



**Syllabus subtopic:** Indian Constitution- historical underpinnings, evolution, features, amendments, significant provisions and basic structure.

**News:** The constitution bench led by CJI Ranjan Gogoi delivered the Ayodhya verdict alongside CJI designate S.A. Bobde, and Justices D.Y. Chandrachud, Ashok Bhushan and S.A. Nazeer. The verdict was **unanimous**.

**Prelims focus:** Details of the case and the judgment.

**Mains focus:** Implications of the judgement and significance of the precedent it has set.

### About the issue

- At the centre of the issue is **the belief among sections of Hindus that the Babri Masjid**, named after Mughal emperor **Babur**, was built in Ayodhya after destroying a **Ram Temple that marked the birthplace of the deity**.
- The Hindu parties wanted the land to themselves, contending that Lord Ram was born at a spot on which later the central dome of the mosque was built. The Muslim parties, however, contended that the mosque was **constructed in 1528 by Mir Baqi, a commander of Babur's army, without demolishing** any place of worship and since the land rights had not been transferred to any other party, the space was rightfully theirs.

### About the verdict:

1. The Hindus would get the entire disputed 2.77 acres in Ayodhya where the demolished Babri Masjid once stood.
2. Possession of disputed 2.77 acre land will remain with Central government receiver.
3. The Muslims will get alternate five acres of land either in the surplus 67 acres acquired in and around the disputed structure by the central government or any other "prominent" place.
4. A trust will be formed in 3 months to build a temple on the disputed land. The court held that the Nirmohi Akhara is not the shebait or devotee of the deity Ram Lalla but will get to be a member of the Trust.

### About the Article 142:

The Supreme Court, implicitly referring to the demolition of the Babri Masjid at the disputed site, said that it was invoking Article 142 "to ensure that a wrong committed must be remedied".

**Article 142(1) states that** "The Supreme Court in the exercise of its jurisdiction may pass such decree or make such order as is necessary for doing complete justice in any cause or matter



pending before it, and any decree so passed or order so made shall be enforceable throughout the territory of India in such manner as may be prescribed by or under any law made by Parliament and, until provision in that behalf is so made, in such manner as the President may by order prescribe”.

- This was the first time that the court invoked this power in a case involving a civil dispute over an immovable property, involving private parties.

### The European travellers quoted by the SC judges in the judgment

In its judgment, the Supreme Court relied in part on centuries-old travelogues, gazetteers and books to provide an account of the faith and belief that the Hindus placed in the Janmasthan. The travelogues that the court took note of included, among others, those by the European travellers Joseph Tieffenthaler, William Finch, and Montgomery Martin – these being written before the building of the grill-brick wall in front of the mosque during British rule.

1. **Tieffenthaler** was an 18th-century missionary who travelled in India for 27 years, and wrote his travelogue titled “**Description Historique et Geographique De l’Inde**”. In India, he was commissioned at the famous observatory of **Sawai Jai Singh**, the Raja of Jaipur, and was later attached at the Jesuit College in Agra which was built with the patronage of Akbar.
2. **William Finch’s** account has been recorded in the 1921 book ‘**Early Travels in India (1583-1619)**’ by the historiographer Sir William Foster.
3. Originally from Dublin in Ireland, **Martin was an Anglo-Irish author and civil servant**. He practised medicine in Ceylon (present day Sri Lanka), East Africa and Australia. Martin then went on to work in Kolkata where helped found the paper ‘**Bengal Herald**’. He wrote the three-volume work ‘**History, Antiquities, Topography and Statistics of Eastern India**’.

### About the adverse possession and the Muslim claim rejected by SC

One of the questions before the Supreme Court was whether the Sunni Waqf Board had acquired the title of the disputed land by **adverse possession**.

**Adverse possession** is hostile possession of a property – which has to be continuous, uninterrupted and peaceful.

The Muslim side had claimed that **the mosque was built 400 years ago by Babar** – and that even if it is assumed that it was built on the land where a temple earlier existed, Muslims, by virtue of their long exclusive and continuous possession – beginning from the time the mosque was built, and up to the time the mosque was desecrated – they had perfected their title by adverse possession. This argument has now been rejected by the Supreme Court.