

India - Ayodhya Verdict: Apprehensions of a Secularist

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Sixty years after the shadowy appearance of idols of Ram under the central dome of Babri Masjid, the Lucknow bench of the Allahabad High Court delivered its verdict on September 30, 2010. My first reaction after the pronouncement of the judgment was a sense of pride because of the maturity and restraint with which the people of India received the verdict and leaders of almost all political parties have exhorted the people to respect the verdict and maintain communal amity and calm. I salute the Indian masses for rising above communal sentiments and reposing their faith in the rule of law. Nevertheless, I am a bit perplexed about the verdict itself. One must keep it in mind that it was a vexed case involving the religious sentiments of the Hindus and the Muslims and the three-judge bench had an extremely challenging task before it.

In view of this a section of the intelligentsia has welcomed the verdict with the hope that it may herald the end of the long-drawn enmity between the two major communities of India and help create an agreeable social milieu wherein the people, youths in particular, can focus on education and development. Though peace prevails throughout the country after the deliverance of the verdict, one of the litigants i.e. the Central Sunni Wakf Board representing the Muslim interests has expressed its partial dissatisfaction over the verdict and has also made it known that it shall appeal against the verdict in the Supreme Court. A day later the other two litigants viz. the Hindu Mahasabha and the Nirmohi Akhara too have announced their resolve to move the apex court because each one of them claims the ownership of the entire piece of land. Thus, if the honourable judges had thought to give a cue to the two communities to bury the antagonism over the disputed site by its trifurcation, the judicial settlement (that's what the verdict is in actuality) has failed to achieve the desired objective.

It is true that no one should lose sight of the ground political realities. The Muslims in particular have suffered tremendously in terms of lives and properties because of the Ayodhya dispute. The demolition of a 500-year old mosque, the ensuing genocide of the Muslims in Mumbai and other places immediately after the demolition in 1992 and the Gujarat pogrom a decade later will always remain as three grimy blots on the secular-democratic face of India. It is, therefore, understandable that some well meaning opinion makers and secular activists expect Muslims not to let slip this opportunity of reconciliation and be content with the one-third piece of land that has been apportioned to them as per the verdict. Some friends of the Muslims also suggest that they can also give up their claim over the one-third land by shifting the mosque to some other place. Such gestures, the advocates of reconciliation believe, will certainly help the community improve its image as the peace-loving, reasonable members of civilised societies not only in India but globally too.

These are sincere propositions in the interest of communal harmony. Nonetheless, such reconciliation should have been done earlier and out of court. The out of court peaceful settlement could not be hammered out earlier and for that both the communities have to share the blame. The aggressive Hindu communalists carried out the entire campaign for the Ram temple in a completely fascist manner with the intention of creating a fear psychosis in the minds of the Muslims. Instead of peaceful reconciliation the Hindu chauvinists had tried to forcibly occupy the Babri Masjid. They

first surreptitiously installed the idols under the main dome in 1949 and later committed the heinous crime of demolishing the mosque in 1992. Taking into consideration the fascist strategy of the campaigners of the Ram temple even reasonable and moderate Muslims had misgivings about initiating the process of negotiations lest their efforts might be construed as complete surrender in the face of brute force of majority.

Added to this was the dim-witted stance of the Muslim fundamentalists that the site of the mosque was non-negotiable because a mosque would remain a mosque till the doomsday. The genuine Islamic scholars have often pointed out that there is no such injunction in the Quran and there were instances in Islamic history when the mosques had been relocated. Thus, it was because of the machinations of the fanatics on both the sides that a peaceful settlement of the dispute could not be reached out and exactly for that reason the litigants had agreed to abide by the court verdict in the title suit. The verdict instead of adjudicating upon the issue of ownership of the disputed land handed out a settlement that too on certain questionable grounds. As a result, despite being a proponent of reconciliation I have reservations about treating the verdict as a means of peaceful settlement.

The most disturbing aspect of the verdict is the premise on which the honourable judges have arrived at the conclusion that the disputed site is indeed the birth place of Ram. One of the judges has even identified the exact location where the Lord was actually born and that is just under the main dome of the mosque where the covertly installed idols exist today. Though the honourable judges have made references to the report submitted by the Archaeological Survey of India, the report itself is far from flawless. Irfan Habib and Romila Thapar, the two most reputed historians have pointed out the anomalies in the report in question. Moreover, it speaks about the existence of a structure of Hindu religion on the site where the Babri Masjid was constructed in 1528 and not the exact site of the birth of Lord Ram. The senior most judge on the bench, Justice S. U. Khan has even mentioned that he is not a historian nor does he meet the criteria to go into archaeological findings. Then on what grounds the honourable judges have arrived at the conclusion that the disputed site is exactly the place of birth of Ram? It is the faith of the majority of Hindus who believe that Ram was born at the disputed site on which the verdict was delivered. In other words faith has been given precedence over law of the land and evidence. The verdict has thus set a perilous precedent.

If the verdict goes uncontested it will be extremely difficult for liberal and secular activists to campaign for any cause having roots in democracy, human rights, gender equality or secularism because the orthodox sections of society might move the court citing the Ayodha verdict with the plea that primacy of faith should prevail upon secular laws of the land. It is a well known fact that almost all religions assign a secondary status to women. It is only the democratic and secular laws of the country that uphold gender equality. This might change because of the precedent of giving credence to matters of faith. There could be many other areas where religious beliefs would be cited to undermine the secular laws and human rights of the people.

Another distressing factor involved in the verdict is treating Ram Lulla, the divine ghost, as a flesh-and-blood litigant in the case whose interests because of his infancy were represented by the Hindu Mahasabha! In fact those who are trained in jurisprudence can comment on this aspect more authentically whether such a bizarre development in the judicial history of India has any parallel. For the secularists it is bound to create myriad problems.

There is another apprehension that the verdict might be interpreted by the Hindu Right to justify the hideous demolition of the mosque in 1992. It is reassuring that P. Chidambaram, the Union Minister for Home Affairs has stated in unambiguous terms that the verdict does not have any bearing on the incident of 1992 which was a criminal act. Nonetheless, one is justified in asking why the verdict has not mentioned the unfortunate demolition of the mosque in 1992 while two of the judges have

opined that a Hindu structure was destroyed to construct a mosque in the sixteenth century. The peace loving and secular activists have a responsibility to ensure that the criminals of Babri mosque demolition do not go scot free and this verdict should not be used as a shield to justify that vandalism.

For the reason of such anxieties a secularist like me heavy heartedly concede that the litigants should move the Supreme Court with the hope that the apex court might restore the primacy of law of the land over the matters of faith and re-establish the secular character of Indian polity.

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P.S.

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