

Babri Masjid Demolition Case

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The recent verdict on Babri masjid dispute has once again called into question the capability of the institution of CBI. It is important to know the history of the case as well as stages it went through to reach the final judgement.

In news: CBI court recently acquitted Advani and 31 accused in Babri Masjid Demolition Case.

Placing it in syllabus: Law and policy

Static dimensions

1. Babri masjid demolition history
2. Highlights of Liberhan Commission report

Current dimensions

1. The judgement
2. Criticism of the ruling

Content:

The judgement:

- A special CBI court in Lucknow acquitted all the 32 accused in the 1992 Babri Masjid demolition case.
- The structure was demolished by 'karsevaks' in Ayodhya on December 6, 1992 who claimed that the mosque was built on the site of an ancient Ram temple.
- The CBI is yet to decide on filing an appeal against the special court verdict.
- Though the CBI produced 351 witnesses and 600 documents as evidence before the court the CBI special court judge SK Yadav held that there was no conclusive proof against the accused.
- The **CBI relied on newspaper evidence, photos taken by press photographers and video cassettes and as it did**

not produce their originals, the court refused to rely on those pieces of evidence.

Criticisms of the ruling:

- The trial court has in effect given judicial legitimation to the 'Ram Janmabhoomi movement' by acquitting all those indicted for conspiracy to bring down the structure.
- The **conclusions are termed drastic and defy logic and fact.**
- Apart from the political mobilisation and the purported intent to assemble on a particular day, the court had with it sufficient evidence that there was studied inaction on the part of the State.
- During the course of the trial, the counsel had submitted that the structure was demolished by miscreants who defied the directions for symbolic 'karseva' given from Ramakatha Kunj and the court accepted these submissions.
- **Many have questioned the court statement that there was no conspiracy in the matter when such a large group of people had assembled in the site.**
- The court's observation that there was lack of evidence in spite of presenting so many witnesses and photo proofs has been criticised.
- The **decision runs counter to the constitutional spirit and the Supreme Court judgement of November 9, 2019** pronounced by five judges, which had held that the demolition of Babri Masjid was a clear illegality and **"egregious violation of the rule of law"**.

Babri Masjid Demolition:

1528: Babri Masjid, also called the Mosque of Babur or Baburi Mosque, formerly Masjid-i Janmasthan, was built in Ayodhya, Uttar Pradesh, India.

1949: Lord Ram's idol was secretly placed inside the mosque.

1950: Gopal Simla Visharad files first suit in Faizabad civil court for rights to perform pooja to Ram Lalla.

1950: Paramahansa Ramachandra Das files a suit for continuation of pooja and keeping idols in the structure.

1959: Nirmohi Akhara files the third suit, seeking direction to hand over charge of the disputed site.

1961: UP Sunni Central Wakf Board files the fourth suit for declaration and possession and fifth in 1989 in the name of Ram Lalla.

1986: Based on the orders of a district judge in Faizabad Hindus were allowed to enter and pray in front of the idol.

1989: The four suits pending were transferred to the High Court.

1990: First attempt by VHP to demolish Babri foiled by Janta Dal Government in Uttar Pradesh. BJP President LK Advani conducts a rath yatra across the country in a bid to garner support from the people to build a Ram Temple at the disputed site. VHP volunteers partially damaged the Babri Masjid.

30 October 1990: UP CM Mulayam Singh Yadav ordered the police to open fire at the Hindutva mob which was marching towards Babri Masjid, which led to the death of 16 kar sevaks.

1992: Babri Masjid was demolished by Karsevaks.

- 2 FIR registered against Karsevaks for demolition and against leaders like Advani, MM Joshi, Uma Bharti for instigating.
- Liberhan commission appointed to probe events leading to demolition.

1993: Trial moved to UP's Lalitpur district.

- FIR 197 against Karsevaks was moved to Lucknow.
- FIR 198 against BJP, RSS and VHP leaders was moved to Rae Bareilly

October 1993: The CBI filed a consolidated charge sheet, including for FIR 198, as the two cases were intrinsically related.

2009: Liberhan Commission submits report.

May 20, 2010: Advani, others absolved of conspiracy charges

February, 2011: CBI moves Supreme Court and argues that “the actual demolition of the Babri Masjid and the continuous assault on media persons form a single connected transaction and can well be a concerted conspiracy.”

March 6, 2017: SC indicates it may revive conspiracy charge and order a joint trial of crimes 197 and 198.

March 23, 2017: A Supreme Court Bench of Justices P.C. Ghose and Rohinton Nariman posted for detailed hearing the CBI appeal against the dropping of the criminal conspiracy charge against L.K. Advani and other top party leaders.

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

March 8, 2019: Supreme Court sends Ayodhya dispute for mediation in camera, appoints a panel of mediators.

September 6, 2019: CJI to hear plea for live-streaming of Ayodhya title dispute case.

November 9, 2019: Temple at disputed site, alternative land for mosque, rules Supreme Court. However it called the obliteration of the Islamic structure an egregious violation of the rule of law.

Highlights of Liberhan Commission report:

The Congress-led Central government set up a commission in 1992 under **Justice Manmohan Singh Liberhan**, then a sitting judge of the Punjab & Haryana High Court, to investigate the events that led up to it and identify the people involved. The commission got 48 extensions and became the **longest running inquiry in Indian history**. It submitted its report to then Prime Minister Manmohan Singh on 30 June 2009. **The failure of the state administration to prevent the demolition, and alleged complicity in the sequence of events is central to the Liberhan report.**

- It said that the demolition took place in the presence of national and local leadership.
- **Cadres of the RSS, Bajrang Dal, VHP, BJP and Shiv Sena** along with their leaders were present at the spot.
- They **either actively or passively supported the demolition.**
- A **deeply-rooted nexus of state authorities** was complicit in encouraging the violence that claimed hundreds of lives.
- The report held that a **“handful of malevolent leaders” masquerading as “moderate elements in the Sangh Parivar” were responsible for invoking the name of Ram to turn tolerant peaceful communities into “intolerant hordes”.**
- The commission noted that the VHP kicked off its ‘Ram Janmabhoomi Mukti Andolan’ after a meeting between Vajpayee and Advani, along with leaders of the RSS and the VHP, held with then PM Narasimha Rao in the days before the demolition.
- The report believed that **Advani was a driving force of the demolition.** It noted that from mobilising support for the cause through his rath yatra to making several speeches the Liberhan panel noted that Advani “infused life into the issue”.
- The report noted that Murali Manohar Joshi, along with

the then UP chief minister visited Ayodhya at the controversial site in July 1991 and they took an oath to construct the Ram temple at the site, along with the people present there.

- 90 per cent of the police personnel deployed to protect the Babri masjid were sympathisers, and the rest under strict orders not to use force against kar sevaks.

It recommended that a government formed on the premise of religion or which has religious issues on its political agenda must be barred.

Mould your thought:

1. What were the recommendations of the Liberhan Commission on Babri-Masjid demolition? How does it contradict the recent Special court judgement on the case?

Approach to the answer:

- Write why in news
- Jot down the important recommendations
- Write the criticisms of the judgement
- Conclude by giving a balanced answer (can write about last SC judgement about the case)