

## **The Supreme Court Judgement on the Babri Masjid Dispute**

1. The Ayodhya Ram Janmabhoomi Movement spearheaded by the Rashtriya Swayamsevak Sangh -Vishwa Hindu Parishad – BharatyaJanta Party combine (RSS-VHP-BJP) acted as an effective smokescreen for the Indian state to begin restructuring Indian economy as per the neo-liberal prescriptions of the IMF and the World Bank. The unholy combine was instrumental in the demolition of Babri Masjid in the watershed year of 1992, which saw the collapse of the USSR and the adoption of neo liberal policies by the Indian state among other things. The movement was funded in a large measure by massive overseas contributions, mostly originating from the USA.
2. In addition to diverting attention of the masses from the economic crises and the implication of neo-liberal policies the Ram Janmabhoomi movement played an important role in creating a polarisation of Indian society on religious community lines. This fostered non-class identity to the proletarian and peasant masses – as huge numbers of industrial workers were demobilised to join the army of the ‘informal sector’ and vast peasant and Adivasi masses were dispossessed of their lands by various means and driven to suicide.
3. As class based identities of the working people were weakened, the traditional ‘left parties’ rapidly lost ground to new political parties mobilising people on communal, caste and ethnic bases.
4. All this in reality represents a radical crises in Indian polity as the social compact worked out during the Congress led freedom movement is fast collapsing and the ruling classes supported by transnational corporations and financial institutions are preparing for a radical restructuring of the body politic and the social balance that underlies it.
5. Some examples of the restructuring being attempted will help to understand the interlinkages between diverse phenomena which appear to be unconnected:
  - a. The mounting attack on peasant and Adivasi land control through the amendments to the land acquisition act
  - b. The massive attack on the informal sector of Indian economy accounting for the employment of over 95% of the population through measures like demonetisation and GST. It may be recalled that protection to petty production and small scale enterprises along with industrialisation was a cardinal principle of the 1947-50 compact.
  - c. The explicit efforts to dilute and nullify the positive discrimination in favour of the historically marginalised sections of the population (the so called scheduled castes and tribes), by extending it to all castes.
  - d. Unprecedented centralisation of power in the hands of the union government to the detriment of the state governments, and effective use of central instruments like intelligence, income tax etc. to keep the state level politicians in check.

- e. Unprecedented control over media – the press, TV and social media – combining state and private monitoring with orchestrated mobilisation against those not aligning themselves to the Modi government
  - f. The audacious unilateral rescinding of the Article 370 of the constitution which promised special status for the state of Jammu and Kashmir, the only muslim majority state in the country and an imposition of an open terroristic dictatorship in the state.
  - g. Initiating a process of redefining citizenship along religious community lines, in the name of verifying citizenship, disrupting the lives of the people least equipped to produce written documentation.
  - h. Aggressive demonization of neighbouring states and open threat of using nuclear power against them.
6. These effectually signal a situation classically described as “when the ruling classes cannot rule in the old manner”
  7. The Ayodhya Judgement of the Supreme court of India should be read in the light of these developments.
  8. Since much has been written about the internal contradictions in the judgement, it would be redundant to restate them here. The point that needs to be made is as follows:
    - a. The judgement clearly shows the tension between the secular, liberal, democratic and rational elements which are supposed to be the foundation of the Indian constitution, and the real fact of continuous and successful aggrandisement by the Hindu right wing elements. It may be recalled that when way back in 1949 itself when the mosque was desecrated by Hindu Sects and idols were placed surreptitiously in it, the administration refused to remove the idols and allow the mosque to function normally. Instead it just locked up the premises. This despite the secular noises made by the then Prime Minister, JN Nehru. His grandson, Rajiv Gandhi was instrumental in allowing worship of the idols by opening the lock but not allowing the Muslims to resume prayers, in 1986. In 1992 the RSS-VHP-BJP combine demolished the mosque despite solemn promises to the Supreme Court as the massive state apparatus of the central and state government remained mute witnesses. The combine subsequently began feverish preparations for the erection of a large temple on the site and kept pressurising the state to hand over the land to them. Even as the court acknowledged that the acts of 1949 and 1992 were clear wilful violations of the rule of law, it lacked the courage to restore the land to the *wakf* board to build a mosque. The reality of massive political mobilisation, backed by the might of the Indian state, made clear that a return to the *status quo ante bellum* was out of question and the aggressor had to be appeased by the acceptance of the act of aggression and forcible occupation. The court instead of taking the option of joining the chorus of the right wing (as the Allahabad High Court had done), opted for a more self-contradictory approach

of rejecting the main claims of the Hindu fundamentalists while giving them the land.

- b. The court made significant observations that there is no conclusive evidence for the existence of an ancient temple for Ram at the disputed site, or for the destruction of a temple prior to the construction of the mosque and that there are only claims being made from the 19<sup>th</sup> century and orchestration of the ‘faith’ of pious Hindu pilgrims by some Hindu sects. Yet it grasped this fig leaf or as the Hindi proverb goes, ‘straw for the drowning’ to grant the entire plot of land to build a temple for the juridical person called ‘Ram LalaVirajman’ (Darling Ram Present – who had made an illegal entry into the mosque in 1949).
  - c. It is quite obvious that the court was trying to find an honourable solution to the dispute which had torn the society apart and threatened to further tear it apart if the land was not made over to the Hindu right wing. The case had come to it after every effort at some peaceful solution between the community leaders had been foiled by the adamancy of ‘we will build the temple only there!’ The court formulated this three pronged settlement – which a) rejected most of the foundational arguments of the RSS-VHP-BJP combine and chastised it for illegal demolition b) granted the land for building a temple by a trust to be set up the Indian state (and hence under parliamentary monitoring and judicial review) and c) compensated the *Wakf* board with five acres of land in Ayodhya (for what purpose we are not told, presumably for building an alternative mosque) That is as far as the rule of law and rationalism and the promise of justice could go in the face of the massive force and violence which the aggressor party threatened to let loose.
  - d. One insidious outcome of the Supreme Court judgement on Ayodhya is the constitution of ‘Hindu’ side and ‘Muslim’ side in the place of litigants to a title suit – the Sunni *Wakf* board and the Nirmohi Akhara or even the VHP backed Ram LalaVirajman. This in effect implies that all Hindus are a party to the claims advanced by the RSS-VHP-BJP combine and likewise that all Muslims are to answer for the charges levied by this combine.
- 9 Seen in context, the Ayodhya judgement is a signal which points to two important issues: firstly it defines the limits of legal protection when the state power combined with direct mob action is arraigned against the litigant; secondly it clearly indicates the fact that seven decades of post independence politics has gradually gnawed the essentials of the liberal democratic constitution instead of strengthening it, so much so that the basic promises held out by it, democratic liberties, rule of law, principles of equality and national unity, are today impossible to realise.
- 10 The hollowness of democratic polity can be seen in the sad reality of massive corruption indulged by the political leadership of all parties to remain in the game and the loss of legitimacy of all democratic institutions as a consequence. This creates the condition for discrediting liberal democracy and replacing it with forms of dictatorship and mob action.

- 11 This can be seen in the audacity with which the government rescinded the provisions of Article 370 to 'conquer' Kashmir, use of brute force backed by white lies, ignoring all principles of democracy like consulting a people or their elected representatives even as a formality, allowing the national press or the political leadership of the country, access to the state to ascertain ground realities, mob attacks on and trolling of anyone even softly taking up the cause of the Kashmiri people etc. If just the revoking of the act can be so brutal and unabashed, we can imagine the violence that will be accompanied by real acquisition of control – in terms of colonisation of the valley by right wing crony capital and landlordism.
- 12 The action of the BJP led government is possible only because the conditions have been created by a long history of systematic undermining of the fundamentals of liberal democratic constitution by feudal, casteist, communal, capitalist and multinational corporate interests, a process which was a necessary outcome of the class formation in control of the state and economic resources since independence. It may be recalled that the Article 370 was being undermined within months of its initial promulgation and this has continued unabated over the decades. We have already pointed out similar theme from the Ayodhya history.
- 13 It essentially implies the inability of the social compact in power to rule according to liberal democratic principles and the need for it to now eventually do away with this form. This places a radically new challenge before democratic forces – to defend democracy and rights, by fighting for a new combination of social forces to gain control over the body politic which will need and extend the democratic rights and institutions.

#### **A brief fact sheet**

1. Historically the site of what is known today as Ayodhya was sacred to several religious traditions like the Buddhists, Jainas, Saivas, Vaishnavas and Sufis, all of whom had places of worship and settlements in and around the town. Inscriptional evidence for the existence of any temple dedicated to Ram or his birthplace does not exist.
2. Rama emerged as a major deity of Hindus only in the medieval or early modern period, as an upholder of Brahmanic social and political values. This is evident from the increasing popularity of Tulasidas's Ramcharitamanas, which both represented the popularity of the deity and also promoted it more than ever before.
3. Excavations at the site of Babri Masjid reveal that there were buildings or ruins of buildings underlying it, some of them being circular in shape could have been Buddhist stupas long abandoned. But the excavations do not provide any evidence of either deliberate destruction of the pre-existing buildings or their being temples. The Masjid did use pillars from temples, but this is no evidence of either a Ram temple or its being destroyed prior to construction.

4. Right from the time of the Nawabs of Lucknow in the 19<sup>th</sup> century petty conflicts over places of worship and property owned by different Hindu and Muslim sects in Faizabad-Ayodhya have been simmering. One of them related to the claim of some Hindu sects that the Babri Masjid built by a general of Emperor Babur in 1528-29 was originally the birthplace of the Hindu God incarnation, Ram. The Nawabs had sought to settle this dispute by permitting the construction of a platform in the outer courtyard of the mosque for the concerned Hindu sects to worship even while the inner courtyard and the space covered by the domes were reserved for rendering namaz by the Sunni Muslims. This did not really resolve the dispute though the possibility of the two religious sects amicably using a common space for worship was opened up.
5. The dispute over the Babri mosque between Hindu Vaishnavite Akharas (monastic establishments) and Muslim Sunni Wakf board (in charge of mosque properties) continued even as the pilgrims peaceably worshiped in their allocated spaces.
6. The British colonial government effectively tried to preserve this status quo despite pleas from both sides for exclusive possession of the entire structure.
7. Soon after Independence, in 1949, some persons surreptitiously placed idols of Ram etc. under the central dome of the mosque claiming it to be a miraculous event. The government ordered the locking up of the premises on the ground that it was a disputed site. Civil disputes over possession were filed by diverse parties drawn from different sects of Hindus and Muslims.
8. In the 1980s, the Vishwa Hindu Parishad, by now a front of the RSS began a movement for the building of a temple for Ram over the Babri Masjid. Even as the then Prime minister of India, Rajiv Gandhi sought to placate religious sentiments of orthodox muslims by enacting a law to prevent relief for divorced Muslim women (Shah Bano Case), he simultaneously sought to placate the orthodox Hindu sentiments by opening the locks of the Babri Masjid and allowing Hindus to worship there. This fanned the movement headed by the VHP which mobilised Hindus across sects all over the country to press for building temple in the place of the masjid.
9. The VHP-RSS combine alleged the mosque was built by Babur after destroying a grand temple dedicated to Ram at his birthplace, and implicating all Muslims in the act. This created the ground for polarising Hindus and Muslims as opposed social groups. This also helped the VHP-RSS to project themselves as representatives of a unified Hindu community, avenging its historic wrongs and restoring its self esteem.
10. The movement came to a head at a point of crises in Indian economy and polity; when a coalition of ideologically opposed parties ruled in the centre and the country was at the brink of defaulting on international loan servicing.
11. The Ayodhya RamJanmabhoomi Movement spearheaded by the Rashthriya Swayamsevak Sangh -Vishwa Hindu Parishad – Bharatya Janta Party combine (RSS-VHP-BJP) acted as an effective smokescreen for the Indian state to begin restructuring Indian economy as per the neo-liberal prescriptions of the IMF and the World Bank. The unholy combine was instrumental in the demolition of the Babri Masjid in the watershed year of 1992, which saw the collapse of the USSR and the adoption of neo liberal policies

by the Indian state among other things. The movement was funded in a large measure by massive overseas contributions, mostly originating from the USA.

12. In addition to diverting attention of the masses from the economic crises and the implication of neo-liberal policies the Ram Janmabhoomi movement played an important role in creating a polarisation of Indian society on religious community lines. This gave a new non-class identity to the proletarian and peasant masses – as huge numbers of industrial workers were demobilised to join the army of the ‘informal sector’ and vast peasant and Adivasi masses were disposed of their lands by various means.
13. The rapid shrinking of the formal industrial sector employment and the agrarian crises of small farming combined with the communal polarisation undermined the mass base of the left oriented political parties like the CPI(M) and CPI. The varied socialist parties broke up into caste based very regional organisations. This virtually has decimated the ‘left challenge’ in India, which remains today merely as an academic force.
14. The BJP rode on the high tide of communal mobilisation and on the promise of rescuing the economy from the remnants of the so-called Nehruvian socialist economy and ensuring unprecedented economic growth and gained absolute majority in the Parliamentary elections and also in many state assemblies including Uttar Pradesh. It also promised a reconstitution of the nation according to its vision of religious nationalism.

### **Revolutionary Democracy**

6<sup>th</sup> December 2019.