

The Ayodhya Dispute in India: Understanding the Supreme Court's Verdict

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Summary

In a landmark unanimous judgment delivered by a bench of five judges on 9 November 2019, the Indian Supreme Court settled the centuries-old conflict between the Hindu and Muslim communities by granting the stretch of 2.77 acre disputed land to the juristic deity of Ram Lalla. The court also directed the central government to frame a scheme to set up a Trust within three months to whom the land could be entrusted. The court also decreed the allotment of five acres of land to the Muslims in a suitable area in Ayodhya to construct a mosque.

The Supreme Court has finally brought the curtain down on the centuries-old dispute which had seen intense litigation over the last seven decades, over the Ram Janmabhoomi land in Ayodhya. The issue has gone through many phases of dispute, leading to violence and a very contentious demolition of the Babri mosque which had stood there for about four centuries. It has been the claim of the Hindus that the site was the birthplace of Lord Ram, bearing a place of worship, on which the Muslims had constructed a mosque. The dispute had taken a serious turn when Vishwa Hindu Parishad volunteers demolished the 16th century mosque on 6 December 1992.

A five- judge bench of the Supreme Court unanimously ruled on 9 November 2019 that the 2.77 acre disputed land be handed over to a Trust to be constituted for construction of a Ram temple at the site where the Babri Masjid once stood. At the same time, the Court directed the government, “in the name of equity”, to make available five acres of land at a “suitable and prominent” place in Ayodhya to the Sunni Wakf Board to construct a mosque. The Court also ruled that the destruction of the mosque and the obliteration of the Islamic structure was an egregious violation of the rule of law since it was done in breach of the order of status quo and an assurance given to the Court by the state government.

In arriving at its conclusion, the Court has relied on the report of the Archaeological Survey of India (ASI), submitted in 2003 after carrying out extensive excavations, under the order of the Allahabad High Court. The report maintains the Babri Masjid was not constructed on vacant land as excavation had evidenced the presence of an underlying pillar-based structure over which the foundations of the disputed structure rested. The report had stated that artifacts, including architectural fragments which had been recovered during excavation, have a distinct non-Islamic origin. The Court has concluded, on a balance of probabilities that the nature of the underlying structure and the recoveries which have been made, would, on stylistic ground, suggest the existence of a temple structure dating back to the 12th century. However, the Court maintained that a determination of title could not be within the remit of the ASI. It could also not decide on the basis of faith or belief but on the basis of evidence. It has, thus, applied settled principles of evidence to adjudicate upon which party has established a claim to the immovable property.

The Court has granted the disputed site to the Hindu claimants for the construction of the Ram temple, mainly due to the evidence they produced to prove that they had uninterruptedly worshipped inside the mosque believing the inner sanctum be to the birthplace of Ram. Hindu worship at Ramchabutra, Sita Rasoi and at other religious places “...clearly indicated their open, exclusive and unimpeded possession of the outer courtyard”, maintained the Court. The Court was also guided by the understanding that *namaz* (prayers) was not offered continuously in the inner section before 1857. In that year, the British divided the disputed structure in two equal halves by putting an iron fence to segregate worship areas for Hindus and Muslim and to stop them from quarreling. In fact, in contrast, evidence points to the continuous worship by the Hindus. Thus, it found Ram Lalla as having a better claim to possession than the Sunni Wakf Board. In arriving at this conclusion, the Court has treated Ram Lalla as a juristic person – a non-human legal entity recognised by law and entitled to rights and duties in the same way as a human being. Though the Muslims 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.

The Court reasoned that the land being given to the Muslims was because of the illegal demolition of the mosque. It maintained that, “The Muslims were disposed upon the desecration of the mosque on December 22-23, 1949, which was ultimately destroyed on 6 December 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 have been deprived of the structure of the mosque through means which should not have been employed.” For the Hindu claimants, the Court has directed the central government to frame a scheme under the Ayodhya Acquisition Act 1993 to set up a Trust or any other appropriate mechanism to which the 2.77 acre land would be handed over in terms of the decree.

The Court has contended that, as the final arbiter, it must preserve the sense of balance that the beliefs of one citizen do not interfere with or dominate the freedom or beliefs of another. This verdict has drawn appreciation from all communities as it seems to have settled a long-pending civilisational dispute through a reasoned legal debate. The Hindu community has shown its immense trust, wisdom and patience by permitting the fate of probably one of their most religious sites to be decided by the sagacity of five judges. The Muslims seem to have accepted the verdict with equanimity and have displayed no rancour.

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