

Article for Publication:

## **Shouting brigade threats, poll results & Ram Janmbhoomi case**

- **Vinod Bansal**

Every eye was stuck up, be it a media channel, politician, social worker or a common man, everybody was busy speculating what would happen in the apex court as the case of Ram Janmbhumi was to be heard on a day to day basis. Many petitions/appeals were made, dozens of learned advocates were ready for the arguments, and many new applications were filed for becoming a party to the case. Hon. Judges were there to find a solution to the 77 year old high profile litigation after the country's independence. Almost all concerned were hopeful that something new will come-up after the day-long hearing of 5<sup>th</sup> December, 2017, the date decided by the Supreme Court 116 days earlier, i.e. on 11<sup>th</sup> Aug, 2017.

It was 2Pm when the Hon. Judges began the proceedings in the court room fully occupied by the advocates/attorneys/plaintiffs/defendants/appellants/respondents etc. Senior Advocates K. Parasaran, C S Vaidyanathan, Harish Salve and Vikramjit Banerjee of shri Ram Lala Virajman started their arguments but, the other side on several occasions interrupted them. Hearing of the matter was strenuously opposed by former Union Law minister, senior congress man & Counsels Kapil Sibal, Dushyant Dave and Rajeev Dhawan, respectively.

Sibal stated that this hearing was being made at the instance of the BJP, as it was in BJP manifesto by referring to a letter of Subramanian Swamy addressed to the PM even though his matter is detagged. He specifically mentioned that matter should be heard only in July 2019, after completion of tenure of this Government. Kapil Sibal and Dave also stated that judgment in this case will affect the secular fabric of the country and will have repercussions outside the court and therefore you should not hear it. Instead of three, not even five, but seven judges bench should be constituted as this matter is of high importance. Dhavan even told the CJI that they cannot conclude hearing of this case during their tenure. Sibal even threatened to walk out of the proceedings if the hearing commenced. The documents are running into 90,000 pages and all the exhibits have not been filed.

The councils for Ram Lala Virajman opposed the repeated interruptions saying that it is merely a first appeal arising out of a title suit and there is no question as to interpretation of constitution as required under Art. 145. The bench accepted the contention and said that at this stage there were no questions which would require reference to larger bench, but if the occasion arises we will consider it.

When C S Vaidyanathan proceeded to open his case by stating the statement of case and placed his submission before the court, the other side again started objecting to the proceedings saying that the documents are running into 90000 pages and all the exhibits have not been filed. The councils for Ram Lala Virajman apprised the court that they had filed all their documents and it is only the other side who has not filed their exhibits which were very few in number. State of UP has also filed all the translated statements as directed by the court on 11/8/2017.

It was unfortunate that on the very first day of the hearing of the first appeal, the politics, threats, indecency and illogical arguments were seen in the highest judiciary of the country. First of all how the manifesto of a political party could affect the proceedings/judgement? If anything happens outside the court, it is the duty of the government to tackle it or approach the court in the matter (if requires). But justice can neither be delayed nor could it be denied on this ground. Secondly, how some so-called senior counsels compel the court that the case be heard only by Five/seven judge bench instead of the existing bench of three judges headed by the CJI? Being the highest judiciary of the country, most of the SC Judges have left with very short service tenures. How the counsels could stop hearing the case by a judge on this illogical ground? Over and above, it was most socking that the so-called senior counsels were not only shouting & disturbing the court but also threatening to boycott the court proceedings.

In another case in the apex court, due to repeated disruptions/disrespect by the Shouting Brigade the Supreme Court on Thursday (7th Dec.) warned the so-called senior advocates and lawyers to forthwith rein in their tendency to raise their voice during arguments when they find the court disagreeing with them.

Taking strong exception to the repeated tactics employed by the 'shouting brigade' a five-judge constitution bench of Chief Justice Dipak Misra and Justices A K Sikri, A M Khanwilkar, D Y Chandrachud and Ashok Bhushan said, "Lawyers are called the ministers of justice. They are also referred to as officers of the court. But unfortunately, a small group of lawyers raise their voice. They must understand absolutely clearly that raising their voice is not going to be tolerated. Raising the voice means either the lawyer is incompetent to present the case or he is inadequately prepared with the case."

Referring to the arguments advanced by senior advocates Kapil Sibal, Dushaynt Dave and Rajeev Dhavan in the Ayodhya case on Tuesday and the manner in which Dhavan argued on Wednesday for Delhi government in its turf war with the Centre, the CJI said, "We are compelled to connect it (expression of anguish) to yesterday's incident (when the bench expressed dissatisfaction with Dhavan's tone and tenor of arguments in the Delhi case). Behaviour of the senior counsel was atrocious yesterday. Day before yesterday (in Ayodhya case), it was even more atrocious. "The senior counsel (Dhavan) who argued on Wednesday (in Delhi case) contradicted the other counsel for Delhi government Indira Jaising. Same client had many counsel. Different and contradictory arguments were advanced by the counsel for the same party. How does the court discern what is the stand of the party? This is not the tradition of the bar. If the bar does not regulate, we will be compelled to regulate."

Judges have highest respect in our country but unfortunately, the above facts clearly evident that some advocates believed that they could/had the influence over the judiciary and could do anything they want. Now its high time to deal with this shouting brigade firmly either through the Bar or through the courts verdict. But Nobody could be allowed to cross the limits of the constitution/judicial pronouncements of this great country. Non serious litigations/counsels & vested political interference in the system should also be dealt with firmly. All though, the first hearing of the Ram JanmBhumi case has clearly become victim of the shouting brigade threats, Congress politics & non serious players but it had unveiled the constant hidden agenda of the congress & like-minded influential people who might have been infiltrated into our top constitutional bodies since long for their vested interests. The latest poll results of the two states have again put stamp on the fact that people of this country are well aware of behaviors tactics & intent of those anti-Hindu & unconstitutional divisive forces who may attack any time on any constitutional body. Every citizen of this country is of the opinion that now it is high time to regain the glory of the Ram Temple at the birth place of Bhagwan shri Ram in pious Ayodhya and declare the pride of Bharat the Ram Setu a national monument.

\*\* Writer is a social worker, columnist & National spokesperson of Vishawa Hindu Parishad(VHP)\*\*

\*\*He may be contacted at Twitter: @vinod\_bansal or Email : vinodbansal01@gmail.com M- 9810949109\*\*