing the injustices of the past by providing the confidence to every religious community that their places of worship will be preserved and that their character will not be altered."

The State, it adds, has by enacting the Places of Worship Act "enforced a constitutional commitment and operationalised its constitutional obligations to uphold the equality of all religions and secularism which is a part of the basic features of the Constitution." The Act, it says, "reflects the commitment of India to the equality of all religions".

Independence from colonial rule, the judgment continues, "was a watershed moment to heal the wounds of the past" and "historical wrongs cannot be remedied by the people taking the law in their own hands". By ensuring that the character of places of public worship is preserved the Parliament has "mandated in no uncertain terms that history and its wrongs shall not be used as instruments to oppress the present and the future".

"Our history is replete with actions that have been judged to be morally incorrect and even today are liable to trigger vociferous ideological debate. However, the adoption of the Constitution marks a watershed moment where we, the people of India, departed from the determination of rights and liabilities on the basis of our ideology, our religion, the colour of our skin, or the century when our ancestors arrived at these lands, and submitted to the rule of law," the court said.

Talking about setting legal precedents, the judgment mentions that "an attempt has been made in the jurisprudence of this court to demarcate the religious from the secular". The adjudication of civil claims over private property must remain within the domain of the secular if the commitment to constitutional values is to be upheld, it says, and adds that "over four decades ago, the Constitution was amended and a specific reference to its secular fabric was incorporated in the Preamble". "At its heart, this reiterated what the Constitution always respected and accepted: the equality of all faiths. Secularism cannot be a writ lost in the sands of time by being oblivious to the exercise of religious freedom by everyone," the Supreme Court stated.

It has also expressed that the "value of a secular constitution lies in a tradition of equal deference".

## Criminal trial: After 27 yrs, court looks at Kalyan proof

**APURVA VISHWANATH**  
NEW DELHI, NOVEMBER 9

THE CRIMINAL trial to fix the liability of the 1992 demolition of the Babri Masjid, an act the Supreme Court referred to as "an egregious violation of the rule of law", is yet to find closure in a trial court in Lucknow.

The CBI has to prove charges against more than 47 BJP leaders and hundreds of unknown kar sevaks in the trial.

The prominent accused include BJP leaders L K Advani, Vinay Katiyar, Uma Bharti, Murli Manohar Joshi, Kalyan Singh; VHP leaders Ashok Singhal (deceased), Giriraj Kishore (deceased), Vishnu Hari Dalmia, Champat Rai Bansal; and Shiv Sena leaders Bal Thackeray (deceased) and Moreswar Save (deceased).

After 27 years, the court is now examining evidence against Kalyan Singh, accused

No. 3 in the chargesheet. Singh, under whose tenure as Chief Minister of Uttar Pradesh the mosque was razed, is facing charges after he demitted office as Rajasthan governor, extinguishing his constitutional immunity.

The court has so far examined more than 300 witnesses and is now looking at the evidence.

In April 2017, a bench of Justices PC Ghose and Rohinton Nariman of the Supreme Court had revived the criminal case by allowing the CBI to add a charge of criminal conspiracy against BJP leaders, including Advani, Joshi, Bharti and Kalyan Singh.

In a 40-page order, the court had said that the leaders and "lakhs of unknown kar sevaks" faced trial for the same offences—rioting, promoting enmity among different groups, making statements conducive to public mischief and imputations, assertions prejudicial to national integration among others.

**EXPRESS NEWS SERVICE**  
NEW DELHI, NOVEMBER 9

THE SUPREME Court-appointed mediation panel headed by former SC judge FM Ibrahim Kalifulla, whose members spent over six months in an attempt to arrive at an out-of-court, amicable settlement in the Babri Masjid-Ram Janmabhoomi case, found just six passing references in the verdict delivered on Saturday.

"In bringing together the disputants on a common platform for a free and frank dialogue, the mediators have performed a function which needs to be commended. We also express our appreciation of the parties who earnestly made an effort to pursue the mediation proceedings," the court said.

Apart from Justice Kalifulla, Art of Living Foundation founder Sri Sri Ravishankar and senior advocate and mediation expert Sriram



The panel was headed by ex-SC judge FM Ibrahim Kalifulla

Panchu were part of the panel. The court had restrained the media from reporting on the mediation process.

In March 2017, then Chief justice J S

Khehar had also said that the Ram-janmabhoomi issue "was a sensitive issue that involved faith and must be sorted out through talks". Justice Khehar had also offered to be the mediator.

The mediation proceedings began on March 8 and the final arguments in the case began on August 2, when no settlement was reached. As the hearings were about to conclude, the panel submitted a second report that some of the parties desired to settle the dispute.

The second settlement report was signed by Mr Zufar Ahmad Faruqi, Chairman of the Sunni Central Waqf Board. *The Indian Express* had reported that the settlement had four components, including an agreement between all parties to freezing the status of all places of worship, and to make a formal request to the Supreme Court to push for a freeze on all such matters on which there may be some litigation in courts.

## Culture Minister congratulates ASI, says its report to come out as a book

Verdict says ASI findings, contested by mosque parties, cannot be dismissed as weak evidence

**KAUNAIN SHERIFF, ANANTHAKRISHNAN & DIVYA A**  
NEW DELHI, NOVEMBER 9

THE ARCHAEOLOGICAL Survey of India (ASI) report, which was submitted in the Supreme Court after excavations at the Ram Janmabhoomi-Babri Masjid site in 2003, will be brought out in the public domain in the form of a book, announced Union Culture Minister Prahlad Patel on Saturday.

Speaking to reporters at his residence, Patel also congratulated the ASI team which led the excavation. "I am grateful to all the experts who worked on the report," he said.

The ASI had carried out excavations at the disputed site in 2003 on the directions of the Allahabad High Court, and found features of a 10th-century temple beneath the site where the 16th-century Babri Masjid stood until its demolition in 1992.

In its verdict Saturday, the Supreme Court

said the ASI's findings could not be dismissed as conjectural and weak evidence, as prayed for by the Muslim side. "The report which has been submitted by the ASI is an opinion; an opinion nevertheless of an expert governmental agency... The process of drawing inferences from data is an essential element of archaeology as a discipline but to reject this exercise as conjectural and hypothetical would be a disservice both to the discipline and to the underlying process," the five-judge bench ruled.

However, while agreeing with the ASI that there was an underlying 12th-century structure of "Hindu religious origin" at the disputed site and that the mosque was constructed upon "the foundation of the pre-existing structure", the court stressed that there is "no specific finding" in the ASI report that that this was "a temple dedicated to Lord Ram". It also underlined that the ASI had not given any finding on whether any temple was demolished to make way for the mosque.

The judgment also noted that there was



Tight security near the disputed site in Ayodhya on Saturday. Vishal Srivastava

a gap of four centuries "between the twelfth century to which the underlying structure is dated and the construction of the mosque in the sixteenth century" and that "no evidence has been placed on the record in relation to the course of human history" for this period.

The court rejected the Uttar Pradesh Sunni

Central Waqf Board's contention that a structure unearthed during the ASI excavation was part of an Idgah. "Initially, the defence that was urged... was that there was no underlying structure which was demolished for the construction of the mosque. Confronted with the findings in the ASI report, the Sunni Central

Waqf Board altered the stance and sought to claim that among the structures that came to be revealed... was an Idgah or Kanati Masjid," the judgment said.

The Muslim side had argued that the presence of lime-*sarkhi* plaster on this wall was proof that the structure dated back to the Islamic period as lime *sarkhi* was introduced by Mughal rulers. But the court referred to evidence that lime water was used in the 3rd century during the Kushana period in Takshshila and Pakistan.

The court also took into account travelogues and gazetteers. These included William Finch, an Englishman who visited Ayodhya in 1608-1611 and wrote that he did not find any building of importance of Islamic origin there, Jesuit missionary Joseph Tieffenthaler whose writings make a reference to the place of birth of Ram, and to the demolition of village Ramkot by Aurangzeb.

On scriptural evidence, the court said this is "susceptible to a multitude of inferences". "The court would do well not to step into the pulpit by adjudging which, if any, of competing interpretations should be accepted. Faith is a matter for the individual believer... The

value of a secular constitution lies in a tradition of equal deference."

Speaking to *The Sunday Express*, Buddha Rashmi Mani, who led the team that carried out the ASI excavation, said, "Once the report is accessible to all, any doubts whatsoever in the minds of people will be cleared". "There is clinching evidence in the report about the existence of not one but three temple below the disputed site," he added.

While Mani's report had been hailed by those affiliated with the Sangh Parivar, the Muslim groups had criticised it. The Sunni Central Waqf Board had accused the ASI of being partisan in its excavation work.

Earlier too, in 1975-76 and 1979, the ASI had conducted excavations in Ayodhya. However, these digs, led by B B Lal, had been outside the disputed area. Though the results were not published in that period, between 1975 and 1985 an archaeological project was carried out in Ayodhya to examine 14 sites referenced to in the Ramayana, including the Babri site. In October 1990, an article in RSS magazine *Manthan* by Lal claimed that they found pillar-bases of what may have been a temple at the site.





The Indian EXPRESS

FOUNDED BY  
RAMNATH GOENKA

BECAUSE THE TRUTH INVOLVES US ALL

# INDIA, A TEMPLE, AND A MOSQUE

All parties must respect, abide by SC verdict on Ayodhya. BJP, in power, has an added responsibility: Make it about future, not past

AS THE RAMJANMABHOOMI-BABRI Masjid title suit in Ayodhya dragged on for over seven decades, it became clear that, in the end, it would have to be settled in court, resolution would have to come within the ambit of law and the Constitution. Politics had, far from facilitating any meaningful give and take, only deepened the polarisation. And mediation efforts outside the court had invited charges of bad faith. Closure would have to come, it became evident, not by the brute calculations of majority and minority, nor by taking the legislative route, but by invoking a higher principle. A solution would have to be situated in justice and due process, and all parties would have to respect and abide by it.

The Supreme Court verdict on Saturday, November 9, which recognises the Hindu claim over the disputed land, while directing the building of a mosque on a suitable plot elsewhere in Ayodhya, meets that promise, by and large. The unanimity of the five-judge Constitution bench led by Chief Justice Ranjan Gogoi is not an incidental artefact of the ruling — it is part of its essence. In the aftermath, it instantly lowers temperatures. And going ahead, it creates crucial room for all political players to speak to their constituencies.

But of course, even a unanimous verdict sparks questions. In a democracy, on a dispute as tangled and resonant with claims, complexities and ambiguities as Ayodhya, a tidy closure will always elude.

Admittedly, the nature of the task before the court was almost impossibly fraught and, to its great credit, it has tried to find a balance between pronouncing on a matter that involves faith, belief, contested history and bringing into play settled principles of evidence sustainable in law. It has recognised the Hindu claim over the disputed site because of the existence not merely of faith and belief but of “actual worship down the centuries”. Crucially, however, the court has also acknowledged that the damage to the mosque in communal conflict in 1934, its desecration in 1949 when idols were installed on the pulpit below the central dome, and its destruction in 1992, “constituted a serious violation of the rule of law”. Under exercise of its powers under Article 142 of the Constitution to do “complete justice”, the court has, therefore, directed that 5 acres be handed to the Sunni Waqf Board by the Central government out of the acquired land, or by the UP government within the city of Ayodhya, simultaneous to the handing over of the disputed site to a trust.

The court prefaces its verdict by saying it has been “tasked with the resolution of a dispute whose origins are as old as the idea of India itself.” It unambiguously underlines that “title cannot be established on the basis of faith and belief.” But after invoking the Constitution and constitutional values of justice, fraternity, human dignity and equality of religious belief, the final settlement it makes is of a bare title suit. This raises a question: Could the act of judgment have been more an act of imagination of a more equal justice? Could it be that the Allahabad HC order of a three-way ownership of the disputed land offered a cue?

These questions have no immediate answers. But one thing is clear: The Supreme Court verdict must now be taken forward and built upon by all stakeholders. In his address to the nation, Prime Minister Narendra Modi has spoken of a new resolve, a new dawn, of the need for India to leave behind past bitterness. The Opposition parties have signalled their acceptance of the verdict. There are signs of ferment among Muslim groups, with the IUML backing the ruling, but the Muslim Law Board expressing dissatisfaction. It is the right of the Muslim side of the dispute to ask for a review, but that decision must be taken calmly, wisely.

For the politics of secularism, the verdict brings the promise of freedom — from the burdens and dead-ends of a congealed dispute. It is now faced with the task of renewal — to find a new vocabulary, and to fill it with new issues and meanings. For the BJP, too, which used the Ramjanmabhoomi dispute and the demolition of the Babri masjid to propel itself to relevance and power, this is a moment of challenge: At a time when the judicial clearing of the path to the temple helps it to claim political vindication, as the ruling party at the Centre and a majority of states, in a country where almost half of the population was born after 1992, it needs to make the Ayodhya verdict more about the future, less about the past.



PRATAP BHANU MEHTA

THE BIRTH OF the Ramayana, as we know it, is in an act of grief. A *nishada* hunter strikes down the male of a pair of *krauncha* birds. The unslain female bird utters a mournful cry. Unable to bear the separation, she too dies. This primal scene of crime, and the anguish it generates, prompts Valmiki to compose the Ramayana. But the deep sorrow of that crime haunts the story. Ram has his triumphal moments — vanquishing Ravana, establishing Ram Rajya. Ram always sides with duty, some exalted high ideal that makes his own desires irrelevant. That is his greatness. But there is also no escaping the fact that Ram himself never finds inner repose. His deepest moments of anguish arise precisely when he acts as a sovereign, overcoming his natural *karuna*, sidelining it for some kingly duty. It is almost as if his most political of acts, the banishment of Sita, is contrary to his own nature. It is when Ram acts as a political agent, that his torment is most pronounced. His political acts, sometimes, make him guilty of wrongdoing. He is saved, if at all, only by the forgiveness of Sita as Bhavabhuti perceptively noted. It is Ram in the end who is most in need of *karuna*. The fact that Ram politically triumphs is not always the moment that he is morally redeemed, or made whole.

So Ram has triumphed politically. The Supreme Court has declared that he, in his incarnate form, has sovereign rights to 2.77 acres of disputed land. Any other claimants to the land, especially the waqf board, cannot claim adverse possession to the land. The sovereignty of Ram’s empire over the hearts and minds of Hindus has been resoundingly affirmed. He is an object of worship, a locus of faith whose importance cannot be denied. He has politically triumphed over all the deniers: Those who denied he existed, and those who denied that there was an attempt to erase his tem-

ples. He has triumphed because a way has been cleared for the central government to manage Ram’s land, to create a grand structure to mark his divinity. His sovereignty, and our faith in him, can now be affirmed in legalese, and etched in stone.

The Supreme Court had a difficult job on its hands. It is a reflection on the state of India’s politics that the idea that the pre-1991 status quo ante would be restored was ruled out right from the start. It is hard to imagine what Indian politics would be like if the Court had asked for the restoration of the Babri Masjid. So, the only two other options were a victory for the Hindu side, or some imaginative solution that did equal justice to all kinds of claims involved in this dispute. The Allahabad High Court judgment, flawed as it was, was very explicitly a balancing act: Divide the property, respect all faiths, and put the past behind us. In some ways, this judgment has gone for a corner solution. It does say, none of the claimants can prove adverse possession; it does recognise that the demolition of the Babri Masjid was an act of political vandalism. It provides compensatory relief for the waqf board. But in its operative part, this judgment is the opposite of the Allahabad High Court — no division of property; one faith nominally given priority over another, and an affirmation that long gone historical wrongs can continue to be the basis of new legal claims.

But will this moment of political triumph solve Ram’s inner torment? Or will it only exacerbate it? We hope that the judgment, right or wrong, will depoliticise the issue. It has been settled. Let us move on. This would be the best option, a chance for Indian secularism to get a fresh start. But there are reasons to be nervous on three fronts: Psychological, institutional and politi-



CR Sasikumar

A government trust will now determine how worship at the site will be materialised. Is it just possible that instead of a triumphal monument to Ram’s political glory — for this is all that the temple will be under present circumstances — can we build something genuinely congruent with Ram’s greatness?

the state is the medium through which Hindu sovereignty is now being exercised. The political reconfiguration of Hinduism, where political rather than spiritual forces now represent it, is now complete.

We all ardently wish that India moves on. The settlement should take the issue, and all allied psychological complexes of Hindu subjugation off the table. But here is an outlandish thought. A government trust will now determine how worship at the site will be materialised. Is it just possible that instead of a triumphal monument to Ram’s political glory — for this is all that the temple will be under present circumstances — can we build something genuinely congruent with Ram’s greatness? Something that marks a new kind of holiness not predicated on the revenge of history or the narcissism of group identities? Can we create a new liturgy that is genuinely inclusive of all religions, and looks to dawns of the future rather than glories of the past? What this might be can be left to more imaginative minds to devise. But such a gesture would be, in the face of this legal triumph, an even more poignant way to move on. It will save both secularism from identification with majoritarianism and Hinduism from identification with a prideful communal identity. The Court decision does not foreclose this option, and it would be entirely in keeping with Ram’s *karuna*. No one disputed Ram. But making the fate of 2.77 acres of land a litmus test of respect for Ram, and for the fate of a civilisation, was an act of vandalism on Hinduism as well. Ram’s political triumph should not leave him, like in Valmiki’s Ramayana, with an inner torment, at war with his better more compassionate self.

The writer is contributing editor, The Indian Express

# PEACE AND A TEMPLE

The Ram temple struggle is over, let’s hope for harmony for all now



RAM MADHAV

THE RAM TEMPLE at Ayodhya will soon be a reality, now that the legal hurdles have been removed by the Supreme Court.

Symbols of vandalism and iconoclasm at the most sacred places of Hindus, like Ayodhya, have been very big sources of embarrassment as the sentiments associated with such places are quite deep-rooted. It is not just about a temple or a mosque. There are any number of thriving mosques in the country. There are more than a hundred mosques in the vicinity of Ayodhya, many of them unkept. It is about the renewed sense of assertion of a nation.

Historian Arnold Toynbee talks about it in the context of a church in Warsaw pulled down by the Poles. “In the course of the first Russian occupation of Warsaw (1914-1915) the Russians had built an Eastern Orthodox Christian cathedral on this central spot in the city that had been the capital of the once independent Roman Catholic

Christian country Poland. The Russians had done this to give the Poles a continuous ocular demonstration that the Russians were their masters. After re-establishment of Poland’s independence in 1918, the Poles pulled this cathedral down... I do not greatly blame the Polish government for having pulled down that Russian church. The purpose for which the Russians had built it had been not religious but political, and the purpose had also been intentionally offensive”, Toynbee said.

“Perhaps the Poles were really kinder in destroying the Russians’ self-discrediting monument in Warsaw,” he added. The Muslims should look at Ayodhya probably from the same perspective. They are saved by the Supreme Court from the embarrassment of defending the indefensible in the name of religion. It might be instructive for them to remember that Islam came to India from West Asia not just riding over the shoulders of invaders like Mahmud of Ghazni

and Babur, but also through Sufi saints of the 13th century like Hazrat Khwaja Moinuddin Chishti, who came to spread the message of love and harmony. Ajmer Sharif is a standing testimony to the fact that India is an inclusive and pluralist civilisation where all religions thrive.

Hindus too would be making a mistake if they look at Ayodhya from a religious prism or from the prism of “avenging historical wrongs”. Leaders of the Ram Janmabhoomi movement as well as the other Hindu organisations have also stressed upon it in their statements after the verdict. A similar historic event happened about 70 years ago: The Somnath temple, destroyed by Ghazni several centuries before the arrival of Mughal invaders, was rebuilt in 1950. The then president of India, Rajendra Prasad, had said, “By rising from its ashes again, this temple... will proclaim to the world that no man and no power in the world can destroy that for which people have boundless faith...

Our only aim is to proclaim anew our attachment to the faith, convictions and values on which our religion has rested since immemorial ages.”

Ram Janmabhoomi is about those values. Together, with a magnificent Ram temple at Ayodhya, shall rise a nation imbued with those values that Mahatma Gandhi, whose 150th birth anniversary we are celebrating, used to describe Ram Rajya. Ram epitomised values like respect, love and dignity. These values are not reserved for Ram’s own people alone, but everyone including the enemies. When he encountered Ravan on the battlefield, he was said to have bowed to him in respect before aiming at him. For him, material wealth alone was not the ultimate goal in life. “Even if Lanka were to be a kingdom of gold, I shall consider my mother and motherland to be superior to it,” he declared.

There were very few intellectuals appreciating the deeper message of the Ram Janmabhoomi movement in

the 1990s, when it was at its peak, except for Girilal Jain, Arun Shourie, and a handful of others. The larger liberal intellectual establishment of the country was ferociously anti-temple, forcing Nobel laureate VS Naipaul to comment in an interview that, “It is not enough to abuse them or to use that fashionable word from Europe: Fascism. There is a big historical development going on in India. Wise men should understand it. Rather, they should use it for intellectual transformation of India.”

It was a long struggle that has finally seen its culmination today. Swami Chinmayananda, eminent spiritual guru, used to say: “This whole fight for Ayodhya is for ‘Ayuddha’ - non-war”. Let us hope that with the rise of the Ram temple, this country shall see lasting peace and harmony.

The writer is national general secretary, BJP, and director, India Foundation



FAIZAN MUSTAFA AND AYMEN MOHAMMED

# FAITH WINS OVER LAW

The Ayodhya judgment is a setback to evidence law with differential burden of proof being demanded from different parties

THE SUPREME COURT has tried to please everyone in its much awaited judgment on the property dispute in Ayodhya. The worshippers of Lord Ram have been given land for the construction of a temple at the very site where the Babri Masjid stood between 1528 and December 6, 1992.

The Nirmohi Akhara has welcomed the judgment as it will be given some representation in the trust that would construct the temple. The Sunni Waqf Board too must have the satisfaction that the highest court has accepted their central argument that the Babri Masjid was a Sunni, and not Shia, waqf property, and the same was not constructed after demolishing the Ram temple. Thus, the court has rejected the Hindu right’s narrative on the Babri mosque. This false narrative not only was responsible for galvanising the ordinary Hindus, but also gave

some sort of legitimacy to divisive electoral politics. Similarly, Muslim grievances about the trespass in 1949 and the tragic demolition of the mosque in 1992 have been accepted by the court. In fact, the court has accepted that there was an injury caused to them — i.e. violation of their legal right. Accordingly, the court, invoking its extraordinary jurisdiction of doing complete justice, has given them almost double the land in Ayodhya.

The Ayodhya dispute did not begin in 1528 with Babur, the founder of Mughal empire, but in 1886 with litigation in the British courts over a *chabutra* (courtyard) that was constructed outside the Babri Masjid by one Mahant Raghubar Das in the late 1850s. When the British prevented the construction of a canopy over the *chabutra*, Das unsuccessfully litigated his cause in three judicial forums. Each

time, the courts emphasised status quo — that is, the Muslims would pray inside the Babri Masjid while the Hindus had limited rights to pray at the *chabutra*. Surprisingly, the apex court has rejected title of Muslims for want of proof of title document. This may have repercussions for several temples and mosques. The court rejected the revenue record and gazetteers as sufficient proof. Even the British grant papers were said to be sufficient only for proving the upkeep of the mosque.

In law, the phrase “status quo” means the situation at the time of the judgment must not be changed. The Babri litigation is a story of changing “status quo”. On the night of December 22-23, 1949, trespassers placed Lord Ram’s idol under the central dome of the Babri Masjid. In a few days after the incident, a new status quo would be sanctified by the local

Certainly in matters of freedom of religion, the court should not have any say, but deciding title suit on the basis of faith is a thorny proposition.

courts: Muslims were not allowed to pray inside the mosque, the idol would not be removed, and that Hindus would have a “limited” right to pray and pujaris would ensure daily *bhog*. By one act of criminal trespass, a mosque was converted into a temple.

On February 1, 1986, District Judge K M Pandey would order the unlocking of gates that acted as a “barrier” between the idols inside the masjid and the devotees who had come for the darshan. This decision had the blessing of then Prime Minister Rajiv Gandhi, who in order to mollify the self-anointed regressive Muslim leadership would subsequently introduce the bill to reverse the Shah Bano judgment on February 25, 1986.

The demolition of the mosque on December 6, 1992 was also the destruction of the rule of law. The SC has rightly criticised it and accepted that

it was in violation of the “status quo” order passed by it. Within a few hours of the mosque’s demolition, a makeshift temple had come up at the structure’s location. Within a month of the demolition, the Allahabad High Court allowed for darshan at the makeshift temple. In 1994, the Supreme Court, while dealing with the Acquisition of Certain Areas of Ayodhya Act, ordered the protection of the latest “status quo”: No mosque but a makeshift temple and legally protected darshan at the site.

In 2010, the Lucknow bench of Allahabad High Court ruled that the title suit must be decided as a question of joint-ownership of property. Muslims, the deity Ram Lalla and Nirmohi Akhara were to get one-third share of the disputed property. The Supreme Court has overruled this judgment and rightly held that it was

not a partition suit.

The judgment will be remembered for the victory of faith over the rule of law as the Supreme Court considered religious beliefs even in deciding a property dispute, and despite conceding that faith cannot confer title, it still went ahead to give property to worshippers on the basis of faith. The court should not have any say in matters of freedom of religion, but deciding title suit on the basis of faith is a thorny proposition. In brief, it is the red letter day for the constitutional right to religion but a setback to property law and a setback to evidence law with differential burden of proof being demanded from different parties.

Mustafa is Vice-Chancellor, NALSAR University of Law, Hyderabad and Mohammed, a research scholar at NALSAR University of Law







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If there are questions around the Ayodhya Verdict that you would like explained, please write to [explained@indianexpress.com](mailto:explained@indianexpress.com)

AYODHYA

VERDICT

A to Z

The 1,045-page order – its context and contents – broken down

SEEMA CHISHTI, PVAIDYANATHAN IYER & MONOJIT MAJUMDAR  
NEW DELHI, NOVEMBER 9

**AYODHYA:** In Faizabad district, Awadh, famous for its sunsets by the banks of the River Saryu. Its rich history and symbolism finds space in the writings of Tulsidas and Amir Khusrau. Buddha is said to have preached here, Jainism and Sikhism too have their imprint here. The Hindu-Muslim binary of the last century has, however, left little space for this history – and the identity of Ayodhya has been limited to its being the ground zero of the Ramjanmabhoomi-Babri Masjid dispute.

**BABRI MASJID:** The three-domed mosque that Mir Baqi built in the name of Emperor Babur, in 1528 in the Jaunpuri style, has been at the centre of the dispute. Many on the Mandir side believe that the birthplace of Lord Ram was exactly at the spot on which the Babri Masjid stood until December 6, 1992. The Supreme Court concluded that the masjid was built over a structure which was “non-Islamic”.

**CONSTITUTION:** The court began its order by underlining the role of the Constitution. “Constitutional values form the cornerstone of this nation and have facilitated the lawful resolution of the present title dispute through forty-one days of hearings before this Court,” says paragraph 2 of the order.

**DEMOLITION:** At the time the Babri Masjid was demolished, UP had a BJP government, and PV Narasimha Rao of the Congress headed the government at the Centre. On Pages 913-14, the judgment says: “The destruction of the mosque took place in breach of the order of *status quo* and an assurance given to this Court. The destruction of the mosque and the obliteration of the Islamic structure was an egregious violation of the rule of law.”

**EQUITY:** “Equity” appears 101 times in the order, including in the title of the section, ‘Applicable legal regime and Justice, Equity and Good Conscience’. The judgment quotes widely from legal scholars on Equity, and reads it into Article 142 of the Constitution: “The phrase ‘is necessary for doing complete justice’ is of a wide amplitude and encompasses a power of equity which is employed when the strict application of the law is inadequate to produce a just outcome... It is in seeking this ultimate balance for a just society that we must apply justice, equity and good conscience...”

**FAITH:** The judgment asserts the centrality of evidence to decisions, not faith and belief. However, a 116-page “Addenda” establishes the evidence of faith, ending with: “It is thus concluded on the conclusion that faith and belief of Hindus since prior to construction of Mosque and subsequent thereto has always been that Janamasthan of Lord Ram is the place where Babri Mosque has been constructed which faith and belief is proved by documentary and oral evidence discussed above.”

**GOVERNMENTS:** Central to the way in which a local land dispute grew into a critical moment in the history of contemporary India, is the role played by successive governments over a century and a half – from the British who erected a wall between the inner and outer portions of the Babri premises, to those of Rajiv Gandhi’s which ordered the locks opened and Narasimha Rao’s which acquired 67.7 acres in 1993. Each of these actions had powerful consequences, some of which have been recorded in the judgment.

**HISTORY:** The story of the Babri Masjid spans nearly 500 years, beginning with Babur and ending in the country’s highest court. India’s longest-running major title dispute has turned out to be both historic and historical – releasing medieval passions among large sections of the population, making and unmaking governments, and putting

to test founding principles of the modern Indian republic. Much of the order is about historical facts and interpretation.

**IDEA OF INDIA:** This evocative phrase which reflects the resplendence of Indian identity (also the title of political theorist Sunil Khilnani’s signature work), appears in paragraphs 1 and 2 of the judgment. The court said the dispute was “as old as the idea of India itself”, and observed: “The lands of our country have witnessed invasions and dissensions. Yet they have assimilated into the idea of India everyone who sought their providence, whether they came as merchants, travellers or as conquerors.”

**JANMASTHAN:** The court rejected the argument put forward by plaintiffs Bhagwan Sri Ram Virajman and Asthan Sri Ram Janmabhoomi that Janmasthan was a juristic person on the grounds that this would extinguish all competing proprietary claims to the land, and render the concept of title meaningless. The ASI reported the existence of a “very fine” Ram temple at Janmasthan, and the court noted that according to the ASI, “Babar’s Masjid... was built on the very spot where the old temple Janmasthan... was standing”.

**KAR SEVAKS:** Thousands of religious volunteers – *kar sevaks* – rallied behind L K Advani during his Rath Yatra in September-October 1990. Several *kar sevaks* were killed in police firing. Over 150,000 *kar sevaks* from across the country gathered at Ayodhya, and demolished the Babri Masjid on December 6, 1992. Ten years later, on February 27, 2002, when many *kar sevaks* were returning from Ayodhya, the Sabarmati Express was torched near Godhra, killing 59. This sparked riots in Narendra Modi’s Gujarat, in which more than 1,000 were killed, most of them Muslims.

**LAND:** At the heart of the title dispute were 2.77 acres of land. The judgment begins with the mention of “a dispute between two religious communities both of whom claim ownership over a piece of land admeasuring 1,500 square yards in the town of Ayodhya”. The disputed land has been granted to the Hindus for the construction of the temple. The Sunni Central Waqf Board has been given 5 acres.

**MODI:** Now Prime Minister, Narendra Modi was one of the organisers of the Rath Yatra that Advani embarked upon on September 30, 1990 from Somnath in Gujarat. The yatra was brought to an abrupt end on October 30 after then Bihar Chief Minister Lalu Prasad Yadav ordered Advani’s arrest in Samastipur. In later years, the Ram Mandir continued to fuel the BJP’s popularity, and Modi rode a wave in 2014 to catapult his party to pole position in Indian politics.

**NIRMOHI AKHARA:** One of the biggest and most powerful *akharas* of the Ramanandi sect has historically been associated with the spot, and argued the case vigorously at all levels for decades. It had been allotted one-third of the 2.77 acres by the Allahabad High Court in 2010, but the Supreme Court rejected its claim to *shebait* rights, and ordered that the *akhara*’s suit “is held to be barred by limitation and shall accordingly stand dismissed”.

**OUTER COURTYARD:** The wall erected by the British after Hindu-Muslim riots in 1856-57 divided the disputed premises into two parts: inner portion to be used by Muslims, and the outer courtyard to be used by Hindus. The Supreme Court relied on evidence pointing to exclusive ownership of the outer courtyard by Hindus, but observed that the possession of the inner portion (where the domes stood) by Muslims was always contested by Hindus. It also noted that the wall and the railing (around the disputed structure of the mosque) came about only to prevent a conflagration, and did not suggest any division of the site. The court

considered the inner portion and the outer courtyard as a composite whole, paving the way for a judgment in favour of a temple.

**POLITICS:** The Congress has been effusive in its praise of the judgment, a position that makes it difficult to distinguish it from the BJP. With the regional parties largely muted, the Left has been an outlier. If the demolition of the mosque in 1992 ushered in Hindutva 1.0, the reactions to the verdict appears to mark an era of broad acquiescence across most parties.

**QUESTION:** The Supreme Court pronounced judgment on appeals against the 2010 Allahabad High Court judgment that ordered a three-way division of the disputed land. The HC had considered questions on broadly eight issues, including who had the possession and title, whether the outer courtyard included Ram Chabutra and Sita Rasoi, and whether the mosque had been built on the site of an ancient Hindu temple. The Supreme Court heard arguments on broadly the same questions. (*Explained, November 6, 7*)

**RAM LALLA:** One of the five suits before the Court was in the name of the deity itself, Sri Ram Lalla Virajman, and the birthplace, Asthan Shri Ram Janmabhoomi. This suit was founded on the claim that the law recognises both the idol and the birthplace as juridical entities. The court did not accept the Janmasthan as a juridical entity. It awarded the title of the land to Ram Lalla, to be held by the Trust that the Court has sought to be set up within three months.

**SANGH:** The Sangh Parivar, including the RSS, VHP, and BJP, led the Ramjanmabhoomi movement, and demanded the construction of the Ram temple in Ayodhya. The Sangh Parivar has long insisted that the temple is a matter of faith and not

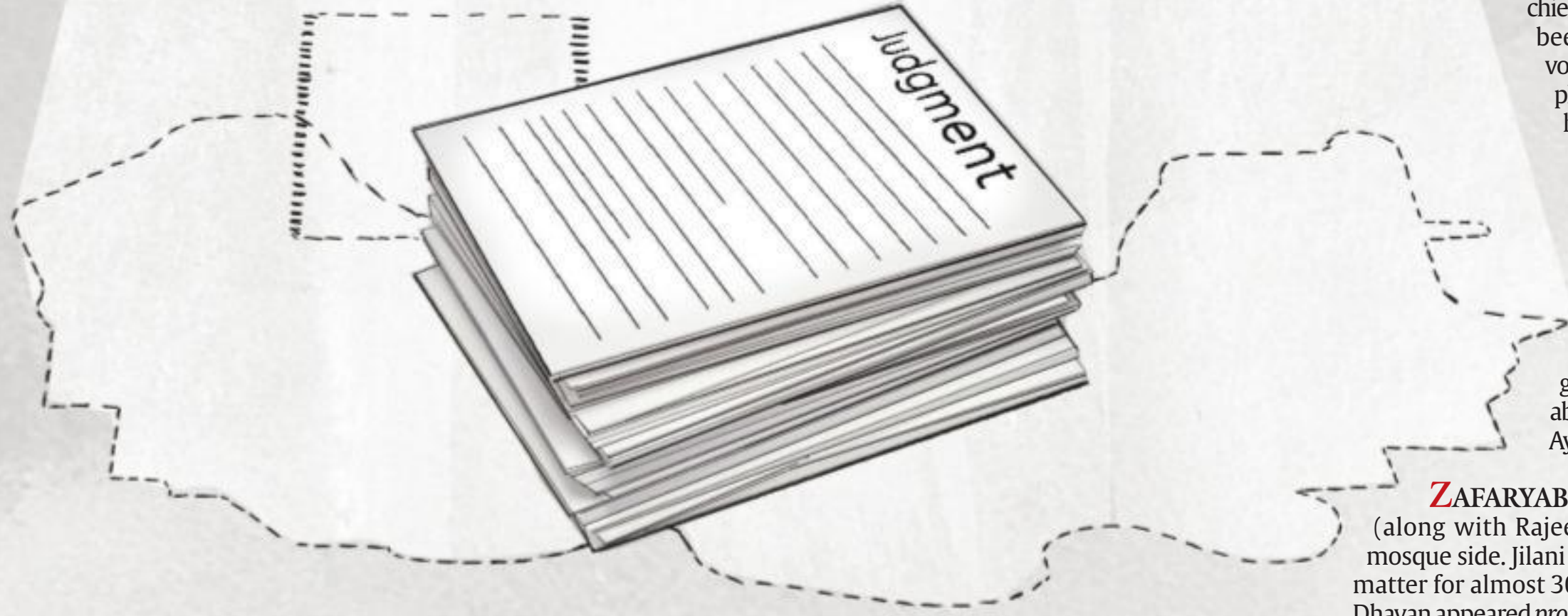


Illustration: Shyam Kumar Prasad

one for courts, a view that the SC, while giving the land to Hindus, rejected. The Ramjanmabhoomi movement propelled the BJP to power, and the RSS chief welcomed the order soon after it was passed.

**TRUST:** The court has directed the Centre to formulate within three months a scheme to set up a “Trust with a Board of Trustees or any other appropriate body” under The Acquisition of Certain Area at Ayodhya Act, 1993, with powers “including the construction of a temple”. The court has used its powers under Article 142 to direct that “appropriate representation may be given in the Trust... to the Nirmohi Akhara”.

**UNANIMOUS:** The Ayodhya verdict is most noteworthy for the unanimity of views of the five judges including the Chief Justice of India. Given the nature of the decades-long dispute, its political significance and religious overtones, the unanimous judgment serves to keep the temperature down. Unanimity, however, need not mean it is fair and equitable.

**VIOLENCE:** After the 1960s, there was a hiatus of sorts in communal rioting until the late 1980s, when Advani’s Yatra resulted in much blood being spilled. The demolition of the mosque resulted in riots that in which more than 2,000 died across cities. Mumbai saw riots lasting for more than a month.

**WALL:** A 6-7-foot grill-brick wall built by the British after the riots of 1856-57 marked a turning point over the use of the space by the two communities. It was intended to create a buffer between them and resolve the conflict. However, Hindus and Muslims ended up making multiple attempts to exclude each other from the site. Over time, it resulted in at least five suits, which were adjudicated by the Allahabad High Court on September 30, 2010.

**X FACTOR:** There remain concerns that the verdict may not be able to achieve closure. Fears were expressed on Saturday that the judgment may trigger demands at other places, including Mathura and Kashi. The apprehensions are rooted in a wider context of the downgrading of Article 370, and the threats of a Citizenship Amendment Bill discriminatory to Muslims and a country-wide National Register of Citizens. How the Ayodhya judgment plays out remains to be seen.

**YOGI:** Yogi Adityanath’s predecessors at the head of the Gorakhnath Mutt, Mahants Avaidyanath and Digvijay Nath, were central figures in the Ram Janmabhoomi movement, and the UP chief minister himself has been a determined votary of the Ram temple. The Supreme Court has directed that the 5 acres of land for the Sunni Central Waqf Board should be allotted either by the Centre out of the land acquired in 1993, or by the state government “at a suitable prominent place in Ayodhya”.

**ZAFARYAB JILANI:** The lawyer (along with Rajeev Dhavan) for the mosque side, Jilani has stayed with the matter for almost 30 years now. Rajeev Dhavan appeared *pro bono* in the Supreme Court, and added an edge to arguments. The order thanks both counsel among others, in the end.

# 1992 to 2019: How India has changed in the years since Babri demolition

When a mob tore down the Babri Masjid in Ayodhya 27 years ago, India had no Internet, no mobiles, and a far smaller GDP. But it was also less unequal, and unemployment was much lower.

