

Babri Masjid Verdict

Why in news?

The Supreme Court said that none of the 32 surviving accused of the Babri Masjid demolition case was found guilty.

What is the story behind?

- The mosque was brought down in 1992 to build a Ram temple.
- In 2019, the Supreme Court handed over the empty site to those who wanted the mosque brought down.
- However, it recognised the demolition as an egregious violation of the rule of law.
- This gave rise to hope that the ends of justice would be served by the punishment of those who mobilised the vandals.
- But now, the SC said that none of the accused was found guilty.

What did the trial court find?

- The trial court has given judicial legitimation to the 'Ram Janmabhoomi movement' by acquitting all those indicted for conspiracy to bring down the structure.
- The court found that the demolition was **not planned** in advance.
- This finding flies in the face of the entry of several volunteers into Ayodhya that day armed with implements to bring down the structure.
- The movement was headed by L.K. Advani, Murli Manohar Joshi and Uma Bharti among others.
- The proponents of the movement had positioned themselves in vantage points to witness the occasion and celebrated with pride.

What were the evidences?

- In this case, there were sufficient evidence about the political mobilisation and the purported intent to assemble on that day.
- The court had with it evidence that there was studied inaction from the State, whose Chief Minister (CM) was one of the accused.
- The court had with it evidence that the unambiguous and open threats to the structure voiced by many of the movement's protagonists.

- The CM then, had given a false assurance to the SC and the National Integration Council that nothing but a symbolic 'kar seva' would take place.
- But, the crowd went into frenzy, goaded on by provocative speeches by the dignitaries, and vandals went up the dome.
- The possibility of tampered audio and video evidence would not undo the cumulative effect of the logistical and financial preparation, besides the communal mobilisation.

What did the Liberhan Commission say?

- The Manmohan Singh Liberhan Commission had laid bare the entire conspiracy in its damning report.
- But, a probe under the Commission of Inquiry Act has no binding value.
- The evidence adduced at the trial alone matters.

What did the CBI do?

- The CBI failed to prove the element of conspiracy, the details of the advance mobilisation, the meeting of minds that is required to prove a plot and its broad contours.
- From the beginning, the police investigation was marked by bungling.
- When the main events were covered by two FIRs, the U.P. government failed to notify both of them while designating courts for trial.
- The Allahabad High Court quashed the flawed notification.
- The State government's failure to rectify the irregularity resulted in separate proceedings in Lucknow and Rae Bareilly.
- The CBI filed a supplementary charge sheet after omitting the conspiracy charge.
- The Supreme Court later said that this derailed the joint trial and resulted in separate proceedings in two places.

What did the SC do?

- In 2017, the SC revived the conspiracy charge.
- It directed the trial court to resume day-to-day trial.
- It sternly reminded the agency that it was because of its failure and that of the State government that a crime that shook the secular fabric of the Constitution had not seen justice for 25 years.

What is unacceptable?

- It is unacceptable to see a court saying that the destruction was a "spontaneous act".

- All those who went through that phase in India's political history know that the demolition was only the culmination of a revanchist movement.
- The period was marked by communal mobilisation, holding of processions to gather 'bricks' meant for constructing a temple, etc.
- The cause of communal amity cannot afford successive judicial setbacks to both secular values and the rule of law.

Source: The Indian Express, The Hindu

