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## Ayodhya Dispute: Case Analysis And Verdict

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### Abstract

In India, the Ayodhya controversy has a long history of political, historical, and socio-religious conflict<sup>1</sup>. The debate in Ayodhya, Uttar Pradesh<sup>2</sup>, revolves around a plot of land that Hindus believe is the birthplace of the Hindu god Ram. India is a one-of-a-kind country that is fast progressing while also being recognised for its variety. In India, people have deeply embedded attachment to religious sentiments and belief. It has both positive and negative effects on people. We typically believe that we must be faithful to our deity and respect our religion. Politicians, on the other hand, make use of these sentiments. They attempted to persuade people to vote by linking their programmes and agenda to religion. Politicians utilise a "divide and rule" strategy to influence and manipulate people's religious beliefs and emotions toward their gods. Nonetheless, people's differing perspectives and beliefs cause societal friction, which leads to bloodshed and instability. Some disputes last for a long period and necessitate a court of law trial. One such disagreement arose in the matter of "**M Siddiq (D) ThrLrs v. Mahant Suresh Das &Ors**", also known as the "Ayodhya Dispute" Case. The main focus of the article is in regards to the understanding of the dispute and analyse the verdict that was given in the case.

**Keywords:** Divide and rule, dispute, religious.

### Introduction

In the popular press, this case is referred known as the "Ayodhya Dispute Case." All of India's Prime Ministers were present at this ceremony. This Indian debate centres on the city of "Ayodhya in the state of Uttar Pradesh" and incorporates social, religious,

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<sup>1</sup>Rani, Miss.M. and Shrivastava, Dr.G. (2021). Historical Perception and Right to Education System to Enhance the Quality of Education in India. International Journal of Grid and Distributed Computing, (2005-4262).

<sup>2</sup>Meenu, Agrawal, A.K. and Dev, K. (2021). Study of Challenges Faced by Youth Entrepreneurs in Rural Areas of Western Uttar Pradesh. Utkal Historical Research Journal, (0976-2132).

historical, and political issues. On November 9, 2019, the Supreme Court released its decision on a long-running case. Ayodhya is a town in Uttar Pradesh where Hindus believe their god Ram was born. This region is at the heart of the conflict. According to some reports, the Babri Masjid was razed to make way for the mosque. Muslims, according to Islamic scholars, ruled the territory where Mir Baqi erected a fortress in 1528 on the orders of Babur, the first Mughal emperor.<sup>3</sup> The alteration/demolition of the temple sparked a popular outcry. According to legend, Muslim pilgrims discovered the Ram idol in 1949 within a mosque they named after the god Ram. Hindus and Muslims both claimed ownership of the site, pressuring authorities to take it down. On December 17, 1959, Nirmohi Akhara submitted a petition for property sovereignty, claiming to be the guardians of the disputed region. On December 17, 1959, the petition was granted. On December 18, 1961, the Sunni Central Board of Waqf filed a lawsuit against the government, claiming ownership of the land. Later that year, on December 6, 1992, a group of Hindu vigilantes demolished the Babri Masjid, igniting religious rioting throughout India and killing at least 2,004 people, according to government figures. Both sides have raised the issue in a variety of different courts across the country over the years. The first religious conflict in Ayodhya occurred in 1850 in the nearby Hanuman Garhi mosque, which remains standing today. During this time period in history, Hindus attacked the Babri Mosque. The Hindu community believes that the ground on which the Babri mosque was built should be returned to them and a temple built on it. "By contrast, the colonial authority consistently denied its request. On December 22, 1949, an offshoot of the Hindu Mahasabha, the Akhil Bharatiya Ramayana Mahasabha (ABRM), began a nine-day recitation of the Ramcharitmanas (Ramayana scripture).<sup>4</sup> Following this, Hindu activists broke into the mosque and set up camp inside the Rama and Sita idols<sup>5</sup>. Despite the fact that Jawaharlal Nehru had ordered the idols removed, local administrator K.K.K. Nair (who was well-known for his Hindu nationalist sympathies) resisted the removal, claiming that it would result in local bloodshed." The police had sealed the doors, preventing Hindus and Muslims from entering. Priests were granted permission to enter the mosque for daily prayer in order

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<sup>3</sup>Patnaik, Arun K., and Prithvi Ram Mudiam. "Indian secularism, dialogue and the Ayodhya dispute." *Religion, State & Society* 42.4 (2014): 374-388.

<sup>4</sup>Arunima, G. "Ayodhya Verdict: Bad Theology, Without Justice." *Economic & Political Weekly* 45.41 (2010): 9.

<sup>5</sup>Sharma, Dr.J.V.P. and Parveen, Dr.S. (2021). CONCEPTUAL FRAMEWORK ON HISTORICAL ASPECTS OF STATUS AND REPRESENTATION OF WOMEN IN INDIA.

to accommodate the transition into a de facto temple.<sup>6</sup> “The Sunni Waqf Board and the AMRM have filed a case in a local court to assert their rights to religious property. The legal conflict over Ayodhya began in 1950, when Gopal Singh Visharad was denied entry to the city, triggering the filing of a lawsuit.” The case was heard in court for more than a decade before Nirmohi Akhara filed a new complaint in 1959 claiming ownership of the land. Following the aforementioned conflict, the Sunni Central Waqf Council submitted a counter-request to the Sunni community in 1961, which was accepted. The Council for the Protection and Preservation of Muslim Religious and Cultural Sites was constituted in compliance with Indian law<sup>7</sup>.

## Timeline

1. On December 6, 1992, the Babri mosque was destroyed by a mob of around 200,000 “Karsevaks.
2. Ten days after it was demolished, the Center's Congressional Authority, led by PV Narasimha Rao, convened an investigation team chaired by Judge Liberhan.
3. The case's last hearing commenced on August 6, 2019 before the Supreme Court's five-judge constitutional bench, chaired by Chief Justice Ranjan Gogoi<sup>8</sup>.
4. On October 16, 2019, the Supreme Court will hold its last hearing. The final judgment has been rescheduled. For three days, the Court allowed parties to make written comments on the "remedy shape" or the concerns that the court needed to address.
5. The final decision was handed out on November 9, 2019. “The Supreme Court ruled that the property should be transferred to a trust for the express purpose of erecting the Ram Temple. Additionally, the government granted the Sunni Waqf Council 5 acres of land within the municipal boundaries of Ayodhya for the construction of a mosque.”
6. On December 12, 2019, the Supreme Court refused all applications for reconsideration of the verdict.

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<sup>6</sup>Copley, Antony. "Indian secularism reconsidered: from Gandhi to Ayodhya." *Contemporary South Asia* 2.1 (1993): 47-65.

<sup>7</sup>Garje, Dr.B.S. and Ali, Dr.H. (2020). AN ASSESSMENT OF STATUS OF PERSONAL LAWS IN INDIAN CONSTITUTION.

<sup>8</sup>Ali, Dr.H. and Choudhury, Dr.P. (2021). Constitutional Aspects Towards Social Networking Sites Regulation With Freedom Of Speech & Expression. *International Journal of Grid and Distributed Computing*, (2005-4262).

## Case Analysis

The decision must incorporate proceedings brought in 1950, 1959, 1961, and 1989 against the contested property. 9 On September 30, 2010, the Allahabad High Court issued a judgement in this dispute. The Court ruled that the Hindus, Muslims, and Nirmohi Akhara were joint owners of the disputed land, with each party receiving one-third of the contested territory. 10 The Nirmohi Akhara was a Hindu group (the "RamanandiBairagis") that claimed to have retained the facility, which was used as a temple until December 1949.<sup>9</sup> The dispute centered on land ownership, which was previously Lord Rama's birthplace, as well as the history of the Babri Mosque. The question was whether Babur demolished or altered an existing Hindu temple to build a mosque. On August 6, 2019, the five-judge Constitution Bench presided over by Chief Justice of India Ranjan Gogoi began daily hearings and directed lawyers to conclude their arguments by October 16<sup>10</sup>. The Supreme Court adjourned hearings on Ayodhya's land dispute with Ram Janmabhoomi-Babri Masjid on October 16, 2019, and postponed the decision until November 9, 2019. The Supreme Court granted the Ram Janmabhoomi Foundation ownership of the controversial 2,77-acre property in Ayodhya in a majority verdict. The Muslims were instructed to construct a mosque in a "appropriate" and "prominent" location on a different piece of property in Ayodhya. The Court also ordered the government to create a plan and build a temple at Ayodhya within three months.

Following a 14-day hearing, the Supreme Court invited all parties to make written submissions in this matter for three days, explaining what they sincerely prayed for. The following is a summary of written declarations made by various interested parties:

Nirmohi Akhara is a Buddhist temple in Nirmohi, India.

The right to build a Ram Temple on the disputed site, as well as to manage Nirmohi Akhara's grounds after the Temple is finished. "If the court agrees to uphold the High Court of Allahabad's 2010 judgments and the Muslim parties declare that they will not build on the site in question, the Court will order the Muslim parties to hand over their portion of the land to the Hindu parties.<sup>11</sup> On a long-term lease for the large Ram temple

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<sup>9</sup>Mehta, Deepak. "The Ayodhya dispute: The absent mosque, state of emergency and the jural deity." *Journal of Material Culture* 20.4 (2015): 397-414.

<sup>10</sup>Ali, Dr.H. and Choudhury, Dr.P. (2021). Constitutional Aspects Towards Social Networking Sites Regulation With Freedom Of Speech & Expression. *International Journal of Grid and Distributed Computing*, (2005-4262).

<sup>11</sup>Gupta, Anupam. "Dissecting the Ayodhya Judgment." *Economic and Political Weekly* (2010): 33-41.

(the High Court of Allahabad's decision divided the disputed territory among three parties: the Sunni Waqf Council, the Nirmohi Akhara, and the Ram Lalla).” The court should order the government to provide land beyond the combat zone to the Muslim side for the construction of a mosque..

Ram Lalla Virajman

According to Ram Lalla Virajman's written petition, the court should award Ram Lalla all of the contested lands. The proclamation states that no part of the contested zone should be granted to the “Nirmohi Akhara or Muslim parties”.

PunarSudhar Samiti Ram Janambhoomi

On the disputed Ayodhya site, only a Ram temple should be permitted. When the temple is finished, a trust must be established to govern it.

Visharad, Gopal Singh

“Gopal Singh Visharad, whose family has historically prayed at the temple site<sup>12</sup>, said that it is his constitutional right to pray to Ram Janmabhoomi. In his statement, he emphasized that no compromise should be reached in the Ram Janmabhoomi conflict.”<sup>13</sup>

Sunni Waqf Council

The Commission has stated that it intends to follow the same strategy that was advocated throughout the hearings. During the hearings, the Council's advocate, Rajeev Dhawan, urged a return to the original design of the Babri Masjid, which was demolished on December 6, 1992..

The Mahasabha is a Hindu assembly.

The Supreme Court is expected to establish a trust to oversee the construction of a Ram temple on the disputed site in Ayodhya. The Supreme Court should appoint a trustee to oversee the administration of this trust. Waqf Board of Shia Muslims

During the relief petition filed before the Allahabad High Court, the Muslim parties claimed that the disputed land had been abandoned and given to the Hindu party so that

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<sup>13</sup>Ali, Dr.H. and Choudhury, Dr.P. (2021). Constitutional Aspects Towards Social Networking Sites Regulation With Freedom Of Speech & Expression. *International Journal of Grid and Distributed Computing*, (2005-4262).

the Ram temple could be built. The “Chia Waqf’s board of Directors” accentuated that the Shia Waqf Council, not the Sunni Waqf Council, legally owns the disputed country. The land given by the High Court to the Sunni Waqf Council should now be granted to the Hindu parties.

### **Obiter dicta**

In this case, the Court resolved a sacred site dispute between Hindus and Muslims. The Court had awarded the Ram god (installed in the Masjid in 1949) unique legal personality, and the idol represented Hindu interests. The Sunni Waqf Board advocated for Muslim interests. The Court based its decision on evidence that Hindus have remained in the disputed territory's outer courtyard since 1857 alone, whereas the interior courtyard has been contested by Hindus and Muslims. Between 1528 until 1857, the Court was unable to determine who owned the contested territory due to a lack of evidence. Based on these findings, the Court granted the Hindus access to the contested site and ordered the government to establish a trust to construct a new temple. Nonetheless, the Court accepted that the Babri Masjid had been demolished unfairly and that Muslims had the right to be compensated. As a result, the Ayodhya Sunni Waqf Board now owns 5 acres of property on which to construct a new mosque. The Masjid was administered by the Sunni Central Waqf board, which supported Muslim interests. Several parties vied for Hindu votes. A complaint was filed on behalf of the Hindu God Ram, known as "Suit 5," claiming to represent the god through the idol. The Court determined that the idol merited its own legal personality since it represented the Hindu people's interests. According to the Court, granting religious icons independent legal status shielded property from misappropriation, especially if the property was not transferred to a trust (as in this case). However, the Court rejected to grant legal personality to immovable property such as a holy site, arguing that a legal fiction constructed for convenience has a separate legal character. The Court accepted the inferential nature of the archaeological findings<sup>19</sup> and the uncertainty of historical documents<sup>14</sup>. However, whether or not the Babri Masjid was built on top of a temple was not a deciding factor in the title.<sup>15</sup> While the Court determined that the prevalence of evidence suggested that there was a structure prior to the Babri Masjid, it also highlighted the limitations of archaeological evidence<sup>23</sup> and testimony in an aural culture. From 1528 through 1857, the Sunni Central Waqf Board showed no proof of worship or sole authority of the inner courtyard. The Court was unable to determine whether Muslims occupied the contested land only from 1528 until

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<sup>14</sup>Rani, Miss.M. and Shrivastava, Dr.G. (2021). Historical Perception and Right to Education System to Enhance the Quality of Education in India. *International Journal of Grid and Distributed Computing*, (2005-4262).

<sup>15</sup>“Rajamony, Christu. *Sacred sites and international law: a case study of the Ayodhya dispute*. Diss. Oxford Brookes University, 2007.”

1857. Instead of establishing ownership, a fencing between the inner and outer courtyards, and therefore the Hindu and Muslim religions, was built in 1857 to ensure order between the two groups. From 1856 to 1857, Hindus worshiped only in the outside courtyard of the Masjid. Hindus continued to pray along the barrier, claiming that "Lord Ram's birthplace was within and under the central dome of the mosque." Indeed, disturbances in 1934 and the construction of idols in the courtyard in 1949 demonstrated that Muslims did not have complete control over the area.<sup>16</sup> As a result, Hindus had exclusive custody of the outer court, but the courtyard inside was contested. A five-judge constitutional Court bench unanimously granted the Hindus title to the challenged land<sup>17</sup>. The Court ruled that Hindus had a superior claim of possession than Muslims because they controlled the outside courtyard and challenged the internal courtyard. Nonetheless, the Court noted that the decision was founded on likelihood. The Court ordered the Central Government to establish a trust to oversee the property, which included the construction of a Ram temple. While Nirmohi Akhara's claim was dropped due to time constraints, it was represented in the Trust. The Supreme Court ordered the federal and state governments to award the Sunni Central Waqf Board 5 acres in Ayodhya for a mosque.

### **Judgement**

From August through October 2019, a Supreme Court bench of five judges heard cases on the title. The Supreme Court, chaired by J. Ranjan Gogoi, declared on November 9, 2019, that the land belonged to the government based on tax records.<sup>18</sup> He also directed the government to build the mosque and to provide the Waqf Sunni Council an additional 5 acres of land.

The top ten points emphasized in the verdict in this case are as follows:

- The Supreme Court has granted God Ram Lalla ownership of the entire 2,77-acre disputed land in Ayodhya.

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<sup>16</sup>“Elst, Koenraad. *Ayodhya: The Case Against the Temple*. New Delhi: Voice of India, 2002.”

<sup>17</sup>Ali, Dr.H. and Choudhury, Dr.P. (2021). Constitutional Aspects Towards Social Networking Sites Regulation With Freedom Of Speech & Expression. *International Journal of Grid and Distributed Computing*, (2005-4262).

<sup>18</sup>Cesari, Jocelyne. "Time, Power, and Religion: Comparing the Disputes over Temple Mount and the Ayodhya Sacred Sites." *Journal of Law, Religion and State* 9.1 (2021): 95-123.

- The Supreme Court has ordered the central and Uttar Pradesh governments<sup>19</sup> to provide Muslims with 5 acres of alternative land for the construction of a famous mosque.
- The court asked the Center to consider providing Nirmohi Akhara some type of representation in the establishing of a trust. The third party in the Ayodhya debate was Nirmohi Akhara.
- The Supreme Court dismissed Nirmohi Akhara's appeal, in which the organization claimed to be the caretaker of all contested area.
- The Supreme Court directed the Union government to establish a trust within three months to construct the Ram Mandir on the disputed site of the Babri Masjid's 1992 demolition.
- The Supreme Court determined that the structure beneath the Ayodhya site in question did not constitute an Islamic edifice, but it was unable to determine whether a temple had been razed to make way for a mosque.
- “The court also decided that Hindus identify the disputed site as Lord Ram's dwelling, whilst Muslims think it is the same as the Babri Masjid.
- The court also endorsed the Hindu view that Lord Rama was born in the disputed area where the Babri Masjid once stood.”
- The Supreme Court also ruled that the 1992 demolition of the Babri Masjid Mosque, which dates back to the 16th century, was illegal.
- The Supreme Court determined in its decision that the Waqf Central Sunni Council of Uttar Pradesh had not demonstrated the case for Ayodhya and that the Hindus had discovered that they controlled the site in the outer courtyard in dispute<sup>20</sup>.

## Conclusion

This case is significant since it covers Indian judiciary history, and every prime minister since Jawaharlal Nehru has included Narendra Modi. Finally, on November 9, 2019, this matter was completed. The Supreme Court has attempted to deal with this situation in a harmonic manner, attempting to strike a balance between the two religions. “The Supreme Court has granted God Ram Lalla ownership of all 2,77 acres of disputed land in Ayodhya.” The Supreme Court has ordered the central and state of Uttar Pradesh to

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<sup>19</sup>Meenu, Agrawal, A.K. and Dev, K. (2021). Study of Challenges Faced by Youth Entrepreneurs in Rural Areas of Western Uttar Pradesh. *Utkal Historical Research Journal*, (0976-2132).

<sup>20</sup>Meenu, Agrawal, A.K. and Dev, K. (2021). Study of Challenges Faced by Youth Entrepreneurs in Rural Areas of Western Uttar Pradesh. *Utkal Historical Research Journal*, (0976-2132).



avail the Muslims with 5 acres of alternative land for the construction of a mosque in a prominent location. Politicians employ the concept of "divide and rule" to divert our attention away from religious issues in order to win elections. It is grave to focus on core issues that lead to a country's progress, such as poverty, unemployment, and agriculture. We must avoid falling prey to politicians' religious impulses.

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