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VERDICT OF LUCKNOW BENCH OF ALLAHABAD HIGH COURT ON SRI RAMA JANMA BHUMI BASED ON FACTS

- By Champat Rai

What are the Suits?

The First Suit was instituted in January 1950 by Gopal Singh Visharad as Plaintiff against five Muslim residents of Ayodhya and the State of Uttar Pradesh and the Administrative Officers of Faizabad District as Defendants. In the years 1989 and 1990 respectively the Sunni Central Waqf Board and the Nirmohi Akhara were added as Defendants. The plaintiff claimed in the plaint that he was worshipping the Janm Bhumi, idol of Bhagwan Sri Ramchandraji and Charanpaduka (foot impression). But on 14th January, 1950, when he went there for worship and Darshan the government employees prevented the petitioner from going inside where the idols of Ramchandraji and others were placed and that it was done on the undue insistence of local Muslim residents who are Defendants in the Suit. The relief claimed was that it be declared that the Plaintiff is entitled according to his religion and custom to worship and have Darshan of Bhagwan Sri Ram and others at the place of Janm Bhumi by going near the idols without any hindrance. So, the Government has no right to interfere in the said rights. Prohibitory injunction was also sought against Defendants that Defendants should not remove the idols of Bhagwan Ramchandra from the place where the idols were and they should also not close the way leading to that and should not interfere in worship and Darshan in any manner.

Interim injunction order was passed on 19th January, 1950 which confirmed on March 03, 1951. The appeal against the said order was dismissed by the High Court on 26th April, 1955.

The Second Suit was filed by Paramhans Ramchandra Das (Plaintiff) in the same year 1950 against five Muslim residents of Ayodhya and State of U.P. and a Government Officer. Sunni Waqf Board was added as Defendant in 1989. The Plaint was identical to the Suit of Gopal Singh Visharad. The Plaintiff Paramhans Ramchandra Das applied for withdrawal of his Suit in 1990 which was allowed on 18th September, 1990.

The Third Suit was filed by Nirmohi Akhara of Ramanand Sect through its Mahant as Plaintiff in the year 1959. The Defendants were Babu Priya Dutt Ram (Receiver of the disputed site appointed by the City Magistrate), State of U.P. and local officers and a few local Muslims. Later on in the year 1989, Sunni Central Board of Waqf was added as a Defendant. One Mr. Umesh Chandra Pandey was later on impleaded as Defendant in January, 1989 on his own application. The case of the Plaintiff Nirmohi Akhara was that for a long time in Ayodhya an ancient Mutt and Akhara of Ramanandi Bairagis called Nirmohis existed and the Janmasthan commonly known as Janm Bhumi, the birthplace of Ramachandra, belonged to it and the Akhara had always been managing and receiving offerings made there in the form of money, etc. It was also claimed that the Asthan of Janm Bhumi was of ancient antiquity. The Suit was confined to the inner courtyard and the constructed portion. The prayer in the Suit is that a decree be passed for the removal of Receiver from the management and charge of the said temple of Janm Bhumi and delivering the same to the Nirmohi Akhara through its Mahant.

The Fourth Suit was filed by the Sunni Central Board of Waqfs Uttar Pradesh and nine Muslims of Ayodhya as Plaintiffs in the year 1961. The Defendants in the Suit were Gopal Singh Visharad, Paramhans Ramchandra Das, Nirmohi Akhara, State of U.P., its officers, the Receiver, the President of All India Hindu Maha Sabha. About twelve additional Defendants were impleaded afterwards on their own applications some of whom were Sri Ramesh Chandra Tripathi, Baba Abhiram Das of Hanuman Garhi and Sri Madan Mohan Gupta (Convener of Akhil Bharatiya Sri Rama Janma Bhumi Punaruddhar Samiti, Bhopal, founded by HH Jagadguru

Shankaracharya Swami Swaroopanandaji Maharaj – impleaded in 1989). The Plaintiff Sunni Central Waqf Board claimed that in Ayodhya there existed an ancient Mosque known as Babri Masjid built by Babur about 433 years ago after his conquest of India. That the land adjoining the mosque on all the four sides was ancient graveyard of Muslims; That the mosque and the graveyard vested in Almighty and the Muslims were offering prayers in the mosque since the time of its construction. The mosque and graveyard were situated in Mohalla Kot Ram Chander in Ayodhya. The relief claimed by the Plaintiff is that the property be declared as a public mosque commonly known as Babri Masjid. Next prayer is that in case in the opinion of the Court delivery of possession is deemed to be the proper remedy, a decree for delivery of the possession of the mosque by removal of idols, etc., be passed in favour of plaintiff against the defendants. One more prayer was added in the year 1995 that the Receiver be ordered to handover the property in dispute to the plaintiffs. At the same time, in the year 1995, Sunni Waqf Board withdrew its prayer of graveyard.

All the above four suits were consolidated for joint hearing by the orders of the Court in the year 1964.

The Fifth Suit was filed in 1989 by Bhagwan Sri Ramlala Virajman at Sri Rama Janma Bhumi Ayodhya, as Plaintiff No. 1 and Asthan Sri Rama Janma Bhumi Ayodhya as Plaintiff No. 2. Both the plaintiffs were stated to be represented by Sri Deoki Nandan Agrawal (Retired Judge of High Court, resident of Allahabad) as Next Friend of Ramlala Virajman. Sri Deoki Nandan Agrawal was the Plaintiff No. 3 in the Suit. The Defendants in this Suit are Rajendra Singh, s/o Gopal Singh Visharad, Paramhans Mahant Ramchandra Das, Nirmohi Akhara, Sunni Central Board of Waqf and a few Muslims. In total there are 27 Defendants in this Suit including all the parties of previous four suits. Sri Rama Janma Bhumi Nyas and Shia Central Board of Waqf are also Defendants in this Suit.

It was pleaded in the suit that Sri Ramlala Virajman and Asthan Sri Rama Janma Bhumi both were juridical persons and Deoki Nandan Agrawal is a Vaishnav Hindu seeks to represent the Deity and Asthan as a Next Friend. Sri Ram Janma Bhumi is too well known at Ayodhya and it does not require any description for purpose of identification of the subject matter of dispute.

Twenty-five years have passed since framing of these issues but hearing has not commenced. So the Plaintiff Deities and their devotees are extremely unhappy with the prolonged delay of the hearing of the suits. Plaintiff deities are desirous of having a new temple constructed. A Trust has been created in December, 1985 by HH Jagadguru Ramanandacharya Swami Shivaramacharya Maharaj. It was also pleaded that earlier suits were inadequate as neither presiding deity nor Asthan Janma Bhumi were pleaded in earlier suits. Hence fresh suit is being filed. It was also pleaded that place itself being birthplace of Lord Ram is object of worship as deity.

The Prayer in the suit is for a decree of declaration to the effect that the entire premises of Sri Ram Janma Bhumi belong to the plaintiff deities and for a perpetual injunction against the defendants prohibiting them from interfering with or raising any objection to or placing any obstruction in the construction of the new temple building at Sri Rama Janma Bhumi Ayodhya after demolishing and removing the existing buildings and structures.

What is the area of the disputed premises?

The spot position is clear from the two maps prepared by Shiv Shankar Lal, Vakil in May 1950 under orders of Civil Judge, Faizabad passed in the Suit of Gopal Singh Visharad. The first map was of the premises in dispute and the second map was of the premises in dispute and the adjoining area. The map was on the scale of 1 inch = 10 ft. Muslim parties never objected to the

dimensions given. The total area is approx. 1480 sq. yards, i.e., 13320 sq. ft. The area of the inner and the outer courtyard is virtually the same. The corners of the map are indicated by A, B, C, D, E, F. Two of the three judges have ordered for allotment of 1/3rd area to each of the three main Plaintiffs respectively, viz., Nirmohi Akhara, Muslims and Ramlala Virajman while the court has dismissed the suits of Nirmohi Akhara and Sunni Waqf Board.

The Government of India had acquired about 70 acres of land surrounding the disputed premises. This acquired land is other than the disputed area and is still in possession of GOI.

In the suit of Gopal Singh Visharad filed in 1950, a map prepared on 06th December, 1885 is attached as Annexure. In this map, Parikrama is mentioned very clearly. In this High Court judgment, this map is given as it is as Annexure. This Parikrama means that the whole area covered by Parikrama is the Janmasthan Temple.

Nature of the verdict

Although the suits were heard by a three-judge special bench of Lucknow Bench of Allahabad High Court, but the court was functioning like a trial court, so three judges wrote and delivered their judgments separately. Each and every issue framed in the suits is answered by Mr. Justice D.V. Sharma and Mr. Justice Sudhir Agrawal while Mr. Justice S.U. Khan has given his findings on a few groups of issues.

Bases of Verdict

The Hon'ble Judges took into account as the bases of their judgment the relevant evidence from Muslim scriptures, Muslim Waqf Act, Hindu scriptures, Skanda Puran, Historical accounts written by Muslim historians, the Diary of a French Jesuit Priest, Gazetteers and books written by British officials and historians, Encyclopaedia Britannica, Carved stone blocks and inscription found from the debris of the structure, report of the Ground Penetrating Radar Survey (GPRS), report of the GPRS-inspired excavations conducted by the Archaeological Survey of India (ASI), and oral cross-examinations and statements of approx. 85 witnesses.

Why did Ramlala win?

According to Hindu scriptures, a Praan-Pratisthit Vighraha (deity) is a living entity, it can fight its own case, it is a juridical person, but a perpetual minor and, therefore, needs a Guardian to fight its legal battles. Late Sri Deoki Nandan Agrawal, a retired judge of Allahabad High Court, had filed Sri Ramlala's case as the latter's Next Friend. According to Hindu scriptures and the present law the deity can hold the property, so all the property vests with the presiding deity and nobody can have adverse possession over it. This place being Janmasthan of Lord Ram is of special significance and the place itself is not a property but being sacred it is itself a deity and is also worthy of worship and it can also fight its own case as Plaintiff. This provision in the Hindu scriptures has been there since times immemorial. The Courts of Law always accepted these accreditations.

Why was the case of Nirmohi Akhara Rejected?

The argument of the Nirmohi Akhara in the court was that the Akhara was the owner of the three-domed structure which was worshipped by Hindus as Janma Bhumi of Lord Ram. Secondly, the Ram Chabutra was the temple whose Sevait (worship and management rights) was always with the Akhara. Nirmohi Akhara wanted removal of the Receiver appointed to manage the affairs of the worship of Bhagwan Sri Ramlala presiding inside the three-domed structure and claimed instead all the said rights for themselves.

It was even their argument that the entire property belonged to Nirmohi Akhara and Sri Bhagwan was under the Akhara and that the Akhara was born before the birth of Bhagwan Ram. It was determined by the Court of Law that the Plaintiff Nirmohi Akhara was a Panchayati Math of the Ramanandi Vairagi sect that is in existence in Ayodhya since 1734 CE, and there was no evidence of its establishment in Ayodhya prior to this time. Nirmohi Akhara is neither the owner of the property nor is entitled to file the suit. Also the suit filed was barred by time and, hence, dismissed.

Why was the case of Sunni Waqf Board Dismissed?

The Muslim Scriptures and Law lay down that no Wakf can be created on another's property (the Deity's seat & Deity's Home, the Temple) and Namaz offered in a Masjid thus erected is not accepted by Allah. In the eyes of law, therefore, the three-domed structure was 'non-est', i.e., even if existing in form, it did not exist in law. Babar, after winning battles in Bharat, had the authority to collect revenue, but he was never the owner of the soil. It was clear and telling in this case that the disputed site was not the property of Babar or Mir Baqi. Therefore, it could not be offered (Waqf) to Allah. Whatever notice was issued for Waqf, that was declared invalid by the Court in April, 1966. Nobody ever challenged it. Long occupation does not endow with ownership rights. Even if it is accepted for the sake of argument that Muslims are in occupation of this site since 1528 CE, then also it was never continuous, uninterrupted and peaceful and the Waqf Board must divulge as to whose property did Babar occupy and if he did it with the knowledge of the true owner. It is the view of the Supreme Court that 'Mosque' is not an essential part of Islam, Namaz can be offered anywhere, even in an open ground. The Waqf Board was neither considered by the Court of Law to be the owner of the disputed land nor was the structure in question accepted to be a valid mosque according to Islam. Suit # 4 filed by Sunni Waqf Board was dismissed by the Court declaring it time barred.

JUSTICE SUDHIR AGRAWAL ON SOME OF THE ISSUES FRAMED IN SUIT OF NIRMOHI AKHARA (Plaintiff)

Issue No. 2: Does the property in suit belong to the plaintiff Nirmohi Akhara? Answer: Negative, i.e., No.

Issue No. 3: Have plaintiffs acquired title by adverse possession for over 12 years? Answer: Negative, i.e., No.

Issue No. 4: Are plaintiffs entitled to get management and charge of the said temple? Answer: Negative, i.e., No.

Issue No. 9: Is the suit within time? Answer: Negative, i.e., It is time barred.

Issue No. 14: Is the suit not maintainable as framed? Answer: It is held that the suit as framed is not maintainable.

Issue No. 13: To what relief, if any, is the plaintiff entitled? Answer: The Plaintiff is not entitled for any relief in view of the findings in respect of issues 2, 3, 4 and 14.

JUSTICE DHARAM VEER SHARMA ON SOME OF THE ISSUES FRAMED IN SUIT OF NIRMOHI AKHARA (Plaintiff)

Issue Nos. 2, 3, 4: Answered: Negative, i.e., the property does not belong to plaintiff Nirmohi Akhara, the plaintiffs acquired no title by adverse possession for over 12 years, the plaintiffs are not entitled to get management and charge of the temple. **Issue No. 9:** Suit is barred by time.

Issue No. 14: The suit as framed is not maintainable. **Issue No. 13:** Suit is dismissed. The Nirmohi Akhara, Plaintiff, is Panchayati Math of Ramanandi Sect of Bairagis.

**JUSTICE SUDHIR AGRAWAL ON SOME OF THE ISSUES FRAMED IN
SUIT OF SUNNI WAQF BOARD (Plaintiff)**

Issue No. 1: Whether the building in question described as mosque in the attached map was a mosque as claimed by the plaintiff? Answer is Yes.

Issue No. 1a: When was it built and by whom, whether by Babar or by Mir Baqi? Answer: Plaintiffs have failed to prove that the building in dispute was built by Babar or by Mir Baqi.

Issue No. 1b: Whether the building had been constructed on the site of an alleged Hindu temple after demolishing the same? Answer: Affirmative, Yes.

Issue No. 1B(c): Whether the building had been used by the members of the Muslim community for offering prayers from time immemorial? Answer: It is held that building in question was not exclusively used by the members of Muslim community. After 1856-57, outer courtyard was exclusively used by Hindu and inner courtyard had been visited for the purpose of worship by the members of both the communities (Hindus and Muslims both).

Issue No. 2: Whether the plaintiff were in possession of the property in suit up to 1949 and were dispossessed from the same in 1949? Answer: Negative - Against the Plaintiff.

Issue No. 3: Is the Suit within time? Answer: It is held that suit is barred by limitation.

Issue No. 6: Whether the present suit is a representative suit, Plaintiffs representing the interests of the Muslims? Answered in Affirmative, i.e., Yes.

Issue No. 10: Whether the plaintiffs have perfected their rights by adverse possession as alleged in the plaint? Answered in Negative, i.e., against the plaintiffs and Muslims in general.

Issue No. 11: Is the property in suit the site of Janm Bhumi of Sri Ramchandraj? Answer: It is held that the place of birth as believed and worshipped by Hindus is the area covered under the central dome of the three-domed structure, i.e., the disputed structure in the inner courtyard in the premises of dispute.

Issue No. 13: Whether the Hindus in general and defendants in particular had the right to worship the Charans and Sita Rasoi and other idols and other objects of worship, if any, existing in or upon the property in suit? Answered in Affirmative.

Issue No. 14: Have the Hindus been worshipping the place in dispute as Sri Ram Janm Bhumi or Janmasthan and have been visiting it as a sacred place of pilgrimage as of right since times immemorial? Answered in affirmative.

Issue No. 15: Have the Muslims been in possession of the property in suit from 1528 A.D. continuously, openly and to the knowledge of the Defendants and Hindus in general? Answered in Negative, i.e., against the plaintiff and Muslims in general.

Issue No. 16: To what relief, if any, are the plaintiffs or any of them, entitled? Answer: No Relief since the suit is liable to be dismissed being barred by limitation.

Issue No. 17: Whether a valid notification under the U.P. Muslim Waqf Act of 1936 relating to the property in suit was ever done? Answered in Negative holding that no valid notification under sections of U.P. Act No. 13 of 1936 was issued.

Issue No. 19a: Whether even after construction of the building in suit deities of Bhagwan Sri Ram Virajman and Asthan Sri Ram Janm Bhumi continued to exist on the property in suit as alleged on behalf of defendant Mahant Dharamdas and the said place continued to be visited by devotees for purpose of worship? Whether the property in dispute continued to vest in the said deities? Answer: It is held that the premises which is believed to be the

place of birth of Lord Ram continue to vest in the deity but the Hindu religious structure in the outer courtyard cannot be said to be the property of Sri Ramlala Virajman.

Issue No. 19b: Whether the building was landlocked and cannot be reached except by passing through places of Hindu worship? Answered in Affirmative to the extent that building was landlocked and could not be reached except of passing through the passage of Hindu worship.

Issue No. 20b: Whether there was a Mutawalli of the alleged Waqf and whether the alleged Mutawalli not having joined in the suit, the suit is not maintainable so far as it relates to relief for possession? Answer: It is held that at the time of attachment of the building there was a Mutawalli, i.e., one Sri Javed Hussain and in absence of Mutawalli relief of possession cannot be allowed to plaintiffs who are before the court in the capacity of worshippers.

Issue No. 28: Whether the defendant No. 3 has ever been in possession of the disputed site and the plaintiffs were never in its possession? Answer: It is held that plaintiffs have failed to prove their possession of the disputed premises, i.e., outer and inner courtyard including the disputed building ever?

JUSTICE DHARAM VEER SHARMA ON SOME OF THE ISSUES FRAMED IN SUIT OF SUNNI WAQF BOARD (Plaintiff)

Issue No. 1: Whether the building in question described as mosque in the attached map was a mosque as claimed by the plaintiff? Answer: Decided against the Plaintiff.

Issue No. 1a: When was it built and by whom, whether by Babar or by Mir Baqi? Answer: Decided against the Plaintiff.

Issue No. 1b: Whether the building had been constructed on the site of an alleged Hindu temple after demolishing the same? Answer: Decided in favour of defendants and against the plaintiff on the basis of ASI report.

Issue No. 1B(c): Whether the building had been used by the members of the Muslim community for offering prayers from time immemorial? Answer: Decided against the Plaintiff.

Issue No. 2: Whether the plaintiff were in possession of the property in suit up to 1949 and were dispossessed from the same in 1949? Answer: Decided against the Plaintiff.

Issue No. 3: Is the Suit within time? Answer: Decided against the Plaintiffs and in favour of defendants.

Issue No. 6: Whether the present suit is a representative suit, Plaintiffs representing the interests of the Muslims? Answer: Decided in favour of plaintiffs and against the defendants.

Issue No. 10: Whether the plaintiffs have perfected their rights by adverse possession as alleged in the plaint? Answer: Decided against the Plaintiff.

Issue No. 11: Is the property in suit the site of Janm Bhumi of Sri Ramchandraji? Answer: Decided against the Plaintiff.

Issue No. 13: Whether the Hindus in general and defendants in particular had the right to worship the Charans and Sita Rasoi and other idols and other objects of worship, if any, existing in or upon the property in suit? Answer: Decided against the Plaintiff.

Issue No. 14: Have the Hindus been worshipping the place in dispute as Sri Ram Janm Bhumi or Janmasthan and have been visiting it as a sacred place of pilgrimage as of right since times immemorial? Answer: Decided against the Plaintiffs.

Issue No. 15: Have the Muslims been in possession of the property in suit from 1528 A.D. continuously, openly and to the knowledge of the Defendants and Hindus in general? Answer: Decided against the Plaintiff.

- Issue No. 16:** To what relief, if any, are the plaintiffs or any of them, entitled? Answer: Plaintiffs are not entitled for any relief. The suit is dismissed with easy costs.
- Issue No. 17:** Whether a valid notification under the U.P. Muslim Waqf Act of 1936 relating to the property in suit was ever done? Answer: The issue has already been decided by the Id. Civil judge by order dated 21 April, 1966. (Ed. Note: In this judgment, the Civil Judge, Faizabad held that no valid notification was issued.)
- Issue No. 19a:** Whether even after construction of the building in suit deities of Bhagwan Sri Ram Virajman and Asthan Sri Ram Janm Bhumi continued to exist on the property in suit as alleged on behalf of defendant Mahant Dharamdas and the said place continued to be visited by devotees for purpose of worship? Whether the property in dispute continued to vest in the said deities? Answer: Decided against the Plaintiff.
- Issue No. 19b:** Whether the building was landlocked and cannot be reached except by passing through places of Hindu worship? Answer: Decided against the Plaintiffs and in favour of defendants.
- Issue No. 20b:** Whether there was a Mutawalli of the alleged Waqf and whether the alleged Mutawalli not having joined in the suit, the suit is not maintainable so far as it relates to relief for possession? Answer: Suit is not maintainable and the issue is decided in favour of the defendants.

**JUSTICE SUDHIR AGARWAL ON SOME OF THE ISSUES FRAMED IN
SUIT OF RAMLALA VIRAJMAN (Plaintiff No. 1) AND ASTHAN RAM
JANM BHUMI (Plaintiff No. 2) and NEXT FRIEND (Plaintiff No. 3)**

- Issue No. 1:** Whether the plaintiffs 1 & 2 (Ramlala Virajman & Asthan Ram Janm Bhumi) are juridical persons? Answered in Affirmative. Plaintiffs 1 & 2 both are juridical persons.
- Issue No. 3a:** Whether the idol in question was installed under the central dome of the disputed building in the early hours of December 23rd, 1949 as alleged by the plaintiff: Answered in affirmative. The idols were installed under the central dome of the disputed building in the early hours of 23rd December, 1949.
- Issue No. 3b:** Whether the same idol was reinstalled at the same place on a Chabutra under the canopy?
- Issue No. 3d:** If the aforesaid issue is answered in the affirmative, whether the idols so placed still acquire the status of a deity? Answer of 3b & 3d: Affirmative.
- Issue No. 5:** Is the property in question properly identified and described in the plaint? Answer is in affirmative.
- Issue No. 6:** Is the plaintiff No. 3 not entitled to represent plaintiff No. 1 & 2 as their next friend and is the suit not competent on this ground? Answer: Decided in favour of plaintiffs. (Ed. Note: It means that the Plaintiff No. 3, i.e., the Next Friend is entitled to represent Ramlala Virajman and Asthan Ram Janm Bhumi).
- Issue No. 8:** Is the defendant Nirmohi Akhara the “Shebait” of Bhagwan Sri Ram installed in the disputed structure? Answer: Against the Defendant No. 3 Nirmohi Akhara.
- Issue No. 13:** Whether the suit is barred by limitation? Answered in Negative, i.e., in favour of plaintiffs. It is held that suit is not barred by limitation.
- Issue No. 14:** Whether the disputed structure claimed to be Babri Masjid was erected after demolishing Janmasthan Temple at its site? Answer: In Affirmative.
- Issue No. 16:** Whether the title of Plaintiffs 1 & 2, if any was extinguished as alleged by the defendant, if yes, have Plaintiffs 1 & 2 reacquired title by adverse possession as alleged

in the plaint? Answer: Neither the title of the Plaintiff 1 & 2 ever extinguished nor the question of reacquisition therefore ever arise.

Issue No. 21: Whether the idols in question cannot be treated as deities as alleged in written statements of Defendant Nos. 4 & 5. Answered in Negative against the Defendants.

Issue No. 22: Whether the premises in question or any part thereof is by tradition, belief and faith the birthplace of Lord Ram as alleged in the plaint? Answer: It is held that the place of birth as believed and worshipped by Hindus is the area covered under the central dome of the three-domed structure, i.e., the disputed structure in the inner courtyard in the premises of dispute?

Issue No. 24: Whether the worship has been done of the alleged plaintiff deity on the premises in suit since time immemorial as alleged in plaint? Answered in affirmative.

Issue No. 30: To what relief, if any, are plaintiffs or any of them entitled? Answer: The suit is partly decreed.

**JUSTICE DHARAM VEER SHARMA ON SOME OF THE ISSUES
FRAMED IN SUIT OF RAMLALA VIRAJMAN (Plaintiff No. 1) AND
ASTHAN RAM JANM BHUMI (Plaintiff No. 2) and NEXT FRIEND
(Plaintiff No. 3)**

Issue No. 1: Whether the plaintiffs 1 & 2 (Ramlala Virajman & Asthan Ram Janm Bhumi) are juridical persons? Answer: Decided in favour of the plaintiffs and against the defendants.

Issue No. 3a: Whether the idol in question was installed under the central dome of the disputed building in the early hours of December 23rd, 1949 as alleged by the plaintiff?

Issue No. 3b: Whether the same idol was reinstalled at the same place on a Chabutra under the canopy?

Issue No. 3d: If the aforesaid issue is answered in the affirmative, whether the idols so placed still acquire the status of a deity? Answers to Issue No. 3a, 3b and 3d: Decided in favour of the plaintiffs and against the defendants.

Issue No. 5: Is the property in question properly identified and described in the plaint? Answer: Decided in favour of the plaintiffs and in favour of defendants. (*Ed. Note: Identification and description means the map of the site. All the parties submitted the same map to the court. So there is no dispute regarding the dimensions, description and identification of the premises.*)

Issue No. 6: Is the plaintiff No. 3 not entitled to represent plaintiff No. 1 & 2 as their next friend and is the suit not competent on this ground? Answer: Decided in favour of plaintiffs. (*Ed. Note: It means that the Plaintiff No. 3, i.e., the Next Friend is entitled to represent Ramlala Virajman and Asthan Ram Janm Bhumi.*)

Issue No. 8: Is the defendant Nirmohi Akhara the “Shebait” of Bhagwan Sri Ram installed in the disputed structure? Answer: Decided against the Defendant No. 3 (Nirmohi Akhara) and in favour of the Plaintiff No. 1 Ramlala Virajman, Plaintiff No. 2 Asthan Sri Ram Janm Bhumi and Plaintiff No. 3 the Next Friend.

Issue No. 13: Whether the suit is barred by limitation? Answer: Decided in favour of the Plaintiffs.

Issue No. 14: Whether the disputed structure claimed to be Babri Masjid was erected after demolishing Janmasthan Temple at its site? Answer: Decided against Sunni Waqf Board and in favour of the plaintiffs.

- Issue No. 16:** Whether the title of Plaintiffs 1 & 2, if any was extinguished as alleged by the defendant, if yes, have Plaintiffs 1 & 2 reacquired title by adverse possession as alleged in the plaint? Answer: Decided against Sunni Waqf Board & Others.
- Issue No. 21:** Whether the idols in question cannot be treated as deities as alleged in written statements of Defendant Nos. 4 & 5. Answer: Decided in favour of the plaintiffs and against the Defendant Nos. 4 & 5.
- Issue No. 22:** Whether the premises in question or any part thereof is by tradition, belief and faith the birthplace of Lord Ram as alleged in the plaint? Answer: Decided against Sunni Waqf Board and in favour of plaintiffs.
- Issue No. 24:** Whether the worship has been done of the alleged plaintiff deity on the premises in suit since time immemorial as alleged in plaint? Answer: Decided against Sunni Waqf Board & Others.
- Issue No. 30:** To what relief, if any, are plaintiffs or any of them entitled? Answer: Plaintiffs are entitled for the relief claimed and the suit is decreed.

**VERBATIM GIST OF THE FINDINGS BY
THE THREE HON'BLE JUDGES ON SRI RAMA JANMA BHUMI**

(The entire over 8,500-page details of judgment delivered separately by the three Hon'ble Judges of the Lucknow Bench of Allahabad High Court are available at the Website: rjbm.nic.in)

**(A) VERBATIM GIST OF THE FINDINGS BY
HON'BLE MR. JUSTICE DHARAM VEER SHARMA**

1. The disputed site is the birth place of Lord Ram. Place of birth is a juristic person and is a deity. It is personified as the spirit of divine worshipped as birth place of Lord Rama as a child.
Spirit of divine ever remains present everywhere at all times for anyone to invoke at any shape or form in accordance with his own aspirations and it can be shapeless and formless also.
2. The disputed building was constructed by Babar, the year is not certain but it was built against the tenets of Islam. Thus, it cannot have the character of a mosque.
3. The disputed structure was constructed on the site of old structure after demolition of the same. The Archaeological Survey of India has proved that the structure was a massive Hindu religious structure.
4. The idols were placed in the middle dome of the disputed structure in the intervening night of 22/23.12.1949.
5. It is established that the property in suit is the site of Janm Bhumi of Ram Chandra Ji and Hindus in general had the right to worship Charan, Sita Rasoi, other idols and other object of worship existed upon the property in suit. It is also established that Hindus have been worshipping the place in dispute as Janm Sthan i.e. a birth place as deity and visiting it as a sacred place of pilgrimage as of right since time immemorial. After the construction of the disputed structure it is proved the deities were installed inside the disputed structure on 22/23.12.1949. It is also proved that the outer courtyard was in exclusive possession of Hindus and they were worshipping throughout and in the inner courtyard (in the disputed structure) they were also worshipping. It is also established that the disputed structure cannot be treated as a mosque as it came into existence against the tenets of Islam.

6. O.O.S. No. 4 of 1989, the Sunni Central Board of Waqfs U.P., Lucknow and others Vs. Gopal Singh Visharad and others and O.O.S. No.3 of 1989, Nirmohi Akhara and Another Vs. Sri Jamuna Prasad Singh and others are barred by time.

(B) VERBATIM GIST OF THE FINDINGS BY
HON'BLE MR. JUSTICE SIBGHAT ULLAH KHAN

1. The disputed structure was constructed as mosque by or under orders of Babar.
2. It is not proved by direct evidence that premises in dispute including constructed portion belonged to Babar or the person who constructed the mosque or under whose orders it was constructed.
3. No temple was demolished for constructing the mosque.
4. Mosque was constructed over the ruins of temples which were lying in utter ruins since a very long time before the construction of mosque and some material thereof was used in construction of the mosque.
5. That for a very long time till the construction of the mosque it was treated/believed by Hindus that somewhere in a very large area of which premises in dispute is a very small part birth place of Lord Ram was situated, however, the belief did not relate to any specified small area within that bigger area specifically the premises in dispute.
6. That after some time of construction of the mosque Hindus started identifying the premises in dispute as exact birth place of Lord Ram or a place wherein exact birth place was situated.
7. That much before 1855 Ram Chabutra and Seeta Rasoi had come into existence and Hindus were worshipping in the same. It was very very unique and absolutely unprecedented situation that in side the boundary wall and compound of the mosque Hindu religious places were there which were actually being worshipped along with offerings of Namaz by Muslims in the mosque.
8. That in view of the above gist of the finding at serial no.7 both the parties Muslims as well as Hindus are held to be in joint possession of the entire premises in dispute.
9. That even though for the sake of convenience both the parties i.e. Muslims and Hindus were using and occupying different portions of the premises in dispute still it did not amount to formal partition and both continued to be in joint possession of the entire premises in dispute.
10. That both the parties have failed to prove commencement of their title hence by virtue of Section 110 Evidence Act both are held to be joint title holders on the basis of joint possession.
11. That for some decades before 1949 Hindus started treating/believing the place beneath the Central dome of mosque (where at present make sift temple stands) to be exact birth place of Lord Ram.
12. That idol was placed for the first time beneath the Central dome of the mosque in the early hours of 23.12.1949.
13. That in view of the above both the parties are declared to be joint title holders in possession of the entire premises in dispute and a preliminary decree to that effect is passed with the condition that at the time of actual partition by meets and bounds at the stage of preparation of final decree the portion beneath the Central dome where at present make sift temple stands will be allotted to the share of the Hindus.

**(C) VERBATIM GIST OF THE FINDINGS BY
HON'BLE MR. JUSTICE SUDHIR AGARWAL**

1. The area covered under the central dome of the disputed structure is the birthplace of Lord Rama as per faith and belief of Hindus.
2. Disputed structure was always treated, considered and believed to be a mosque and practised by Mohammedans for worship accordingly. However, it has not been proved that it was built during the reign of Babar in 1528.
3. In the absence of any otherwise pleadings and material it is difficult to hold as to when and by whom the disputed structure was constructed but this much is clear that the same was constructed before the visit of Joseph Tieffenthaler in Oudh area between 1766 to 1771.
4. The building in dispute was constructed after demolition of Non- Islamic religious structure, i.e., a Hindu temple.
5. The idols were kept under the central dome of the disputed structure in the night of 22nd/23rd December 1949. Other Original Suits no. 3 of 1989 and 4 of 1989 are barred by limitation.

Order passed by Hon'ble Mr. Justice S.U. Khan

“Accordingly, all the three sets of parties, i.e. Muslims, Hindus and Nirmohi Akhara are declared joint title holders of the property/ premises in dispute as described by letters A B C D E F in the map Plan-I prepared by Sri Shiv Shanker Lal, Pleader/Commissioner appointed by Court in Suit No.1 to the extent of one third share each for using and managing the same for worshipping. A preliminary decree to this effect is passed.

However, it is further declared that the portion below the central dome where at present the idol is kept in makeshift temple will be allotted to Hindus in final decree.

It is further directed that Nirmohi Akhara will be allotted share including that part which is shown by the words Ram Chabutra and Sita Rasoi in the said map.

It is further clarified that even though all the three parties are declared to have one third share each, however if while allotting exact portions some minor adjustment in the share is to be made then the same will be made and the adversely affected party may be compensated by allotting some portion of the adjoining land which has been acquired by the Central Government.

The parties are at liberty to file their suggestions for actual partition by metes and bounds within three months.

List immediately after filing of any suggestion/ application for preparation of final decree after obtaining necessary instructions from Hon'ble the Chief Justice.

Status quo as prevailing till date pursuant to Supreme Court judgment of Ismail Farooqui (1994(6) Sec 360) in all its minutest details shall be maintained for a period of three months unless this order is modified or vacated earlier.

Date: 30.09.2010”

Is the Hindu society anti-Islam or anti-Mosque?

The Hindu society is neither anti-Islam nor anti-Mosque. Over a million Ram devotees (Karsevaks) from all over Bharat had descended on the small township of Ayodhya during the period covering the last week of November and first week of December, 1992. Ayodhya hosts over 15 mosques even now, but the Karsevaks touched none of them. Ayodhya is home to several thousands of Muslims. None of them was troubled by the Ram devotees that came from all over the country. They did not harass any shopkeeper in Ayodhya, Faizabad or on the way.

They did not outrage the modesty of any woman. The Sadhu-Sants had made it public through the Dharma Sansad held in Delhi in October 1992 that they would commence to offer Karseva (voluntary service) for reconstruction of Sri Ram's Nativity Temple at Ayodhya from 06th December, 1992, 11.45 A.M. Everybody honoured this date and time. Nobody touched the structure prior to the declared time. They were fully disciplined. They came to Ayodhya with a grand object in heart. They had only to do with the triumphalist three-domed signature statement that undermined Sri Ram's nativity site and by extension national ethos and pride which the Hindu society took as a signpost of slavery for over 450 years and the self-respecting Bharat wanted to undo that statement of national humiliation and shame. That structure was not put up on a virgin land for the purpose of religious worship, but that was a socio-cultural & political statement against the ethos and pride of Hindusthan by a foreign Islamic invader superimposed on the foundation of the living nativity temple of Maryada Purushottam Sri Ram after demolishing it. The removal of this three-domed structure by Karsevaks had precedents established by the Government of India itself and many State Governments who removed many symbols of slavery and colonialism. The removal of the structure in Ayodhya was justified in the same way as the Government of India removed and kept in safe custody the statue of a British imperialist from under the India Gate at New Delhi and nobody criticized it as that imperialist statue stood as a poser to the national psyche as it reminded volumes of the British power over Bharat.

Also know the Defendants/Respondents

It is necessary to understand that Ramesh Chandra Tripathi and Rama Janma Bhumi Punaruddhar Samiti (that was floated by HH Jagadguru Shankaracharya Dwarka Peethadhishwar Swami Swaroopanandaji Maharaj) have had no independent case. Both Sri Ramesh Chandra Tripathi and Sri Madan Mohan Gupta (Convener, Rama Janma Bhumi Punaruddhar Samiti) became Defendants through impleadment applications on their own in the Plaint of Sunni Waqf Board. Sri Mahant Dharam Das Pahalwan also had become a Respondent through an impleadment application of his own. The Sunni Waqf Board had made Paramhans Ramchandra Dasji and the Hindu Maha Sabha as the Defendants in its suit. After Paramhansji became Saketvaasi (passed away), his disciple Mahant Suresh Das substituted him as the Defendant. Ramesh Chandra Tripathi and Madan Mohan Gupta (Convener, Rama Janma Bhumi Punaruddhar Samiti) had never filed any counter claim in the court. So, the court was not in a position to pass any order favouring them. In this particular case, the court could pass orders in favour of anyone of the plaintiffs, viz., Nirmohi Akhara or Sunni Waqf Board or Ramlala Virajman. The Court of Law has dismissed the suits of Plaintiffs Nirmohi Akhara and the Sunni Waqf Board while upholding the suit of Ramlala Virajman. So, no defendant has any bona fide case in the matter for relief.

The Advocates that pleaded the cases

Advocate Puttural Mishra (now deceased) of Lucknow pleaded the case of Gopal Singh Visharad. After Sri Mishra passed away, a youthful lawyer of Lucknow Advocate Devendra Prasad Gupta pleaded Sri Visharad's case. Senior Advocate of Supreme Court Sri Krishnamani (President, Supreme Court Bar Association) argued the case. Advocate Ajay Pandey also argued. It was Advocate Krishnamani whose arguments convinced the Court to accept the excavation report of the Archaeological Survey of India (ASI) as part of the records.

Advocate Ranjeet Lal Verma of Ayodhya pleaded the case of Nirmohi Akhara. He was regular in his court attendance. He cross-examined the witnesses. In his absence, his son

Advocate Tarunjeet Verma used to represent him in the court. Advocate Ranjeet Lal Verma argued the case.

The team of pleaders for the Sunni Waqf Board constituted of Sri Jafaryab Jeelani, Sri Mustaq Ahmed Siddiqui and 3-4 other lawyers. (Sri Abdul Mannan also used to plead in this case. He was very old and has since expired.) Finally, Sri Jafaryab Jeelani and Sri Mustaq Ahmed Siddiqui argued the case.

For the case of Sri Ramlala, Advocate Ved Prakash Nigam pleaded and cross-examined the witnesses. Senior Advocate of Supreme Court Sri K.N. Bhat argued the case of Sri Ramlala Virajman in the High Court.

For the case of the Defendant Late Paramhans Ramchandra Das Maharaj (presently represented by Mahant Suresh Dasji, Digambar Akhara, Ayodhya), Advocate Madan Mohan Pandey of Faizabad had been pleading for the last 17 years. He cross-examined the witnesses. The last leg of the arguments was done by Senior Advocate Ravi Shankar Prasad of the Supreme Court of India assisted by the Supreme Court Advocates Sri Bhupender Yadav, Sri Vikramjit Banerjee, Sri Saurabh Shamsheri and Sri Bhaktivardhan Singh securing for Sri Ramlala and Asthan Janmabhoomi the key points that both of them are deities, both of them are perpetual minors and, therefore, their rights are neither barred by limitation nor could they suffer from adverse possession. They also argued that three-domed structure, if it is declared as a mosque, could not be a valid mosque according Islam.

Advocate Madan Mohan Pandey argued the cases of both Plaintiff Sri Ramlala Virajman and Defendant Paramhans Ramchandra Das based on evidence amassed from the excavation report of the Archaeological Survey of India, statements of witnesses and various key documents.

Advocate Veereshwar Dwivedi of Faizabad used to represent the case of Defendant Baba Abhiram Das (now represented by Sri Mahant Dharamdasji). After his passing away, Advocate Rakesh Pandey of Lucknow pleaded it (Advocate Rakesh Pandey's respected father Justice K.M. Pandey was the gutsy one who had ordered in his capacity as the District Judge for opening of the locks put on Sri Rama Janma Bhumi). Senior Advocate of Madras High Court, Sri G. Rajagopalan argued the case of Srimahant Dharamdasji in the Court.

On behalf of the Respondent Sri Rama Janmabhoomi Punaruddhar Samiti (founded by Jagadguru Shankaracharya Swami Swaroopananda Ji Maharaj), Advocate Ms Ranjana Agnihotri pleaded the case and the final arguments were done by Advocate P.N. Mishra, a senior lawyer of Kolkata High Court.

The case of the Defendant Akhil Bharatiya Hindu Mahasabha was pleaded/argued by Advocate Harishankar Jain of Lucknow High Court.

Defendant Ramesh Chandra Tripathi was a non-contesting party. No advocate argued his case either orally or in writing, but, unfortunately, under some misguidance, he went to the High and the Supreme Courts to have the verdict deferred. His application was finally rejected by a three-judge bench of the Supreme Court headed by the Chief Justice of India on September 28, 2010 which finally widened and paved the way for pronouncement of verdict by the High Court that finally came on September, 30, 2010.

- *The writer of this piece is a Joint General Secretary of Vishva Hindu Parishad with HQs at Sankat Mochan Ashram, Ramakrishna Puram-VI, New Delhi – 110 022*