Ayodhya Dispute: Mosque or Temple

Why in news?

The Supreme Court's verdict in the Ram Janmabhoomi-Babri Masjid dispute is expected soon.

What is the brief history of the Ayodhya dispute?

- The Ayodhya dispute is a political, historical and socio-religious debate in India, centred on a plot of land in the city of Ayodhya, located in Faizabad district, Uttar Pradesh.
- The issues revolve around the control of a site traditionally regarded among Hindus to be the birthplace of the Hindu deity Rama, the history and location of the Babri Masjid at the site, and whether a previous Hindu temple was demolished to create the mosque.
- In 1885, Mahant Raghubar Das had filed a suit seeking permission to build a temple in the Ram Chabutara area.
- Mohammad Ashgar, who claimed to be the Mutawali of the Babri mosque, opposed the suit.
- While he did object to demarcation of the land by a few inches, he did not raise substantial objections.
- The suit was dismissed; the court was of the opinion that granting permission to build a temple would amount to laying the foundation of a riot between the two communities.
- The Babri Masjid was destroyed during a political rally which turned into a riot on 6 December 1992.
- A subsequent land title case was lodged in the Allahabad High Court, the verdict of which was pronounced on 30 September 2010.
- In the judgment, the three judges of the Allahabad High Court ruled that the 2.77 acres (1.12 ha) of Ayodhya land be divided into three parts,

1. with 1⁄3 going to the Ram Lalla or Infant Rama represented by the Hindu Maha Sabha,
2. 1⁄3 going to the Sunni Waqf Board.
3. The remaining 1⁄3 going to Nirmohi Akhara (a group of Hindu ascetic devotees of Lord Rama only).

- The judgment affirmed that the disputed land was the birthplace of Rama as per the faith and belief of Hindus, and that the Babri Masjid was built after the demolition of a Hindu temple, noting that it wasn't built in accordance with the tenets of Islam.
- After the 2010 verdict of Allahabad high court, the Akhil Bharatiya Hindu Mahasabha and Sunni Waqf Board moved to the Supreme Court of India, challenging part of the Allahabad High Court's verdict.
- In 2011 Supreme Court of India stayed the High Court order splitting the disputed site in three parts and said that status quo will remain.
- In 2019 the 5-judge Constitution bench, headed by Chief Justice Ranjan Gogoi, of Supreme Court started final hearing on the case.
- the 5-judge constitution bench of apex court on Ayodhya case is yet to be announce its verdict.

What were judgements in favor of Temple?

- The Hindu side argued that it was always in possession of the land, and was displaced only in 1949 when the premises were sealed and attached by the district magistrate of Faizabad.
- They argued that a mosque was built by emperor Babur.
- Justice Sharma conclusively held that the masjid was built on the ruins of a Hindu temple.
- Justice Sharma held that on the basis of revenue waqf records, it was not proved that Muslims remained in exclusive possession of the property.
- He said there were several figures of Hindu gods and goddesses on the pillars inside the mosque, which show that the property was open and not in exclusive possession of Muslims.
- He concluded that the recovery of 265 artifacts fully establish that damaged parts of the old Hindu temple in the form of building material were reused in construction of the mosque, against the tenets of Islam.

What were judgements in favor of Mosque?

- The Muslim side argued that the mosque was built in 1528 by Babur's commander Mir Baqi, who dedicated it as Sunni waqf property, and that they were in possession since then.
- Allahabad high court referred an account by Joseph Tiefenthaler (1786), a European geographer which says the structure was built before 1786, at the same time the court said that there is no reliable historical evidence to conclude that it was built in 1528.
- Justice Khan held that no temple was demolished for building the mosque,

but that it was constructed over the ruins of temples that had been lying there for a very long time, and that some of that material was used in the construction.

- Justice Agarwal held that for the last more than two-and-a-half centuries and at least about 200 years before the present dispute arose in 1950, the building has always been known as a "mosque".
- He observed that whenever Hindu parties contested a case, they have throughout called it a mosque and there has not been any change to this stand until at least 1950.

What were judgments in favor common right of the property?

- The disputed area consist of

1. **Outer courtyard** which include Ram Chabutra, Bhandar and Sita Rasoi.
2. **Inner court yard** consists of the three domes of the Babur masjid

- Justice Agarwal held that the inner courtyard did not remain in possession of any of the parties exclusively.
- On the outer courtyard, he held that the right of prayer had been perfected by Hindus, having continued exclusively for more than a century; however, this would not apply to the inner courtyard.
- He said Muslims cannot claim adverse possession against the property because it was an open place and everybody was visiting it, including Muslims.
- He concluded that Hindus have proved that they were worshiping even after the structure was constructed, and that they were in exclusive possession of the outer courtyard.
- Thus according to Justice Agarwal the building was not exclusively used by members of the Muslim community, the outer courtyard was exclusively used by Hindus while the inner courtyard was visited for worship by members of both communities.
- Justice Khan held that while Muslims have not been able to prove that the land belonged to Babur under whose orders the mosque was constructed, Hindus have not been able to prove that there was any existing temple at the place where the mosque was built after demolishing the temple.
- He concluded that both parties were/are joint title-holders in possession of the disputed premises.

Source: Indian Express

