

The Verdict in the Ayodhya Temple Case: The Legitimisation of Bigotry, the Destruction of Reason in the Name of the Constitution

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This essay was written within a day of the Ayodhya judgement, and we realise that we should be presenting a more elaborate essay. However, due to problems with our website we were unable to do anything for some time. We therefore present this essay as the one promised at the time the judgement was handed. We will make further commentaries later.

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Introductory note (ESSF): The Ayodhya dispute concerns a plot of land in the city of Ayodhya (Faizabad district, Uttar Pradesh) traditionally seen as the birthplace of the Hindu God Rama, where was also built the Babri Mosque. The Babri Mosque was destroyed by hardline Hindu activists on December 6, 1992. A subsequent land title case was lodged in the Allahabad High Court, the verdict of which was pronounced on September 30, 2010. The three judges ruled that the land be divided into 3 parts – 1/3 going to construction of the Ram temple, 1/3 going to the Islamic Sunni Waqf Board and the remaining 1/3 going to the Hindu religious denomination Nirmohi Akhara.

THE LEGITIMISATION OF BIGOTRY, THE DESTRUCTION OF REASON IN THE NAME OF THE CONSTITUTION

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The Verdict in the Ayodhya Temple Case:

The Lucknow Bench of the Allahabad High Court, by a 2-1 verdict, has said that the site of the main dome of the Babri Masjid was where Ram Janmasthan had indeed existed, and that since Babar had built the Mosque against the tenets of Islam it was not a mosque. Accordingly, the verdict assigns, one third of the land to the Sunni Waqf Board, one third to the Nirmohi Akhara, and one third to

Ram Lalla. Subject to any action that might constitute a contempt of court, one would like to call this verdict a legitimization of bigotry and the destruction of reason. However, these are admittedly strong words, at a time when politicians, the media, are all by and large arguing that this is a nice verdict that will go a long way in healing wounds and establishing peace. So they require explication.

Did Rama Chandra at all exist? The article 'Three Hundred Ramayanas' by A K Ramanujan explores the diverse ways of narrativizing the story of Rama. Rama and Ayodhya belong to myths. It is enough to remember that scholars of the stature of H. D. Sankalia threw serious doubt about the meaning of Lanka and Rama's invasion of Lanka, and also that the place Ayodhya was named Saketa till a Gupta Emperor, probably Skanda Gupta, renamed it as Ayodhya, evidently to garner prestige from being associated with a Rajchakravartin like Rama. To draw the obvious parallel, Schliemann's excavations showed that Troy, Mykenai, all had historical counterparts. But that has not led to the Iliad being turned into history. Yet that is precisely what the High Court has done in the present case. The process of peddling myth as history had begun a long time back, when the court accepted Ram Lalla as a party to the suits. And now, instead of noting that views about this mythical hero are diverse and cannot be the basis for any court ruling, it has awarded him (or are we hereafter constrained to say Him?) one third of the land. One wonders who his legal heirs are in this world, and how they will handle the property.

Rightward Shift in Mainstream Discourse

The Hindu Right's ability to shift the political discourse has never been so evident as now, with the Ayodhya verdict out. Just the string of shifts that have occurred since 1949, have to be noted. In December 1949, a statue of Ram was smuggled into a mosque. The then district magistrate, KK Nayyar decided not to remove it lest "Hindu sentiments are hurt". No wonder Nayyar soon got picked as a Jan Sangh MP candidate. Neither Nehru nor GB Pant took stern action, assuming that the Muslim vote-bank must support the Congress, is it not? Then in the 1980s comes the shilanyas. The Supreme Court dismissed attempts to block the shilanyas, asserting the rights of Hindus to worship. The shilanyas marked a successful and a decisive breakthrough in the Ram Janmabhoomi agitation, representing the high point of politics as theatre, replete with symbolism and suffused with ritualism. Almost 200,000 villages sent bricks, 300,000 pujas of the Ram Shilas were performed and altogether about 100 million people attended the various processions that carried the bricks to and from Ayodhya. Riots wreaked havoc all over the country.

From the 1980s, of course, the Ram Temple campaign was a core plank of the radical right - the RSS-VHP etc, with the BJP as their electoral face. The fact that the Archaeological Survey of India submitted a report in 2003 asserting that there was a Hindu structure under the mosque is highly misleading. First, the ASI suddenly pushed the date of the site as far back as 13th century BC. According to the ASI the oldest people living there were the Northern Black Polished Ware peoples. But they lived in small units, not in massive urban centres. But the Ayodhya described by Valmiki was an urban centre. So if we are going to accept Valmiki as authentic then the ASI report cannot prove that this present Ayodhya was that Ayodhya. Did the 13th century BC level prove the existence of Rama? In addition, the need to prove a 13th century date seems to have been felt since the Indraprastha site (i.e., "Mahabharata") has been dated to 12th century BC. In addition, the ASI report does not prove that the mosque was built by destroying a temple. At best it claims that a temple had previously (much earlier) existed, and even such a claim has been contested by many of India's leading historians and archaeologists. Conveniently, a BJP-led government was at the centre, when the ASI presented this highly slanted report, which has now been cited as evidence in a simplistic manner.

The Politics of Temple and Mosque Destructions

There have been temples broken, as in Varanasi and Mathura. We do not even need the ASI to tell us that. But such things have happened before. Thus, Richard Eaton has shown that in 642 CE, the Pallava ruler Narasimhavarman I looted a Ganesa image from Vatapi, the Chalukya capital. Half a century later, the Chalukyas raided north India and brought back images of Ganga and Yamuna from defeated powers. Temple destruction in numerous cases were connected to the fact that particular temples were seats of royal power or prestige, and the victors wanted to take away the prestige. But the Indian constitution did not exist in 642, 1528, or in the 17th century. The majority verdict sidesteps the brutal reality that a mob, inflamed by power-hungry politicians, had destroyed a five century old mosque, which too was a part of our heritage. Instead, the court goes on to conclude that Rama was indeed born at that spot, usurping the responsibility of historians and replacing reason by irrational faith. Modern courts are set up on the basis of that nowadays much maligned Enlightenment rationality. Even if god, gods, or God, have any existence, it is beyond the powers of a court to make pronouncements regarding them. A court can say that an action will hurt believers and should be halted in the interests of keeping peace. But theology is not part of its domain. Moreover the court has said, in effect, that since Babar has been deemed to have done wrong back in 1528 or thereabout that historic wrong must be undone. It refuses to look at the destroyed monument as a mosque as it violated the Islamic tenets and built on the past relics of a massive Hindu structure. Hence presumably its destruction does not constitute a crime.

This means the constitutional promise of secularism and the lawful protection of a historic site, are given short shrift. By this, future attacks on mosques is given the beginning of a legal protection, and the Hindutva political mobilizations of the late 1980s – early 1990s are virtually legitimized. The Hindutva forces launched their offensive by presenting Muslims and Islam as the ultimate Enemy. What is the point in condemning the Taliban or other fanatics, if we proceed to emulate them while pretending to follow the rule of law and constitutionalism? If the 1980s saw the RSS-VHP launching their concerted attack on secularism and toleration, the verdict of 2010, despite being dressed up as a sober and balancing one, will ultimately be judged by history as the verdict that legitimated the discourse of fascism while formally proclaiming a democratic constitutionalism. Pure dependence on courts cannot be an adequate answer. Secular forces had taken it for granted that the courts would take a stance close to theirs. If it is the sustained mobilizations of the Hindu right that has shifted the discourse so much that the more intellectual defenders of Hindutva are treated as voices of sensibility then it is only through counter mobilizations – not for a day but for equally sustained periods – that the Hindutva offensive can be rolled back.
