

COMMENTARY / RELIGION

# The Ayodhya verdict is a cornerstone of the Hindu Rashtra

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The Supreme Court's Ayodhya judgement enshrines Hindu majoritarian wishes as a principle of Indian law.  
KEVIN ILANGO FOR THE CARAVAN

Maps of the Hindu Rashtra typically depict the Indian subcontinent drenched in a

uniform saffron. Some see a lofty vision of unity in that colouring, but I see the violent and painful erasures of buildings, cultures and people that such uniformity would require. On 6 December 1992, a Hindu mob enacted one such purge by ripping apart a historical monument, a rare sixteenth-century mosque, brick by brick. This year, what the mob began extrajudicially, the Supreme Court finished through judicial opinion.

On 9 November, a panel of five judges concluded that a modern Hindu temple ought to be built atop the ruins of a Babur-period mosque, because some modern Hindus believe that exact spot is the god Ram's birthplace. The apex court's final decision is based on modern faith and has nothing to do with history before the nineteenth century. However, much of the judgment's text explores and misstates the precolonial past. Consistent with Hindutva ideology, the opinion abjures both historical reality and any pretense of equal treatment of religious communities.

The [verdict \(https://www.sci.gov.in/pdf/JUD\\_2.pdf\)](https://www.sci.gov.in/pdf/JUD_2.pdf) opens by comparing two views that are fundamentally unequal. In the opinion's own words: "The Hindu community claims it [the disputed Ayodhya property] as the birthplace of Lord Ram, an incarnation of Lord Vishnu. The Muslim community claims it as the site of the historic Babri Masjid built by the first Mughal Emperor, Babur." The judicial opinion positioned these two perspectives as comparable, which, historically speaking, is entirely unmoored from reality.

All historians agree that a mosque dating to the early sixteenth century, known as the Babri Masjid, stood on the disputed site until 1992. In fact, with the exception of serious conspiracy theorists, all living people agree that a premodern mosque stood on that spot in Ayodhya until its demolition in the early 1990s. This is not a "claim" by a party in a lawsuit; it is a well-documented fact of history.

In contrast, Ram's birthplace is a matter of faith that is proclaimed by only some Hindus. So far as we know, most Hindus who have lived in the course of history did

not much care about Ram's birthplace, an apathy indicated by the sheer lack of attention to this issue in premodern texts. The idea that Ram was birthed on the site of the Babri Masjid was first attested in the mid-nineteenth century, when British colonialists (<https://caravanmagazine.in/history/historians-quest-for-facts-about-babri-masjid-dispute>) were actively seeding Hindu-Muslim conflict as part of their strategy of divide and conquer. More broadly, most people currently alive on earth—including a significant number of Hindus—do not consider Ram's life and, by extension, his birth, to be actual historical events.

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The false equivalence of the opinion's opening shows far more deference to Hindus than to Muslims. It inappropriately treats a documented historical fact, which is admitted by all sides, as the equivalent of an unprovable article of faith that has been embraced by some members of a single community. Apparently, Muslim reality can be countered by Hindu belief.

Throughout the verdict, the justices show far greater empathy for Hindus as compared to Muslims. For instance, the court uses different standards of evidence for the two communities. It criticises the Muslim plaintiffs for failing to provide "evidence of the offering of namaz in the mosque, over this period [1528-1856/7]." Yet, in over nine hundred pages, the judgment never asks either of the two Hindu defendants for proof that Ram's birth constituted a historical event.

The judgment speaks more frequently about Hindus than about Muslims. It uses the phrase "the Hindus" 299 times, in contrast to speaking of "the Muslims" only 174 times. It never defines either group in a blithe use of sweeping categories that would make any scholar's jaw drop in shock. The assumption of a static, homogenous group of "the Hindus" reeks of the Orientalist prejudice that Indians and India exist outside of historical change. For the court, this fiction of timelessness served the bid to make a relatively recent article of faith—Ram's precise birthplace—a legal basis for action.

Sometimes, the sparse empathy accorded to Muslims in the opinion comes across the strongest in the pregnant silences. For instance, take the Archaeological Survey of India's work at the Babri Masjid site in 2003, which was supposed to provide insight into possible earlier building or buildings. The judgment says: "The archaeologists were directed not to disturb the area where the idol of Lord Ram was installed and an area around the idol to the extent of 10 feet. ASI was asked not to prevent worship at the site." Upon reading this, I instinctively wondered if Muslim sentiments—of not disturbing worship at the mosque—were accorded the same considerations. But then I remembered that a Hindu mob had ensured that any trace of the mosque was long gone even before 2003.

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The Ayodhya judgment does a poor job of grappling with historical evidence, often making assertions that echo broader Hindutva strategies for subverting history. For instance, the judgment discusses both, a 1991 report by four historians —"Ramjanmabhumi-Babari Masjid, A Historians' Report to the Nation," authored by RS Sharma, M Athar Ali, DN Jha and Suraj Bhan—and the 2003 ASI report. The judgment concludes, however, that "the historians' report which is prior to the report of ASI cannot carry any significant degree of weight, since they have not had the benefit of analysing the material which has emerged from the ASI report." This assessment is inaccurate as a point of historical method. History is a discipline of accretion, careful consideration of all relevant evidence, and ever-growing nuance. New interpretations must be weighed against older arguments rather than presumptively replacing them.

Additionally, Jaya Menon and Supriya Varma—archaeologists who observed the ASI's 2003 dig on behalf of one of the Muslim litigants, the Sunni Waqf Board—raised a series of objections to the irregularities, outdated methods, and bad conclusions of the report. In one submission, they showed "the ASI altered the evidence to suit its hypothesis, which is a case of professional misconduct." Overall, Menon and Varma

filed 14 complaints regarding “several problems in the excavation procedures” that they personally witnessed in less than three months. In a 2010 [article](https://www.epw.in/journal/2010/50/verdict-ayodhya-special-issues/was-there-temple-under-babri-masjid-reading) (<https://www.epw.in/journal/2010/50/verdict-ayodhya-special-issues/was-there-temple-under-babri-masjid-reading>), the pair tied these problems to larger issues within the ASI, arguing that “academically, the work that archaeologists of the ASI have produced has little standing within the social sciences in India and abroad. There is little interest in research or the academic part of the discipline.” Their arguments are powerful and suggest that the report ought to be treated as largely unreliable, rather than the best interpretation simply because of its recent date.

But Hindutva ideologues think differently. They commonly brandish some new piece of evidence favourable to a preconceived idea, regardless of its source or merit, as invalidating all prior academic work. This is a fine tactic as sophistry, but it carries no intellectual weight.

The judgment never poses the most basic question so far as Hindu claims about the site are concerned: Was Ram a real historical person? Insofar as Ram is considered to be an incarnation of the Hindu god Vishnu, Ram is, definitionally, outside the bounds of history, which does not countenance the existence of divine beings. Insofar as Ram is considered to be a man, the question of building a temple to honour him as a deity becomes moot. Larger Hindu majoritarian concerns were mirrored by the court’s utter lack of interest in Ram’s historicity.

As devotees well know, Ram is said to have lived in the *treta* yuga—the second of four eras in the life cycle of the universe—although few believers are aware of when exactly that was. Anand Patwardhan, a documentary filmmaker, interviewed a series of kar sevaks in 1990 and added some of the exchanges in his 1992 documentary *Ram ke Naam*. He asked the kar sevaks about Ram’s provenance:

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Director: Which century was Lord Ram born in?

Kar Sevak 1: That's ancient history... it's difficult to say!

Director: You know where Ram was born but not when?

Kar Sevak 1: No. The date is impossible for me to tell.

Director (looking at Kar Sevaks 2 and 3): Could you say?

Kar Sevak 2: No.

Kar Sevak 3: No... This is a history subject and only someone immersed in history can tell this.

Academics have, indeed, commented on when Ram is said to have lived. Robert Goldman, a leading expert on Valmiki's Ramayana, wrote that "the traditional ascription of the life of Rāma" places him in "the legendary era of the Tretā Yuga, c. 867,102 B.C." Modern science says that *Homo sapiens* emerged around two hundred thousand years ago, and Neanderthals maybe three hundred thousand years ago. If you want to place Ram in known human history, perhaps you might say he belonged to an earlier humanoid species known as *Homo erectus*. Far from being irreverent, this might actually fit with the Ayodhya judgment, which goes to some lengths to say that Ram being a "juridical person," like a corporation or a ship, does not mean that he possesses "human nature." Then again, we might stick with the more accepted academic viewpoint that there is no evidence Ram ever existed as an embodied being and Valmiki's Ramayana is best considered, to quote Goldman, as among "powerful works of the imagination."

By modern legal standards, the Hindu claimants have no compelling evidence regarding Ram's life and birthplace. In contrast, the Muslim claimants can legitimately place the Babri Masjid within known human history. The court compensates for this factual imbalance by giving Hindu sentiments great weight. As Romila Thapar, an eminent historian who specialises in early India, noted (<https://www.thehindu.com/opinion/op-ed/The-verdict-on-Ayodhya-a-historians->

[perspective/article15523346.ece](#)), this faith-over-history stance undermines the Supreme Court's credibility in the eyes of its own people. I agree. I also think it is worth doing something that the court declined to do, namely query the nature of this monolithic, singular faith.

Diana Eck, a scholar of Indian religions at Harvard, writes that till the late 1980s, there were more than a dozen mandirs in Ayodhya which claimed to mark the birthplace of Ram. She argues in her book *India: A Sacred Geography*, "The duplication of such claimants to the 'birthplace' is common, and not engaged in a spirit of rivalry, but in the distinctively Hindu tradition of multiplicity: Any place that is truly important is important enough to be duplicated and sited in multiple places." We might then ask: why settle now on a single, exclusive story about Ram's birthplace when Hindu traditions have long embraced many stories? Apparently, because the Hindu mantra of revelling in multiplicity does not give a blow to Muslims—the desired majoritarian result.

The Ayodhya verdict mentions the 1992 destruction of the Babri Masjid several times, but, more often than not, it declines to name those behind the decimation. The Babri Masjid was not ruined by happenstance; a Hindu mob deliberately destroyed it, with the tacit approval of the central and state governments at the time. The mob was inspired by an increasingly homogenous and martial Hindu identity that uses hatred of Muslims as a key foil. This martial Hinduism has strong ties with Hindutva, but it aspires to be more also. Hindutva ideologues have used the Ayodhya controversy to constrict the range of ways that one can be Hindu. The verdict accepts that narrowing of Hindu identity. What of Hindus who do not believe that Ram was born on the Babri Masjid site or do not wish a modern mandir built on the rubble of a premodern mosque? Such Hindus do not exist according to the Supreme Court.

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Even if we agreed to the court's dubious acceptance of faith as a legal basis for relief,

we would face an uncomfortable set of questions regarding a myriad of distasteful religious beliefs that are barred by Indian law. Will women once again be banned from the Sabarimala temple in deference to a view on female impurity espoused by many Ayyappa devotees? Can one half of a village once again legally prevent the other half from using the same well, on the grounds of caste? Many Hindus sincerely believe in such restrictions on women and specific castes that are designed to maintain ritual purity. Also, unlike the theory of Ram's birthplace, at least some aspects of these ideas can be legitimately traced back to premodern times. Will the court "defer to the belief of the worshipper" on these matters, as it claims it "must" do in the case of Ayodhya?

None of this answers the question of how faith could possibly contradict reality. In this sense, what matters most about the Ayodhya verdict is, perhaps, what it omits. The judicial opinion fails to mention the months of riots led by Hindu mobs that followed the destruction of the Babri Masjid and killed thousands of Muslims.

The decision never addresses the offense, embedded in its order, that a religious building be erected on the remains of another. The judgment devotes significant attention to whether the Babri Masjid was built atop a Hindu temple. The judges reluctantly conclude that there is no evidence to support this theory, but they leave no doubt that, if true, they would view this as damning proof that the Babri Masjid was a monument of hate and destruction. What are we to make, then, of a Ram Mandir that will knowingly be built on the remains of a mosque?

The judgment does not recognise that all Indians lost a piece of their heritage the day the historic Babri Masjid was destroyed. Few Babur-period buildings survive today, and those that do are a valuable part of India's shared cultural heritage. Yet, the court treats the Babri Masjid as valuable only to Muslims and assumes that all non-Muslim Indians view the mosque as an unfortunate blip in Indian history. The court warns in a discussion, in part, about the mosque's construction over four hundred years ago, "The law cannot be used as a device to reach back in time and



provide a legal remedy to every person who disagrees with the course which history has taken.” In the end, this line of the opinion echoes in a different sense than the court intended. The wrong turn of history is the annihilation, through mob violence, of a sixteenth-century mosque that was the historical legacy of all Indians. As per their warning, the court’s 2019 opinion has indeed ensured that Indian law will not remedy this wrong.

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