

## The Babri Masjid Case Exposes the Legitimacy of the Secular Democratic Structure and Its Majoritarianism

The inauguration of the Ram Mandir built over the demolished structure of the Babri Masjid in Ayodhya was portrayed as the culmination of a centuries-old battle between the Hindus and Muslims. The far right organization, the RSS and its political wing the ruling BJP, wooed the nation that they had finally delivered on their promises. This is similar to the abrogation of Article 370 in Kashmir, protection of cow slaughter and removal of Muslim personal laws like triple talaq. They are finally heading towards transforming India to a Hindu Rashtra “yet again.” The flag bearers of Hindutva ideology mobilized the masses for over decades on grounds of Hindu nationalism, ethnic supremacy, superiority of language and motherland. That all essentially meant “otherization” of minorities and using them as a scapegoat, primarily Muslims. This was in their view, an attempt to regain the lost glory that was ruined under the “slavery” of over a thousand years that began with the Muslims.

Even after being a Hindu majority country, it took almost seven decades after independence from the British colonialism, for the Hindu nationalists to gain a strong foothold in the country politically. This strongly indicates that Hindutva as an ideology never existed prior to the Muslim rule in India or even in ancient times. Therefore, it is a modern idea fueled by ultra-nationalism, ethnic and racial supremacy. The strong ground level work for decades provided the impetus to polarize the masses in terms of hatred towards the Muslims, infusion of the idea of Muslim rule as colonialism, and mass demonstrations of the glorification of Hindu deities as a symbol of dominance. Ironically, the entire idea of Hindutva today revolves around Muslims and Islamic symbols. The Babri Masjid case classically exemplifies the point. The construction of the Babri Masjid is well-documented with its date and who built it. It is not comprehensible that if the site was so sacred and so specific for Hindus, as they claim it to be, why is there no detail of an existence of any temple that stood on that very site. Indeed, there are details available for many temples that pre-date the Ayodhya site, especially when there was no external threat. The concerns were raised only after its construction and the hue-and-cry hyped after independence. In addition to this there was nothing called Hindu Rashtra before the Muslims came to India. The Indian Subcontinent was ruled by different dynasties, who ruled in their own ways, without any ideological commonalities amongst them. There was nothing like a united Hindu state, which the Hindu nationalists aim to reinstate as “Akhand Bharat” or the undivided “Greater India.” This clearly indicates the entire narrative of the far right groups is merely reactionary to the Muslim presence and influence in India. This is the premise of “otherization” of Muslims around which the highly socially, culturally, economically, and even religiously divided and diverse Hindu society is being rallied around. The division is to such an extent, that many lower class communities did not even identify themselves as Hindus a few decades ago, and some even to this date. The caste division and discrimination is very prominent in the Hindu society.

The secular liberal class somewhat seems to be at unease with the episode around the inauguration of the Ram Mandir and the way it was staged as a national event by the BJP. The secular parties like the Congress and TMC even declined to attend the inauguration, with the contention that it was being used for electoral gains. Many liberals are merely posting the Preamble of the Constitution of India as a sign of protest that the on-going events and situation is against the essence of the Constitution and its basic constituent i.e.

secularism. However, when we technically analyze the entire proceedings, it is not hard to understand that the contentions of secularist and liberals do not hold ground. This is a democracy and nothing is going on that is against the majority. The Supreme Court's judgement in 2019, where the Babri Masjid land was given to the Hindus as their rightful owners, laid the impetus for the legalization, justification and verification for the events to follow since then. The inauguration of the temple by the Prime Minister, declaration of a public holiday for the event, marching and sloganeering of public with saffron flags, is not unconstitutional, undemocratic or even non-secular. This is because secularism inherently means separation of religion from the state affairs. The systems required for running a state, i.e. the socio-politico-economic, security, penal codes and education structure, are derived from the materialistic view point. Laws are man-made laws rejecting any intervention of divine revelation. The undergoing events are merely cultural in nature with no contradiction with the core idea of secularism. Iftar parties, diwali functions and Christmas celebrations are held even in the White House. That does not mean the secular idea of the democratic structure is compromised in any sense. The state doesn't allow any religious intervention in running its affairs. With the Ram Mandir inauguration event, it was only the scale that inflated its significance.

When we look at the way events that unfurled around the Babri Masjid case, since its inception right up to the Supreme Court verdict, it is abundantly clear the issue was not settled based on facts or justice. It was all done under the heavy influence of dictatorship of the majority, or "majoritarianism." Majoritarianism is a political philosophy or ideology with the agenda asserting that a majority based on a religion, language, social class, or other category of the population, is entitled to a certain degree of primacy in society, and has the right to make decisions that affect the society. It is an inevitable outcome of democracy.

The plaintiffs were not able to prove their claim, and the court verdict favored them merely on the basis of faith and some memoirs of foreign travelers. The Court denounced the placing of Hindu idols inside the mosque in 1949 and its eventual demolition in 1992 as criminal offences. Yet quite the same secular court handed over the property to the perpetrators, promoters and cheerers of the heinous crimes. The judgement underlined how the majority can control the outcomes, exemplifying the fact that democracy is nothing more than a mob rule, where 51% of the masses can take away the rights of the remaining 49%. The effect of majoritarianism was such that even the judiciary had to yield to it.

The majority was mobilized by the far-right nationalists around the Babri Masjid issue that led to its demolition. The perpetrators have walked away scot free, and even treated as celebrities, thereby exposing democracy of its true colors. Secularism has still remained intact in its ideological form, as the socio-politico-economic structure is either borrowed from the West or the socialist states as and when required. Thus, the idea of secularism remained a by-stander in the entire event as opposed to secularists' contention that it is being compromised.

Finally the judiciary, succumbed to the will of the majority, under the pretext of putting an end to the dispute once and for all, by shying away from its sole role of judging based on facts and evidences. Hence, the entire episode has been an exposure of the systemic fallacies of the secular democratic structure of governance. The shortfalls of man-made laws and systems have shown us how biased, opportunistic, unjust and materialistic they are and in no way can establish justice for humankind. Justice can alone be delivered from the source of justice itself and i.e. the Creator. The Islamic judicial system clearly states that the onus of proof lies on the plaintiff. Anyone could claim any property, but mere claim, not

supported by evidences, cannot be regarded for judging any dispute. In addition to this the dispute has been lingering around for so many decades, that these basic grounds were conceded to delay and the dispute kept taking turns. The Islamic judicial system is designed in such a way that justice cannot be delayed. There are no layered courts and decisions are made based on facts, evidences and Shariah rulings. Cases do not keep compounding over the judicial system, therefore ensuring speedy judicial proceedings. Biasness and majoritarianism cannot overcome justice as the basis of judgement is merely Shariah, and not winning over the masses. This is as opposed to democracy, where wooing the masses to secure the next term of power is the most important objective. In the Islamic system, the prime motive is to ensure justice through Shariah by means of which pleasure of Allah (swt) is intended. Hence, power and position is an obligation and not an objective to be chased, therefore reliance on majoritarian support is immaterial.

The entire episode has exposed the incompetence and hollowness of the secular democratic system, thus proving it to be illegitimate of establishing and securing justice. Allah (swt) has obliged the Muslims to establish justice on land through the implementation of Shariah. However, the Ummah in general reached to a state where it is finding it difficult to establish its own identity on the face of the earth. 200 million Muslims in India feel alienated and “otherized” by the events unfurling over the past seven decades, that have only accentuated in recent years. The Babri Masjid case being the epitome of the same. The reason being, the Ummah has been deprived of the Islamic way of life for over a century now, since the destruction of the Khilafah on 3 March 1924. Since then, the secular, democratic and capitalistic system that has been imposed on Muslims and the Ummah is divided by the unnatural boundaries created by nationalism. Resumption of the Islamic way of life, is the only way forward towards the revival of the Ummah, which can only be achieved through a legitimate Islamic leadership known as Khilafah (Caliphate) on the Method of Prophethood. It is the Khilafah that follows the Prophetic model of ruling and leadership. It alone gives an impetus for the Ummah to realize its obligations, resolve its issues and regain its identity. It is then that the rule will be in accordance to Revelation, and not a majority or majority. It is then that the non-Muslim dhimmi, covenanted citizens of the Khilafah will be secured by Muslims, whether they are a majority or minority. The Messenger of Allah (saw) said, «أَلَا مَنْ ظَلَمَ مُعَاهِدًا، أَوْ ائْتَقَصَهُ، أَوْ كَلَّفَهُ فَوْقَ طَاقَتِهِ، أَوْ أَخَذَ مِنْهُ شَيْئًا بغيرِ طيبِ نَفْسٍ، فَأَنَا حَاجِبُهُ يَوْمَ الْقِيَامَةِ» “Whoever wrongs a covenanted man, or diminishes his right, or forces him to work beyond capacity, or takes from him anything without his consent, I shall plead for on the Day of Judgement” (Reported by Abu Dawud and Al-‘Iraqi said the chain was good).

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