

Case Description (/court-case/ayodhya-title-dispute)

Ayodhya Title Dispute

M Siddiq v. Mahant Suresh Das

Day 29 Arguments: 20 August 2019

The court is hearing appeals to the 2010 Allahabad High Court judgment, which divided the disputed land title among the Nirmohi Akhara (suit no. 3), Sunni Waqf Board (suit no. 4) and Lord Ram (suit no. 5). Today, Sr. Adv. C.S. Vaidyanathan who represents Lord Ram finished taking the court through the documentary and oral evidence.

The morning session was marked by a dispute over the veracity of an inscribed stone slab, which allegedly dates back to the 12th century. The inscription states that Ayodhya had a large Lord Vishnu temple (Ram is an incarnation of Vishnu). Sr. Adv. C.S. Vaidyanathan contended that this was the temple upon which the Babri Masjid was built. Whether the slab was found in the debris at the site has been contested.

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In the afternoon session, Sr. Adv. C.S. Vaidyanathan took the court through the oral evidence. He read through witness statements that describe the disputed site as of special relevance to Hindus.

Morning Session

2.19 Hindus have continuously worshipped at Ayodhya

Sr. Adv. C.S. Vaidyanathan began today by reiterating his claim that Hindus have continuously worshipped at Ayodhya. He pointed to 17th and 18th century accounts of Hindu worship at the site.

He proceeded to speculate about how it was more dangerous to complete pilgrimages during the 19th and earlier centuries, than it is now. He suggested that this further demonstrates the unrelenting faith of Hindu worshippers. He did not rely on any evidence.

2.21 Legal dispute is limited to the inner courtyard

Next, he reiterated that the legal dispute is limited to the inner courtyard. He read from extracts of the 2010 Allahabad High Court judgment (<http://elegalix.allahabadhighcourt.in/elegalix/ayodhyafiles/honsukj.pdf>), to claim that the outer courtyard is exclusive to Hindus. Sr. Adv. S.K. Jain made a similar submission on 6 August (<https://www.scoobserver.in/court-case/ayodhya-title-dispute/ayodhya-day-22-arguments>) on behalf of the Nirmohi Akhara

Sr. Adv. C.S. Vaidyanathan argued that a mosque cannot co-exist at the site, as the 'tenets of Islam' prohibit (images of) idols inside of a mosque.

2.22 Evidence to show that mosque is constructed on the ruins of a temple

Sr. Adv. C.S. Vaidyanathan returned to the claim that the 16th century mosque was constructed on the ruins of a temple. He presented the court archaeological evidence not included in the ASI report. An inscribed stone slab was allegedly found at the site and it dates back to the mid-12th century. The inscription is in Sanskrit and describes a 'big temple' for Lord Vishnu with 'rows of lofty stone pillars' at Ayodhya, the capital of Saketa Mandala.

Sr. Adv. C.S. Vaidyanathan submitted that the 4ft by 2ft slab was not carbon dated. However, he said that paleographic evidence and the nature of the inscription date it to the 12th century. He said the stone slab was recovered in 1992 after the mosque was demolished by Kar Sevaks.

Sr. Adv. C.S. Vaidyanathan argued that the temple described in the inscription was at the disputed site. He highlighted how the reference to pillars is in accordance with the ASI's findings (<https://www.scobserver.in/court-case/ayodhya-title-dispute/ayodhya-day-28-arguments>). Further, he argued that it is irrelevant if the slab was planted at the site because only its age and inscription are of significance.

Justices Bode and Chandrachud sought to know how he was substantiating the translation he had submitted.

Justice Chandrachud asked what the nature of the challenge to the evidence was. In particular, he asked whether there was a challenge to the credibility of the interpreter or his interpretation of the inscription. Second, he asked whether there was a challenge to the authenticity of the slab itself.

Sr. Adv. C.S. Vaidyanathan explained that there were no challenges to the interpreter, a Mr. KV Ramesh, nor his interpretation. The bench went through KV Ramesh's cross-examination by Shri Zilani. KV Ramesh was an employee of the Archaeological Society of India (not to be confused with the Archaeological Survey of India). Justice Bobde inquired into the nature of the society, particularly asking about its leadership and source of funding. Sr. Adv. C.S. Vaidyanathan submitted that they are registered society. Sr. Adv. Rajeev Dhavan interrupted to note that SP Gupta who heads the society is himself a witness for Lord Ram.

Sr. Adv. C.S. Vaidyanathan conceded that there is a challenge to the origin of the slab. Multiple parties have disputed whether it was found at the Babri Masjid site in 1992.

Sr. Adv. C.S. Vaidyanathan attempted to establish that the slab was found at the site by relying on a combination of photographs and an eye witness account. He used two photographs to show the court from where the slab allegedly fell and where it allegedly landed. The former photograph depicted a gap in the structure of the western wall.

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He then read the statement of the witness who attests to seeing the slab fall - Ashok Kumar Chatterjee was a press journalist with the Panchajanya and Faizabad resident. The statement says the slab fell around 3 pm in the afternoon. The witness recalled other journalists being present, but did not recognise them and speculated they were outsiders. The witness established that he was present at the time of the demolition in 1992.

Sr. Adv. C.S. Vaidyanathan said that the stone slab in combination with the ASI report clearly establish that the 16th century mosque was constructed on a temple. He concluded by stating that the mosque was either built by demolishing a temple or on top of its ruins.

2.23 Oral testimony that Hindus have continuously worshipped

At this point, he began to take the court through the oral evidence. He sought to establish that Hindus have continuously worshipped at the site.

A 90 year old witness (Mahant Sri Ramchandra Das) who gave evidence on 22 December 1999, stated that Hindus worshipped at the site because they thought it was Ram's birthplace.

An 85 year old witness born in 1917, who moved to Ayodhya in 1938, recounts worshippers offering darshan and performing parikrama (circumambulation) at the site. Further, he stated that his grandfather and father told him it was where Vishnu was reincarnated as Rama.

The court broke for lunch at 1.00 PM. Chief Justice Gogoi inquired how much more time Sr. Adv. C.S. Vaidyanathan would require. He said he will likely take another 30 minutes.

Afternoon Session

The bench assembled at 2.14 PM. Sr. Adv. C.S. Vaidyanathan continued to take the court through witness statements. He highlighted how a range of witnesses attest to a large number of Hindus worshipping at the disputed site.

2.24 Nirmohi Akhara cannot claim adverse possession

He went off on a tangent to argue that the Nirmohi Akhara cannot claim adverse possession of the property, which entails occupying land another party already has the title to. He questioned how they can claim to serve the deity and yet seek to possess his birthplace, itself a deity. The Akhara's counsel Sr. Adv. S.K. Jain clarified that it is *not* seeking adverse possession.

Justice Chandrachud asked Sr. Adv. C.S. Vaidyanathan whether Hindu worship remained continuous when access to the site was restricted by the State. Sr. Adv. C.S. Vaidyanathan submitted that worship never ceased.

As this point, Sr. Adv. C.S. Vaidyanathan began taking the court through the prosecution's witness statements. Relying on the statement made by Mohammed Harshim (PW1 (<http://www.scobserver.in/court-case/ayodhya-title-dispute/ayodhya-day-26-live>)), he submitted that Muslim witnesses also refer to the site as a special place of worship for Hindus. Mohammed Harshim (PW1), in his statement, described Ayodhya as a Hindu Mecca.

Continuing, Sr. Adv. C.S. Vaidyanathan read out Muslim witness statements describing lakhs of Hindus descending upon the disputed site to perform parikrama around it. He used this as an opportunity to reiterate his argument that the Ram Janmasthan extends beyond the central dome. Multiple witness statements describe the performance of parikrama around the entire site.

Finally, he summarised his interpretation of the documentary and oral evidence. He argued that the evidence demonstrates that Hindus believe the site is the Ram Janmasthan. He argued that worship never ceased, even when a mosque was built at the site. He said that the presence of the deity is in perpetuity.

He clarified that he had not dealt with the oral evidence tied to the ASI report. He said he would submit such evidence, if the other parties questioned its evidentiary value.

Chief Justice Gogoi stated that hearings would continue tomorrow. Sr. Adv. C.S. Vaidyanathan will conclude his arguments and then Vishnu Singh will begin. If there is time, Sr. Adv. S.K. Jain will present documentary and oral evidence, which he had failed to submit.

Sr. Adv. Rajeev Dhavan again suggested that the Nirmohi Akhara and Lord Ram be allowed to reply to each other, before proceeding to his suit (Sunni Waqf Board). He submitted that the two parties present contesting claims. Chief Justice Gogoi said the Bench would consider allowing replies.

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