A145

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 10866-10867 OF 2010

IN THE MATTER OF: -

M. Siddiq (D) Thr. Lrs. ... Appellant

VERSUS

Mahant Suresh Das &Ors. etc. etc. ... Respondents

AND

OTHER CONNECTED CIVIL APPEALS

RESPONSE TO THE REPLY IN SUIT IV

BY DR. RAJEEV DHAVAN, SENIOR ADVOCATE

ADVOCATE ON RECORD:EJAZ MAQBOOL

RESPONSE TO THE REPLY IN SUIT IV

I. PRELIMINARY

1.1. This is a Response to the Reply of the Respondents to the arguments of the Petitioners in Suit 4 on behalf of the Sunni Waqf Board and the other Muslim petitioners, noting that this is a Suit under Order 1 Rule 8 in respect of the Hindus and Muslim communities.

1.2. The present reply is made to the arguments made by Senior Advocates Sarvshiri Parasaran and Vaidyanathan.

II. SOME IMPORTANT CLARIFICATIONS IN REPLY

2.1. At the very outset, the following must be noted:

A. Factual scenario in 1961

2.2 **FACT I :**

On 18th December 1961, the factual situation was that only the inner courtyard was attached on in 1949-50, but, the outer courtyard was not attached until 1982. Equally, the graveyard was also not attached.

However the Suit No. 4 was filed claiming

(a) the attached portion (inner courtyard)

(b) the unattached portion (outer court yard)

(c) the unattached graveyard.

Thus, the Suit 4 related to both areas - attached and unattached portions, and therefore, not limited to declaration on the event of receivership, but:

(a) declaration as a public mosque of properties A B C D [both the inner (attached) and outer (unattached) and E F G H (graveyard - unattached);

(b) possession of the mosque (which necessarily included the entire walled area A B C D);

(bb) arose after the destruction of the entire property mosque area and the relief was NOT from the Civil

Court receiver **but the statutory receiver appointed as a consequence of Ismail Faruqui (1994) ;**

(c) costs;

(d) Any further relief which the Hon'ble Court considers proper.

Thus, the very basis of the argument that only declaration was available and all other reliefs were merely ancillary or consequential disappears.

2.3 **FACT II:**

The application legislation for the powers and constitution Waqf Board is the '**UP MUSLIM WAQFS ACT 1960**'

'Section 19(2): Without prejudice to the generality of the provisions of sub-section (1) the powers and duties of the the Board shall be—

.....

(e) to take measures for the recovery of the lost properties of the waqf;

....

(q) to institute and defend suits in a court of law relating to waqfs.'

Note: Section 3(2) "*Board*" means the 'Sunni Central Waqf Board' or the 'Shia Central Waqf Board' constituted under this Act.

2.4 **FACT III:**

No serious discrepancy in the 1860 Sanad and RegisterL

(i) In the first place, there are two documents of importance, namely:

(a) The Sanad which is reproduced in English in the Impugned Judgment **Volume II, pp. 1379- 80 para 2335** reads as follows:

"It having been established after due inquiry that Rajjab Ali and Mohd. Asghar received a Cash Nankar of (Rs. 302-3-6) Rupee Three Hundred and two three annas six pie from Mauza Shahanwa District Fyzabad, in rent free

tenure under the former Government. The Chief Commissioner, under the authority of the Governor General in Council is pleased to maintain the grant for so long as the object for which the grant has been made is kept up on the following conditions. That they shall have surrendered all sunnds title deeds and other documents relating to the grant in question. That ***they and their successors shall strictly perform all the duties of land holders in matters of Police, and any Military or Political service that may be required of them by the Authorities and that they shall never fall under the just suspicion of favouring in any way the designs of enemies of the British Government.*** *If any one of these conditions is broken by Rajjab Ali and Mohammad Asghar or their successor the grant will be immediately resumed."*

Note: This is to be found at **Document Volume I pg.11 (filed on 03.11.2017)** and a typed copy in **Document Volume II pg. 1566-7.**

This clearly establishes that inquiry was done and even though Justice Agarwal (in the **next para 2336 at pg. 1380**) thinks that no inquiry was made and the genealogy was unsatisfactory on the assumption that it should relate back to Syed Baki. The English inquiry was to those who had received the grant before.

(b) The Case 53 document of 1860 is the Register distinct from the sanad in the mukadma and is substantially the same and refers to Babur Shah (lateral 6), bataur waqf (lateral 7C), (Oudh by Babar Shah (Lateral 7C – Vol II pg.1378) and "khatib of waqf"

Why did this confusion arise?

The answer is simple: There were four versions :

(i) The original in persian/urdu;

(ii) The transliteration- NOT translation from the original by Mr. Jilani into HINDI;

(iii) The re-arrangement of the translation by Justice Agarwal **(at Volume II, pr. 2234 pg. 1377)** which is obviously not in Hindi and reworked by the judge;

(iv) Since this was unsatisfactory and the translation was not done by the Official Translator, translation provided from a private expert brought on record by Mr. Ejaz Maqbool.

What was put as Exhibit No.1 in A-113 was the translated version, which was made pursuant to the Orders of the Court and noted eventually on 5 August 2019 by the Court. It was open to challenge, which is being made for the first time.

It is submitted that there is no substantive variation in the sanad and register, the different phraseology and placing of words is easily explained.

2.5 **FACT IV:**

Suit V specifically adds after asserting the existence of a Vikramaditya Temple that Babur came to Ayodhya, raised by destroying a temple, a mosque existed "since the mutiny", both parties worshipped there, the Hindus were forbidden access to the "inner yard" and "made their offerings on a platform which they have raised in the outer one.

(See Pleadings-Running Volume 72, pg. 246 last four lines.)

2.6 **FACT V:**

It follows that it is admitted that:

(a) it is admitted that Muslim prayer was taking place.

(b) the British issued a sanad and recognized the mosque as Waqf and gave it due recognition in that capacity.

It was for the defendants to show otherwise.

2.7 **FACT VI :**

The defendants cannot take advantage of a series of illegal acts of the destruction of which they took advantage to place idols.

2.8 **FACT VII :**

The plaintiff in Suit themselves say in the plaint: **(Pleadings-Running Volume 72, pg. 251 pr. 29)** that their possession places their title beyond dispute.

> *'....Thus, independently of the original title of the Plaintiff Deities which continued all along, the admitted position of their possession places the matter of their title beyond any doubt or dispute. Even if there had been any person claiming title to the property adversely to the Plaintiff Deities, that would have been extinguished by their open and long adverse possession, which created positively and affirmatively a proprietary title to the premises in the Plaintiff Deities.'*

2.9 **FACT VIII :**

Mr Parasaran, Senior Advocate wrongly relied of the decision of the District Judge on 18.03.1886 to indicate that title was not denied by the District Judge by making an observation that it was too late to go into that issue (**See Submission A125 by Mr. Parasaran in Reply pgs. 13-14).** But, the fact remains that the Commissioner on 01.11.1886 specifically decided that the Hindus had no title and thatthey only had a prescriptive title.

The explanation given by Mr. Parasaran, Senior Advocate is as follows: **(Submission No. A125 at pg.14)**

> *'The Muslim parties chose not to file an appeal against the said findings, which has attained finality. In any event, irrespective of the conduct of the Muslim parties, the finding of the District Judge has attained finality. Therefore burden of proof does not llie on the Hindu parties to show that they held the disputed property to be sacred, It is the duty of the Muslim Parties to displace the said finding while dealing with facts nearer to their ken.'*

With respect:

(a) When a finding is in your favour, an appeal does not need to be filed.

(b) Appeals do not have to be filed on 'observations' where a finding has been made.

(c) The Commissioner firmly repudiated the decision on the District Judge, clearing ambiguities.

(d) The Commissioner's decision is binding on the appellant Hindus who cannot derive succour from an overruled decision.

(c) There is no question of any onus shifting on that account.

2.10 **FACT IX :**

There was no concept of 'act of state' applicable to Babur .

Mr Parasaran, Senior Advocate submitted : **(Submission A125 pg. 15 at pr. 39)**

> *"As title pleaded itself is traceable to an emperor building a mosque, which being an act of state cannot be taken into account"*

Mr. Parasaran himself admits in respect that "The British law was that there can be an act of state by the British against citizens of India". By relying on Justice Hidayatullah's concurring judgement in *Vora Fiddali"s case (1964) 6 SCR 461* which, apart from being post- Constitution (at pg. 549) also specifically says that an act of state comes to an end where the new "sovereign" expressly or impliedly recognizes a right (High Court at pg. 540 supported at pg. 542 and elaborated at pg. 545). In any case, the act of State in this case was the merger agreement and whether a tharao was law).

2.11 **FACT X :**

Any reference to arguments made by any side in *Ismail Faruqui (1994)* are irrelevant in the present context, since it constitutes the basis on which this suit is proceeding.

2.12 **FACT XI :**

The relief in Suit 4 was about the land and not the building. Thus, the illegal destruction of the building does not eliminate the right of the Waqf Board to demand the area from the Ismail Faruqui appointed Statutory Receiver.

It should be pointed out that in Suit 4 at **pg.91-92 pr. 21A of Running Volume 72,** it was pleaded:

> *"...As the demolition and change in the position of the spot was made in defiance and flagrant violation of the various orders of this Hon'ble court and the Hon'ble Supreme Court, the plaintiffs are entitled for the restoration of the building as it existed on 5.12.1992."*

It is also to be noted that in law and equity, this pleading should be read with Relief (d) at **pg. 94:**

> *"(d) any other or further reliefs which the High Court considers may be granted"*

2.13 **FACT XII :**

Relating To Conquests

It is an established fact:

(a) That there were massive conquests within India by various Rulers against each other even of the same faith. There were thousands of such conquests in recorded history.

Quaere: Were these conquerors different because they were Hindus?

(b) Apart from marauders for spoils, invading conquerors from outside from the Aryans onwards who settled in India.

The Muslims settled in India from 1206. Babur fought an Indian settled ruler (Lodi) and Muslims from outside and those who accepted Islam live here.

(c) India was not one but many sovereign political entities.

2.14 It is submitted, with respect:

(a) **If the argument is made that India can only be perceived as Hindu, this argument is communal.**

(b) **If it is against other races coming to India, it is communal.**

2.15 **FACT XIII :** [The Historical Wrong argument]

An argument was advanced that the people of India needed protection from conqurers who came from outside.

Under the Constitution of India, the protection prioritized are for SC/ST/OBC, Women and Children, Minorities, all religions and those under the 5th & 6th Schedule, apart from where special exceptions are made.

2.16 **FACT XIV :**

The Imperial declaration declares that the East Indian Company acted as trustee for the sovereign. (See First Recital- **Submission No. A127 pg. 2)**

> *Whereas for drivers weighty reasons, We have resolved, by and with the advise and consent of the Lords Spiritual and Temporal, and Commons, in Parliament assembled, to take upon Ourselves the Government of the Territories in India heretofore administered in trust for Us by the Honorable East India Company.*

2.17 **FACT XV :**

All other facts are as shown indisputable.

III. SUBMISSIONS ON LAW

3.1. Article 142 and 144 of the Limitation Act 1908, will unequivocally apply where the plea of possession is of an area not just limited to an area under receivership but well beyond it.

The assertion that only declaration is sufficient in certain situations (for example: in respect of receivership) does not obviate making other pleas (such as possession). Such latter pleas remain independent pleas for determining limitation.

3.2. Pleadings must be read as a whole and in material particulars to ensure, inter alia, that the Court and parties to the Suit are not taken by surprize.

In the present case, the pleadings show:

(i) That the relief claimed are not just to areas under attachment, but also over areas covered by the waqf of areas that are not attached.

(ii) There is an independent prayer for possession of all these areas (Prayer b)

(iii) The further Prayer (bb) is not to be confused with a prayer qua a receiver appointed under the Cr.P.C. or CPC. The receiver in this case was a Statutory Receiver based on an interpretation of the Ayodhya Acquisition Act as an independent receiver with tasks assigned to such a Statutory Receiver by the Supreme Court.

(iv) An alternative plea can be made in a counter factual situation to the effect that if the opposite party manage to establish title (before 1855) such a title is defeasible by a plea of adverse possession.

3.3. Section 110 of the Evidence Act 1872 is clear in laying down that if a person is in possession and "the question is whether he is the owner", given the factum of possession, the onus of proving lack of title is on the person who questions it.

This would support alternatives:

(a) Where title is also claimed in addition to possession, and

(b) Where the claim of title is implicit in a claim of status (for example: waqf)

(c) Where possession is claimed beyond a limitation period to raise a presumption of title.

3.4. Where a sovereign power recognizes, by way of sanad or executive action or judicial decision, the status of an entity (eg. Waqf) and it is implicit that the said entity exists on the basis of an irrevocable surrender of ownership and use, it will be assumed that there is recognition of all the trappings of that entity especially if such recognition is by due diligence.

That the recognition for the upkeep of that entity (eg. waqf) will further reinforce that the entity is being used for that purpose.

3.5. Where someone claims an independent right to build on an area in the exclusive possession of another, it will have to be examined whether this was a permissive use or a claim of title.

If the claim to build and the claim of title, under these circumstances, is rejected by a court of competent jurisdiction rejected the claim of title and holding that the use was permissive, such a decision can only be obviated by establishing title by adverse possession or consensual surrender by the title holder according to law.

3.6. It has been argued by the Sunni Waqf Board that the concept of a 'continuing wrong' does not apply in favour of the Nirmohi Akhara in Suit III, it follows that such a concept would also not apply in favour of the Sunni Waqf Board and other petitioners in Suit IV to the extent that they are similarly placed.

However, ex-hypothesis, if this Court applies the concept of "continuing wrong" in Suit III, it must apply to a similarly placed plaintiff in Suit IV.

3.7. The position of a shebait in Hindu law cannot be transplanted to be made applicable to waqfs in Islamic law, nor is the status of a mutawalli similar to that a shebait.

3.8. In the present case, under the UP Muslim Waqf Act 1960, the oversight and administration of the waqf is in the hands of the Board, including the right to file a case or defend it and protect the property.

3.9 The mere absence of prayer, especially under intimidating circumstances, does not deprive a waqf of its status as a waqf.

3.10. Sections 34 and 35 of the Specific Relief Act 1963 and parimateria provisions has to be read in this case with Order 1 Rule 8, whereby:

(a) any declaration of title or status;

(b) any other relief sought and granted

will be binding on all included within the ambit of Order 1 Rule 8.

IV. ORDERS PERTAINING TO TRANSLATIONS OF EXHIBITS AND DEPOSITIONS

DATE	PARTICULARS
9.05.2011	Appropriate directions for translation of the High Court order will be given later on.
10.08.2015	The Parties will appear before the Registrar and work out a satisfactory and agreeable method by which documents maybe translated, collated, compiled and filed.
04.01.2017	The Registry was directed to submit a report on whether the parties had complied with the order dated 10.08.2015. If the parties had not appeared till date, then they were directed to appear before the Registar within 10 days.
11.08.2017	Plaintiffs and defendants in the suits shall translate their respective exhibits. Twelve weeks were granted.
5.12.2017	All the AoRs will sit together and ensure that the translations will be filed within a timeframe; next date of hearing was fixed as 8.2.2018.
8.2.2018	The Court noted that some translations had been filed and some were remaining. It was also directed that since the books which were in different languages were filed, the relevant portion can be pointed, translated and filed.
10.1.2019	The Secretary General of the Registry informed the court about the huge record. It was further noted that if all the depositions and documents have been translated or not was not clear. It was therefore directed that the Registry shall inspect the records and make an assessment of the time that will be taken to make the cases ready for hearing by engaging official translators, if required.
26.02.2019	It was noted that the translated copies of exhibited and depositions had been filed. The parties were directed to satisfy themselves with regard to accuracy, correctness and relevance of the translations and point out objections, if any, within 8 weeks.
11.07.2019	The Parties have not pointed out their objections to translations, if any, till date.
18.07.2019	IA No. 102786 of 2019 had been filed by the Appellant in Civil Appeal Nos. 10866-67/2010 seeking permission to point out discrepancies in the translations, if any, at the time of referring the relevant document during the final arguments. The said application was allowed on 05.08.2019.

V. CASES CITED BY MR. PARASARAN, SENIOR ADVOCATE

(in Submission No. A125)

S.No.	Cases	Cited for	Comment
1.	Manohar Lal Chopra Vs. Rai Bahadur Rao Raja, (1962) Supp 1 SCR 450	A prayer for possession was not necessary since the property has been in custodial egis since Dec 1949. *(what can be done directly cannot be done indirectly.)*	Two suits filed at Indore and Asansol. Injunction under order 39 CPC issued at Indore inspite of stay order being rejected at Asansol. Appeal against injunction order was allowed.
2.	Moran Mar Basselios Catholicos v. Thukalan Paulo Avira, AIR 1959 SC 31	In an action for ejectment, the plaintiff has to succeed on the strength of his own title.	Declaratory suit claiming title as trustees and possession of trust property. It was found that the meeting at which trustees were elected was not a valid meeting due to lack of due notice to all and thus held that the suit must fail for want of title as trustees.
3.	Nookala (1970) 2 SCC 13	Even where a case is decided in favour of a party, he can attack finding adverse to him in an appeal filed by other party. *(Burden f proof is on Muslims to show that the finding-that mosque was built on land sacred to Hindus-is wrong)*	The question in this case was that whether it is open for Central Govt., hearing a review petition against the order of the State Govt. passed in compliance of the Supreme Court order, to set aside the order so as to upset the order of this court? <u>*Held*</u>: The executive has no power to change the law or to supersede the judgment of this court.
4.	Ambika (1966) 1 SCR 758	An inference of continuity may be drawn forward and backwards as per S. 114 (Illustration-d) of the Evidence Act 1872.	The case says that if existence of a particular
5.	Vinodkumar	To show that with the	The case was about an

	(1981) 4 SCC 226	change in sovereign rule (British)only such title as recognized by her majesty would prevail.	application for grant of mineral concessions from Portuguese Government for territories in Daman and Diu before they got annexed to Goa. The question to be decided was whether rights obtained from previous government would continue with the new government. The court held that there had to be "something more" than mere continuance of old laws to show that they have been recognized by new government.
6.	The Secretary of State in Council of India v KamacheeBoye Sahara. 1859 SCC OnLine PC 8/ 1859 7 M.I.A. 476	an example of act of state Facts:	British annexed the territory of Tanjore when no male heir was produced. The substantial question was whether taking possession of the deceased Rajah's property by the East India Company, in virtue of Treaties authorizing the annexation of the Raj of Tanjore, was not such an act of State and Sovereign authority as cannot be questioned or inquired into by a Municipal Court within the territories of the East India Company.
7.	TR Bhavani (1963) 2 SCR 421	As title is traceable to an Emperor building a mosque, which being an act of state, cannot be taken into account. In 1858, British acquired	Suit filed for grant of patta on land under Madras Estates Act.

		the territory as a 'new sovereign'.	
8.	Indra Sawhney (1992) 3 Supp 217	People accept the courts as appropriate means of resolving disputes when Government does not.	This is case on reservation.
9.	Indra Nehru (Raj Narain case) (1975) Supp SCC 1	Any jurisdiction exercised by the legislature in matters which have to be adjudicated by the court is in the nature of Bill of Attainder.	This is a case on judicial review of election cases.
10.	Raja Rajgan 1942 AIR PC 47	Article 120 applies.	This was a case where only title was prayed for and was held that adverse possession will apply to the property as a whole.
11.	Deo Kuer Vs. Sheo Prasad Singh (1965) 3 SCR 655	Property is custodia legis with the magistrate under Article 145.	**Note**: This would not affect the law of limitation or claims in a consequent civil suit or any other.

Note: The cases on Act of State are irrelevant to the extent that it states that the British Law on the act of State against the citizens have not been properly explained.

In *Johnstone Vs. Pedlar (1921) 2 AC 262,* an American citizen was able to set relief and act of State was denied.

In *Nissan Vs. Attorney General, (1970) AC 179,* the act of State could not be pleaded against a British subject whose property was damaged.

In Cypress Wade 10th Edition 2009, Pg. 716 scrutinizes that it may be a matter of geography rather than nationality and the Human Rights Act 1998 "trumps the defence of the act of State".

nor the abject despondency survived long. (In this process some role of revival of economy can not be ruled out). The demolition did not prove Indian equivalent of storming of the Bastille and it remained a turning point in Indian history when history refused to turn. (Again from same editorial page article of Section Dasgupta.) We could again sing with fresh charm Sare jahan Se Achcha Hindustan hamara, particularly its following verses.

"मजहब नही सिखाता आपस मे बैर रखना ।
हिन्दी है हम, वतन है हिन्दोस्तां हमारा ।।
यूनान–ओ–मि–ओ–रोमा सब मिट गए जहां से ।
अब तक मगर है बाकी नामों–निशां हमारा ।।
कुछ बात है कि हस्ती मिटती नही हमारी ।
सदियो रहा है दुश्मन दौरे–जमा हमारा ।।"

(also quoted by Justice R.S. Dhavan in *A.C. Datt* v. *Rajiv Gandhi,* AIR 1990 All 38)

Acquisition by Central Government :

Thereafter, Central Government acquired a large area of about 68 acres including the premises in dispute through Acquisition of Certain Areas at Ayodhya Act, 1993. (Earlier an ordinance by same name had been issued). Simultaneously, reference was also made by the President of India to the Supreme Court under Article-143 of the Constitution of India. Reference was to the following effect :

"Whether a Hindu temple or any Hindu religious structure existed prior to the construction of the Ram Janam Bhoomi and Babari Masjid (including the premises of the inner and outer Courtyards on such structure) in the area on which the structure stands or not?"

Supreme Court decided the matter through judgment reported in *Dr. M. Ismail Farooqi* v. *Union of India*, 1994 (6) SCC 360. Supreme Court refused to answer the reference. Supreme Court struck down Section 4(3) of the Acquisition Act, 1993 which had directed abatement of all pending suits, as unconstitutional and invalid and upheld the validity of the remaining Act. The result was that these suits, which had abated in view of the aforesaid provision of the Acquisition Act 1993 stood revived. It was also directed that the vesting of the disputed area described as inner and outer Courtyard in the Act (in dispute in these suits) in the Central Government would be as the statutory receiver with the duty for its management and administration requiring maintenance of status quo. It was further directed that the duty of the Central Government as the statutory receiver would be to handover the disputed area in accordance with Section 6 of the Act in terms of the adjudication made in the suits for implementation of the final decision therein as it was the purpose for which the disputed area had been so acquired. It was also clarified that disputed area (inner and outer Courtyards) alone remained the subject matter of the revived suits. The claim of Muslims regarding adjoining alleged graveyard is therefore not left to be decided.

Impleadment applications rejected :

The impleadment applications filed by the following persons for their impleadment and impleadment of Union of India were rejected on the dates mentioned against their names.

in view of peculiar facts and circumstances it is held that in actual partition, the portion where the idol is presently kept in the makeshift temple will be allotted to the Hindus and Nirmohi Akhara will be allotted land including Ram Chabutra and Sita Rasoi as shown in the map, plan I. However, to adjust all the three parties at the time of actual partition slight variation in share of any party may be made to be compensated by allotting the adjoining land acquired by the Central Government.

EPILOGUE :

My judgment is short, very short. Either I may be admired as an artist who knows where to stop, particularly in such sensitive, delicate matter or I may be castigated for being so casual in such a momentous task. Sometimes patience is intense action, silence is speech and pauses are punches.

I have not delved too deep in the history and the archaeology. This I have done for four reasons. Firstly this exercise was not absolutely essential to decide these suits. Secondly I was not sure as to whether at the end of the tortuous voyage I would have found a treasure or faced a monster (treasure of truth or monster of confusion worst confounded). Thirdly having no pretence of knowledge of history I did not want to be caught in the crossfire of historians. Fourthly, the Supreme Court in *Karnataka Board of Waqf* v. *Government of India*, 2004 (10) SCC 779, has held in Para-8 as follows :

> "As far as a title suit of civil nature is concerned, there is no room for historical facts and claims. Reliance on borderline historical facts will lead to erroneous conclusions."

As this judgment is not finally deciding the matter and as the most crucial stage is to come after it hence I remind both the warring factions of the following.

The one quality which epitomized the character of Ram is tyag (sacrifice).

When prophet Mohammad entered into a treaty with the rival group at Hudayliyah, it appeared to be abject surrender even to his staunch supporters. However the Quran described that as clear victory and it did prove so. Within a short span therefrom Muslims entered the Mecca as victors, and not a drop of blood was shed.

Under the sub-heading of demolition I have admired our resilience. However we must realise that such things do not happen in quick succession. Another fall and we may not be able to rise again, at least quickly. Today the pace of the world is faster than it was in 1992. We may be crushed.

I quote two verses of Iqbal which were also quoted by Justice R.S. Dhawan in *A.C. Datt* v. *Rajiv Gandhi,* AIR 1990 All 38 :

> "वतन की फिक्र कर नादां मुसीबत आने वाली है ।
> तेरी बरबादियों के मश्वरे हैं आसमानों में ।।
> न समझोगे तो मिट जाओगे ऐ हिन्दोस्तां वालों ।
> तुम्हारी दास्तां तक भी न होगी दास्तानों में ।।"

An observation of Darwin is also worth quoting at this juncture (what an authority to quote in a religious matter/dispute!):

> "Only those species survived which collaborated and improvised."