

HEARING DATED: 16.08.2019

:: RAM MANDIR CASE ::

ARGUMENT OF MR. C.S. VAIDHNATHAN (SR. ADVOCATE)

Mr. C.S. Vaidhnathan, Sr. Advocate appearing for Bhagwan Sri Ram Virajman continued his argument on following issues:

-Characteristic of mosque

-Archeological Survey of India Report

Mr. C.S. Vaidhnathan started his argument with the Kasauti Pillars wherein pictures of Hindus Gods were engraved.

- Mr. C.S.V. again drawn the attention of Hon'ble Bench of Supreme Court towards the MAP and towards Pucca Parikarma Marg shown thereupon.
- Mr. CSV shown the Kasauti Pillars in the MAP and raised a question that can such Hindu symbols be found in mosque or is a mosque containing such Hindu Symbols is a valid mosque.
- Mr. CSV had two albums of photograph, and same were distributed to the bench and other side. Indicating the photographs in the albums Mr. CSV raised following questions.
 - As per Muslim Law there can't be any picture of God in a Mosque.
 - He argued that it was stated before Hon'ble High Court that even a street can be used to offer prayers but can this street be called as Mosque.
 - He said that the disputed structure was never considered as Mosque for the purpose of offering prayer.
 - In a Mosque you can't have idols.

- Mr. CSV argued that the images found in the disputed structures are totally contrary to the Mohammeden Law and Islamic belief and in Islamic religion you can't have such images.
- To put weightage on ASI report Mr. CSV shown the relevant portion of impugned judgment wherein 1 month time was granted to ASI to conduct survey and further one nominee from both parties was appointed to watch excavation proceeding.
- Mr. CSV shown the relevant portion of ASI indicating the Pillars, Mandap, Wall and other part of structure to perfectly indicate that there was a Hindu temple beneath the mosque.
- Mr. CSV drawn the attention of the court towards different chapters of ASI, wherein different time (the period of which wherein the construction has taken place) frame of excavated structure was indicated such as Gupta, Kushan.
- On inquiry Mr. CSV made it clear that idols are not carbon dated, however, some material may be carbon dated.
- On inquiry it was also told to the court that Kushan empire is 3rd Century B.C.
- Mr. CSV shown the court different Trench excavated during Archeological survey.
- From the fact mentioned therein Mr. CSV vehemently argued that the structure excavated by ASI beneath the Mosque was a Hindu temple, and it was a big temple built with several pillars and it was a public temple.

LUNCH TIME

After lunch CSV was looking quite charged up, and he started very strong and pin point argument before court and vehemently raised following issues:

- Mr. CSV stated that keeping in mind our case, keeping in mind pleading in Suit 4 (of Muslims) and then going through the ASI it is quite clear that the disputed structure was not built on agriculture land or vacant land.
- He argued that there was a massive structure beneath the disputed structure.
- As per ASI report there was a massive structure of 15 meter x 30 meter containing several pillars.
- It was not a simple structure, however, it was a massive public structure of Hindu Temple.
- From the material found in excavation like Makkar it is quite clear that it was a temple of Lord Rama and keeping in mind the faith and belief of people it can easily be concluded that it was a public temple of Lord Rama.
- Mosque was raised either after demoliting the temple or on the ruins of temple.
- Suit 4 says that it was a vacant land which is absolutely wrong in the light of ASI.
- A suggestion was put to the Witness as it was a Buddhist Temple, however, witness rejected this suggestion.

J. Chandrachud : Over a period of time during change in Civilization the things gets changed.

Mr. CSV : It was a massive structure.

J. Bobde : Neither it was vacant land nor it was agriculture land.

J. Bobde : Mr. CSV, the ruins of Structure will not help us, however, you have to show prove that it was a religious structure / Hindu Temple.

Mr. CSV. : Massive pillars, Makar, public access, all are proves that it was Religious public structure. Thereafter, CSV shown the close-up picture of Makar Pranal and told to the court that such things are only found in Hindu Temples.

J. Bobde : Makar is crocodile ? Where it is in the image.

Mr. CSV : Shown the same in the image.

J. Chandrachud : There is a grave, how would you interpret this?

Mr. CSV shown the floor 1 floor two indicating the ASI report and pictures and explained these are actually not floors but different layers of structure in different time period.

Mr. CSV shown the relevant portion of ASI report indicating that there was 60 meter wall.

Mr. CSV further shown the portion of ASI report and stated that there are "sufficient proof " of the existence of a "massive and monumental structure".

- It also found carved architectural evidence in foliage patterns, a doorjamb with a semi-circular plaster, a broken shaft of a black schist pillar, a lotus motif, a circular shrine with a water chute in the north, as well as 50 pillar bases
- The core of the central chamber could not be excavated due to the presence of an idol of Ram at that spot in the makeshift structure.

Thereafter Mr. CSV shown the finding of all three judges on this ASI report, J. SU Khan at page 103 of impugned order has not even gone through this ASI report. Mr. CSV indicated from the impugned order as how J. S.U. Khan started to write judgment and in his short judgment, he did not give any

finding on the material found in ASI report and rejected the same without even going through it. Mr. CSV said that its not a judgment at all.

Mr. CSV taken the bench to the finding of J. Aggarwal in his impugned order on ASI and read the contents in this regard from pages 2117, 2142, 2182, 2211, 2304 and 2409

Mr. CSV also shown the court to the finding of J. Sharma in his impugned order on ASI report.

:: Hearing resumed will begin tomorrow::

**Notes Prepared by:
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