

::RAM MANDIR CASE::

ARGUMENT BY C.S. VAIDHNATHAN (SR. ADVOCATE)

Mr. C.S. Vaidhnathan, Sr. Advocate appearing for Bhagwan Sri Ram Virajman commenced his argument as follows:

ASI

- Mr. CSV kept continue to make his submissions on ASI report. Mr. CSV shown the relevant paragraphs to the court from the impugned order related to ASI from page 2420 Para 3958 and 3959.
- Mr. CSV referred the evidence of Dr. Ashok Dutta and Dr. Supriya Verma on ASI to prove that ASI report was beyond any doubt.
- Further, Mr. CSV made his submission on objection filed by parties on ASI report and the view taken by High Court on these objections.
- Mr. CSV argued that the report of the ASI clearly proves that there was an existence of huge structure of Hindu Temple beneath the disputed structure.
- On query, Mr. CSV made that if the structure found in ASI was not bigger than the structure in dispute it was also not lesser than it.
- To put weight age to the report of ASI Mr. CSV stated that ASI has a lot of reputation not only in our country but also in the other countries.
- Mr. CSV referred J. Aggarwal finding on page 2507 para 4055 of impugned order that as per the ASI report the structure which was excavated was alike Hindus structure, not Islamic. Hindu temple was demolished for construction of mosque.
- Mr. CSV made submissions that today pilgrimage is more than a picnic but in old age when there was no facilities, people used to cross river through boat, it was difficult to travel, in that ancient time people use to come Ayodhya to present Ram Janambhoomi because of their devotion. This holy journey used to be considered as an great achievement and was a symbol of devotion and believe of people towards Bhagwan Sri Ram.
- Mr. CSV shown the finding of J. Sharma on ASI (page 3391) from the impugned order wherein it is mentioned that mosque was constructed at place of Ram Janam Bhoomi. There was a Temple. Ram Janambhoomi is sacred place for Hindus. Hindu Temple used to exist here. Thereafter, J. Sharma referred Revenue Record, Carnegi report, report of William Forster, William Finch.
- It was argued by Mr. CSV that from the evidence on record it is proved that lacs of people used to worship this sacred place from time immemorial.

- As per Islamic practice a mosque and temple can't co-exists.

Accordingly, both the Judges. J. Aggarwal and J. Sharma relied upon ASI report, and considered the fact that there was a huge Hindu temple beneath the disputed structure.

J. Chandrachud : Made a query regarding inscription of Vishnu Hari Temple.

CSV : While responding to the query of J. Chandrachud Mr. CSV referred page no. 4136 of Volume III and 4138 of impugned order. It was argued that a broken stone slab was recovered, containing inscription. Most of the contents are readable, however, some of the contents are not readable. It was vehemently argued that the recovery of same is questioned as it deliberately planted from some museum, as it was placed by a reporter of Panchjanya (related to RSS), however, the content mentioned therein were not questioned.

The dimension of Stone Slab is aprox. 4ft x 2 ft.

Ayodhya was the capital of Saketmandalam. 1114 to 1155 A.D.

J. Chandrachud : Whats the nature of Challenge to Dr. Ramesh?

CSV. No challenge, however, recovery of slab from site was challenged, contents, and authenticity of translation was not challenged.

J. Bobde : Archeological Society of India is different from Archeological Survey of India. It was mentioned on page 1226 in the evidence of witness that it was found on 06.12.1992 when disputed structure was demolished.

- After referring to the evidence of witness, Mr. CSV stated again that there is no question regarding genuineness and authenticity of slab. This slab is in the custody of museum. All the items which have been recovered are under the custody of State.
- Mr. CSV argued that as per ASI report, it is clearly proved that a huge hall with several pillars was found during excavation which was not for residential purpose. There is nothing to shown on record regarding creditability of ASI.
- Stone Slab completely supports the conclusion of ASI report and substantiate that there was a huge temple.

EVIDENCE:

- As per the Evidence of Hindus in Suit 5 they produced 16 witnesses, which are in sequence of OPW's.

- Mr. CSV made his argument on evidence of witnesses, and referred the statement of defendant no. 2 in Suit 4 (Mahant Suresh Das) who was of 90 years of age at the time of evidence on 22.12.1999. He was also plaintiff in Suit No. 2 but the same was withdrawn. It was mentioned in his evidence that Parikarma marg was there. Mr. CSV stated that he is authentic witness as he came in Ayodhya when he was 15-16 years old and residing since long and his evidence is not shaken during cross examination.
- Mr. CSV referred the evidence of Harihar Pd. Tiwari OPW4, aged about 85 years at the time of evidence, he has explained in detail the faith of Hindus and the inner and outer courtyard of the temple, he described the sacred Sita Koop. According to him no muslims used to visit the temple or offered namaz at the disputed property. Even if they were found, saints used to chase them away.

LUNCH

- Mr. CSV also referred the evidence of OPW5 Ram Nath Mishra, he is a teerth-purohit by profession and residing at Ayodhya since 1932, never saw any Muslims enter the disputed property nor they offered any namaz, he gave detailed description of Garbha-Grih. The wall with bars had two doors which were locked and priests of Nirmohi A. Used to open and lock it. The priests used to perform the pooja arti and the visitors used to have darshan of Garbh-Grih only through a window to the bars.
- Mr. CSV argued that so far as Nirmohi Akhara is concerned they can't have possession adverse to the deity. They can't even claim that.
- Mr. CSV referred evidence of OPW6 Hausila Prasad Tripathi, he was 80 years at the time of evidence. He narrated the inner and outer courtyard, Ram Chabutra & Sita Koop in detail. He has explained the faith and manner of worship at Ayodhya. He described Hanumat Dwar, Parkarima Marg, Singh Dwar, Sita Raso and Central Dome.
- Mr. CSV referred evidence of OPW7 Ram Surat Tiwari, he first visited in the year 1942 with elder brother, has visited the Kanak Bhawan, Hanumangarhi and Ramjanambhumi on regular basis.
- After referring the OPWs, Mr. CSV referred PW's which are the witnesses produced by Muslims in their Suit 4.

J.Bobde : What happened to the fact regarding offering Namaz?

CSV : From 1934 to 1949 no muslim used to offer Namaz as per evidence of Hindus side.

- As per the Evidence of Muslims they produced 32 witnesses, which are in sequence of PW's.
- PW1 – Mohd Hashim (plaintiff No. 2 in Suit No. 4) was aged about 75 years stated that there are many temple. I can't tell as how many temples are there. He has given a detailed description of the surrounding area of Babri Mosque. He also accepts that there a Chulha called 'Sita Rasoi' near the northern gate of the Mosque and no obstruction was caused by it. According to him there are not Kasauti Stones, and such stones are used in Sufi Graveyard. On showing photographs he said that these figures are of Hindu God. He stated that Ayodhya has same significance to Hindus as Mucca has for Muslims.
- Mr. CSV Referred PW2, Haji Mahmood, according to him, he has offered Namaz in Babri Mosque 100 times. He can't say as Panchkoshi Parikarma is famous or not. He saw demolition of Mosque from his house,'
- PW7 Hasmat Ulla Ansari - He was born in 1932 and educated upto High School. He verified the identity of the disputed building as "Babri mosque" and said that he had offered Namaz thereat hundreds of times commencing from 1943 and had gone thereat till 1949. He also claimed that it was never a temple and no Hindu offered worship thereat till 22.12.1949.
- Mr. CSV referred Several witnesses and referred relevant portion out of their evidence produced by Muslims, Nirmohi Akhara and other parties.
- It was finally concluded by CSV that considering all the evidence, exhibits, ASI reports it is clearly established that the place was worshiped and believed by Hindus as Ram Janam Bhoomi since time immemorial. Even at the time when disputed structure was established the faith and believe of devotees of Sri Ram and Hindus are not shaken.
- Mr. CSV mentioned that he has not dealt with the evidence and ASI line by line and only referred the portion which appears relevant to him, however, he stated that he has reserves his right to refer the same, after the argument of opposite parties.
- Mr. CSV stated that he will taken 30 minutes to 1 hour tomorrow in the morning to conclude his argument.

Bench rises for the day, stating that P.N. Mishra, Mr. Hari Shankar Jain and one more advocate to complete their argument after Mr. CSV.

**Notes Prepared by:
Amit Sharma, Advocate**