

# Ayodhya Issue

July 16, 2019

**Source:** *The Hindu*

## Manifest pedagogy

Ayodhya – Ramjanmabhoomi – Babri Masjid issue is a deeply sensitive communal issue. A fair idea of the time line of the event and the effects it triggered is necessary for UPSC aspirants. Though they might not be directly asked in prelims or mains but these opinionated issues are very important for interview. The new Mediation mechanisms to settle the Ayodhya issue can directly be asked as a mains question

## In news

- The Supreme Court has extended till August 15 the time for a panel of mediators to explore an amicable solution to the Ayodhya issue

## Placing it in syllabus

- Significant events in modern Indian history

## Static dimensions

- Timeline of ayodhya issue
- Rise of communalism by ram janmabhoomi issue and rath yatra
- Bomb blasts in the post demolition phase

## Current dimensions

- Need to go beyond legal dispute settlement

## Content

A five-judge Bench led by CJI Ranjan Gogoi, on May 10, 2019 granted the mediation committee comprising Justice FM Kalifulla, former Supreme Court judge, Sri Ravi Shankar and

Sriram Panchu time till August 15,2019 to continue with its efforts to resolve the prolonged and strife-ridden Ayodhya title dispute.

### Timeline of Ayodhya issue

1528 Mughal emperor Babur constructs a mosque and it is named Babri.

1822 First recorded claim that the mosque stood on the site of Rama's birth was made.

December 23, 1949 Lord Ram's idols are planted inside the central dome. Both sides file court cases; the site is locked.

December 17, 1959 **The Nirmohi Akhara** files a suit seeking possession of the site and claims to be the custodians of the disputed land.

December 18, 1961 The **Sunni Central Board of Waqf** files a suit claiming ownership of the site.

1984 Vishwa Hindu Parishad (VHP) launches a campaign for the construction of the Ram temple at the Janmabhoomi site.

February 1, 1986 Faizabad district court orders the gates of the mosque be opened and Hindus be allowed to worship there. Muslims protest the move and forms Babri Mosque Action Committee.

November 9, 1989 VHP lays the foundation of a Ram temple on land next to the Babri Masjid following permission from the then Rajiv Gandhi government.

September 25, 1990 Then BJP President L K Advani launches Rath Yatra from Somnath to Ayodhya. He is arrested in Bihar's Samastipur in November.

December 6, 1992 The disputed Babri Mosque is razed to the ground by karsevaks.

April 2002 Three-judge Bench of high court begins hearing to determine the ownership of land. The HC orders the Archaeological Survey of India (ASI) to excavate the site to determine if it was a temple earlier.

2003 ASI finds evidence of the presence of a temple under the mosque. Muslim organisations dispute the findings.

September 30, 2010 The HC rules the disputed land be divided into three parts – one-third to **Ram Lalla Virajman, represented by the Akhil Bharatiya Hindu Mahasabha**; one-third to the Sunni Waqf Board; and the remaining to the Nirmohi Akhara. In December, the parties move the SC.

May 2011 The SC stays the HC order.

March 21, 2017 The SC says the matter is sensitive and suggests it be settled out of court. It asks stakeholders to hold talks and find an amicable solution.

May 30, 2017 Advani, Murli Manohar Joshi, Uma Bharti and Vinay Katiyar charged with criminal conspiracy in the demolition case.

August 11, 2017 The SC schedules hearing of 13 appeals in the title dispute on December 5, 2017, coinciding with the eve of the 25th anniversary of the desecration of the Babri mosque.

Dec 5, 2017 The SC says it will hear the civil appeals filed by various parties challenging the 2010 Allahabad High Court verdict on February 8, 2018.

October 2018 The Supreme Court decides that the land dispute case will only be listed before an “appropriate Bench” in January 2019



January 8, 2019 The Supreme Court sets up a five-judge Constitution Bench to hear the land dispute case.

February 26, 2019- The five-judge constitution bench by Chief Justice Ranjan Gogoi heard the matter and advocated an amicable resolution to the Ram Mandir case through mediation. The apex court in its observation favoured peaceful dialogue to solve the contentious issue.

March 6, 2019- The five-judge Constitution Bench of the Supreme Court reserved its order on invocation of Section 89 of the Code of Civil Procedure to attempt a court-monitored mediation in the decades-old Babri Masjid-Ram Janmabhoomi title suit.

The Supreme Court extended till August 15 the time for a panel of mediators, headed by F M Kalifulla, to explore an amicable solution to the politically sensitive Ram Janmabhoomi-Babri Masjid land dispute at Ayodhya

#### Rath Yatra and rise of communalism

The unlocking of the Ram Janmabhumi within the Babri mosque was an unmistakable signal for majoritarian appeasement in the name of Lord Ram. This was interpreted by interested parties as permission tacitly granted for acts of violence and for plunder in the name of a higher interest.

The **Ram Rath Yatra** was a political and religious rally that lasted from **September to October 1990** , organised by the BJP and its Hindu nationalist affiliates and led by the then-president of the BJP, L. K. Advani. The purpose of the yatra was to support the agitation, led by the VHP and its affiliates in the Sangh Parivar, to erect a temple to the Hindu deity Rama on the site of the Babri Masjid.

In the 1980s, the VHP and other Sangh Parivar affiliates began an agitation to build a temple to Rama at the site, with the BJP lending political support to the movement. In 1990, the V P Singh's government decision to implement twenty-seven percent reservation of government jobs for people from lower-caste backgrounds (Mandal commission recommendation)

threatened the electoral constituency of the BJP, which decided to use the Ayodhya dispute to unite the Hindu vote by mobilising anti-Muslim sentiment.

Hence BJP announced a rath yatra, or “chariot journey” across the country to Ayodhya which involved thousands of kar sevaks, or volunteers, from the Sangh Parivar. The yatra began in Somnath on 25 September 1990, and passed through hundreds of villages and cities. The yatra caused an outpouring of both religious and militant sentiments among Hindus, and became one of India’s biggest mass movements.

On the negative side, the yatra triggered religious violence, with riots in cities across North India. As a result, Advani was arrested by the government of Bihar as the yatra passed through that state, and 150,000 of his supporters were also arrested by the government of Uttar Pradesh. Tens of thousands of activists reached Ayodhya and attempted to storm the mosque, resulting in a pitched battle with security forces which left 20 karsevaks dead.

These events caused further Hindu-Muslim riots to break out across the country, in which hundreds were killed. Many of these riots occurred in areas that were not enroute the yatra, but where religious hatred had been triggered by the yatra. Hindus all over were asked to avenge the deaths of the karsevaks, who were described as martyrs. Muslims were often the victims of these riots, particularly in the state of Uttar Pradesh. Following these riots, the BJP withdrew its support to the Union government, leading to early parliamentary elections. The BJP made significant gains in these elections, both at the national and the state level, on the back of **religious polarisation caused by the yatra.**

#### Bomb blasts in the post demolition phase

The Mumbai riots of 1993 occurred mainly due to escalations of hostilities after large scale violent protests by Muslims in

reaction to the 1992 Babri Masjid Demolition by Hindu Karsevaks in Ayodhya. An investigative commission was formed under Justice B.N. Srikrishna, but the recommendations of the inquiry were not enacted



According to the commission report, immediate causes for the riot were the demolition of Babri Masjid.

- The aggravation of Muslim sentiments by the Hindus with their celebration rallies.
- The insensitive and harsh approach of the police while handling the protesting mobs which initially were not violent.

On 12<sup>th</sup> March, 1993, a series of 12 bomb explosions took place in Mumbai, India, then known as Bombay, which resulted in hundreds of fatalities and injuries. The attacks were reported to be coordinated by Dawood Ibrahim, leader of the Mumbai-based international organized crime syndicate, D-Company who helped organize the bombings through his subordinates Tiger Memon and Yakub Memon.

The Supreme Court of India gave its judgement on 21 March 2013, upholding the death sentence against suspected ringleader Yakub Memon while commuting the previous death sentences against 10 others to life in prison. However, two of the main suspects in the case, Ibrahim and Tiger Memon, have not yet been arrested or tried. Maharashtra state government executed Yakub Memon on 30 July 2015.

### Need to go beyond legal dispute settlement

The Supreme Court agreed to look the issue beyond mere politico-legal settlement. It has pointed out that even though the court can be procedurally right the dispute needs a solution which goes beyond procedural correctness. The court appointed a three member mediation panel headed by retired

apex court judge F M I Kalifulla to explore the possibility of an amicable settlement and gave it eight weeks to complete its proceedings. The other members of the panel will be spiritual guru Sri Sri Ravishankar and senior advocate Sriram Panchu.

The mediation proceedings triggered by the court to heal hearts and minds. The three-membered mediation panel had held several rounds of mediation with the stakeholders in Faizabad district, of which the disputed area in Ayodhya is a part of. The mediation committee had filed an interim report dated May 7 with the Constitution Bench. The Supreme Court has extended till August 15 the time for the panel to come out with a amicable solution.

### **Will mediation lead to a solution?**

Behind all the facts of the Babri Masjid and Ram Janmabhoomi, there are two very basic emotions. The emotion on the Hindu side is, we are a country with a Hindu majority. The majority of people now seem to believe there was a temple which commemorated the birth of Lord Ram at that site. Hence in free India, the temple which is a certain symbol of Hindu faith should be rebuilt. On the Muslim side, there is the emotion of saying that the standing of a mosque, whatever be its history, is also proof of the fact, which with the passage of time, we have come to be accepted.

This is a dispute concerning the community at large. Mediation will depend on the confidence of warring groups on mediators. As this panel is appointed by top court of the land, all the concerned parties would take it seriously. The mediation process is an alternative dispute-resolution process which is quite professional. It is not necessarily only a resolution of disputes. The resolution of the dispute may come in at a later stage.

Mediation would be a success when both parties can understand each other, and come to some kind of a win-win situation where

both can walk away from the conflict with their heads held high. If a situation rises where a temple could be built where the Hindus believe Lord Ram was born, and alongside a mosque could be built and both religions could co-exist, then that would be a great symbol of Indian secularism.

Facts such as namaaz was not being read at the mosque prior to the demolition, and ASI excavations in 2003 that has shown the presence of a Hindu temple in the disputed area needs to be considered. As the mediation will be in-camera and not in before public, communal passions can't be aroused. Hence mediation could be the only way out for the time being to solve this sensitive issue.