Babri Masjid Case

What is the issue?

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The Supreme Court observed that “prima facie” the order exonerating BJP leader L K Advani and others in the 1992 Babri Masjid demolition case was not correct and that the CBI should have filed a supplementary chargesheet against them.

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Background of Babri Masjid Dispute:

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- The **Ayodhya dispute** is centred on a plot of land in the city of Ayodhya, located in **Faizabad district, Uttar Pradesh**.
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- The Ayodhya debate centres around the land known today as **Ram Janmabhoomi**, on which the Babri Mosque was built in **1528**.
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- In Hindu Scriptures and authentic text, Ayodhya is the birthplace of the Lord Rama, the son of Dasharatha, the ruler of Ayodhya.
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- In 1525, the Mughal king **Babur invaded north India**, and conquered a substantial part of northern India.
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- One of his generals, **Mir Baqi** came to Ayodhya in 1528 and after reportedly destroying a pre-existing temple of Rama at the site, built a mosque, which has come to be called masjid-*i*-janmasthan (mosque at the birthplace) as well as Babri Masjid (Babur's mosque).
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- The Babri Mosque was destroyed during a political rally which turned into a riot on 6 December 1992.
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What the bench says?

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- The bench observed that the CBI should have filed a supplementary chargesheet to substantiate the allegations of criminal conspiracy against the leaders, who were let off on a technical ground that the trial was sought to be conducted at a trial court in Lucknow without the concurrence of the High Court.
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- The bench then said that it might order for a joint trial of both the criminal cases in one court, preferably at Lucknow.
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Who has gone to the Supreme Court?

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- CBI has appealed against the Allahabad High Court's verdict of May 2010, in which the HC's Lucknow Bench upheld a trial court order on dropping conspiracy charges against Advani and others.
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- In 2015, Haji Mehboob, a man in his late 70s, also filed an appeal. Mehboob pleaded that with the BJP in power, CBI may not press for restoration of the conspiracy case against top leaders of the party.
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Is this the only case pending in SC?

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- No. There is another — over a batch of appeals against a September 30, 2010 verdict delivered by the Allahabad HC in the title suit, directing that the 2.77 acres of land of the disputed site should be divided three ways among the Hindus, the Muslims and the Nirmohi Akhara, an organised group of sadhus.
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- In May 2011, the court ordered status quo at the site, restoring its previous orders of 1994 and 2002 in respect of the 67 acres adjacent to the disputed site in Ayodhya.
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- In January 2013, Justice Aftab Alam reiterated the order to maintain status quo on the title of the land.
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- But Justice Alam retired in April 2013, and the case has not witnessed any effective hearing even on the miscellaneous applications since then.
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How many cases are on in the trial court?

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- Two — one each in Lucknow and Rae Bareli. It is these two cases that the apex court wants heard jointly. Both the cases were investigated by the CBI.
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- In Lucknow, the accused face charges of demolition; those in Rae Bareli are being tried for allegedly instigating the crowd through speeches.
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- Conspiracy charges against Advani and the others were dropped by the Lucknow court on the technical ground that the CBI had sought to conduct a joint trial of all the accused without the concurrence of the High Court.
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Who are accused in these two cases?

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- After the demolition of the Babri Masjid on December 6, 1992, two FIRs were lodged.
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- FIR No. 197/92 was filed against the kar sevaks who allegedly demolished the mosque;
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- FIR No. 198/92 named, besides Advani, Joshi and Bharti, BJP Rajya Sabha MP Vinay Katiyar, Vishwa Hindu Parishad leaders Ashok Singhal, Giriraj Kishore, Vishnu Hari Dalmiya and Sadhvi Rithambara, and others for “making provocative speeches” that instigated the kar sevaks.
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Source: The Indian Express

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