

The Ayodhya Verdict: A Blow to the Spirit of Modern India

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On the eve of the Allahabad High Court verdict on Ayodhya, we had said the verdict would be a “test case for India’s secularism, democracy and justice.” Now, following a close look at the shocking verdict, we must say it has failed this test in every possible way. 30 September, 2010 will now be bracketed with 6 December, 1992. Eighteen years after the dastardly physical demolition of the Babri Masjid, we have now seen its judicial demolition, a verdict that flies in the face of the basic principles of justice and rule of law, and challenges the fundamental spirit of a secular, democratic modern India.

The High Court was supposed to decide on the title suit regarding the disputed site. It is well known that the BJP and its Sangh siblings were all along wary of the court deciding on this case on the plea that the whole issue concerned “faith” and there could be no adjudication over “faith”. It was clear to them that they had no legal basis for their claim and hence they chose the way of cheating the country. They assured everybody that the law of the land would be honoured, and then betrayed their own words to demolish the mosque through a communal-fascistic mobilisation in broad daylight.

Today, the Sangh is jubilant that the High Court has turned “faith” into law. All the three judges have accepted the fact that the idols of Ram, Sita and Bharat were smuggled in from outside on the intervening night of 22-23 December, 1949. Yet the judges have ruled by 2-1 majority that the “disputed structure” was not a mosque because it was apparently constructed by demolishing a Hindu religious structure and hence according to the tenets of Islam, it could not have the sanctity of a mosque! The other judge has of course differed on both counts – but the majority view prevailed.

The verdict is based heavily on two factors – the so-called ‘archaeological evidence’ marshalled by the ASI in its 2003 report (two previous ASI reports in 1970 and 1992 mentioned nothing of the sort) that there was a Hindu temple on the site before the mosque was built, and the ‘faith’ held by many Hindus that the disputed area is the birthplace of Lord Ram. The ASI report has been widely questioned and rejected by a whole range of historians and can at best be treated as a piece of speculative conjecture. The other aspect of ‘faith’ is just that – faith which can by no means be treated as an evidence to decide a title suit.

After conceding the Ramjanambhoomi claim on such thoroughly questionable grounds, the judges sought to give the whole thing the appearance of a reconciliatory measure whereby the disputed land would be apportioned into three equal parts with one part going to the waqf board. Reconciliation can only be attempted and achieved on the basis of truth and justice. In this case, both truth (at least recorded historical truth) and justice have been sacrificed at the altar of this phoney reconciliation formula and hence it is a compound travesty of all three. Can there ever be a dignified compromise by compromising truth and justice?

After Gujarat genocide, the BJP had been steadily losing ground in most parts of the country. Ever since its debacle in the 2009 Lok Sabha election – its second successive defeat in five years, the party seemed virtually clueless as to how to arrest its continuing state of demoralisation and

desperation. Now the Allahabad High Court verdict has breathed some fresh life into the demoralised and desperate saffron camp. Advani has already described the verdict as heralding a new chapter in the country's history of national integration. In all likelihood, an emboldened BJP will now reopen the whole gamut of its 'suspended agenda' and refuel its Hindutva campaign.

The judicial trajectory of the case will now reach the Supreme Court. It remains to be seen if and how far the Supreme Court can salvage the spirit of law and justice and heal the post-Ayodhya wound on the body polity and the composite culture of the country that has only been rendered deeper and more acute by the Allahabad High Court verdict. Every effort must be made to make sure that the glorious tradition of India's composite culture and the secular democratic vision of modern India prevail over the Sangh brigade's conspiracy to redefine India on retrograde majoritarian lines.

Statement issued by comrade Dipankar Bhattacharya, General Secretary the Communist Party of India (Marxist-Leninist)-Liberation