

# In another judicial travesty, Indian court exonerates BJP leaders in razing of Babri Masjid

By Deepal Jayasekera  
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A specially-constituted Indian court has exonerated all 32 living accused in the Babri Masjid conspiracy case, including numerous former top leaders of the ruling Hindu supremacist Bharatiya Janata Party (BJP). Among them are L.K. Advani, a former head of the BJP and India's Home Minister from 1998 to 2004, Murali Manohar Joshi, Uma Bharati, and Kalyan Singh.

On Dec. 6, 1992, Hindu fanatics, mobilised and incited by Advani, Bharati, other top BJP leaders and associated Hindu extremist organisations, demolished the Babri Masjid, a 475-year-old mosque located in Ayodhya in the northern Indian state of Uttar Pradesh. The culmination of a vile years-long communalist campaign aimed at replacing the historic mosque with a temple to the mythical Hindu God Lord Ram, the razing of the Babri Masjid provoked the biggest wave of communal violence in India since the 1947 communal partition of the subcontinent into an expressly Muslim Pakistan and a predominantly Hindu India.

The court ruling was a legal travesty. Ignoring a mass of evidence, including what tens of millions of Indians had seen play out on their television screens on Dec. 6, 1992, the Central Bureau of Investigation (CBI) court ruled that the Babri Masjid's demolition was not the outcome of a "preplanned conspiracy."

The decisions tens of thousands of Hindu extremists took to arrive for a rally in Ayodhya armed with axes, crowbars, ropes and other instruments that could be used to raze the historic mosque and then to storm the site were "spontaneous," or so claimed the court. Similarly, the court explained away the failure of the police, who were under the control of the Uttar Pradesh state government, to intercede to prevent the demolition, even though Chief Minister Kalyan Singh had given a commitment to the country's Supreme Court that the mosque would be protected.

While outrageous, this verdict cannot be called surprising, given the extent to which the whole of the Indian state apparatus, including the judiciary, has been *Hindutva*-ised in recent decades. This process has intensified under India's current six-year-old BJP government, led by Prime Minister Narendra Modi, who himself first came to national prominence for his role in the 2002 Gujarat anti-Muslim pogrom.

Wednesday's court ruling will further embolden Modi and the BJP government and their Hindu chauvinist allies in their communal provocations and brutal assault on the most basic social

and democratic rights of India's workers and toiling masses. As soon as the verdict was announced, leading government figures started crowing about it.

The razing of the Babri Masjid was a criminal conspiracy, instigated and organised by the BJP, its ideological mentor, the RSS, and affiliated Hindu supremacist organisations like the Vishva Hindu Parishad (VHP), with the aim of asserting that India is first and foremost a "Hindu nation."

On Dec. 6, top BJP leaders, like Advani, Joshi and Bharti gave inflammatory speeches to a 100,000-strong mob of "kar sevaks" (religious volunteers), in which they invoked slogans like "Give one push and demolish the mosque." They then beamed from the rostrum as their supporters did just that.

The CBI court refused to accept over 100 videotapes of the demolition and related events as evidence, on the pretext that the audio was not clear and some may have been tampered with. Ignoring the testimony of hundreds of witnesses and more than 800 prosecution documents, the CBI court ruled that the demolition of the Babri Masjid was "not a conspiracy," but a "spontaneous" act carried out by unknown "anti-social elements." As a result, the accused were exonerated of all the criminal charges against them, which included incitement to violence, conspiracy to commit a crime, and unlawful assembly.

The court's decision is a contrived political judgement that plays directly into the hands of the Modi government's promotion of Hindu communalism to mobilise extreme right-wing forces and unleash state repression to intimidate and suppress its political opponents. The main targets of this state repression are the working class and rural toilers, who are entering into struggles against the ruling elite's austerity measures and pro-investor economic reforms. Anger is also mounting due to the Modi government's catastrophic handling of the coronavirus pandemic, with even the severely under-counted official death toll fast approaching 100,000.

Wednesday's judgement is the corollary to a ruling issued by the Supreme Court last November that handed over the site of the demolished Masjid to the Hindu right. Setting aside an earlier ruling that the site be divided among Hindu and Muslim groups, the court "ordered" the BJP to build a Hindu temple dedicated to Lord Ram on the site—that is to carry out its own longstanding demand. In line with this, Modi personally laid the foundation

stone for the Ram temple on August 5.

The judgement of India's highest court thus validated the Babri Masjid's illegal destruction by BJP-incited Hindu extremists.

Whilst the Supreme Court wilfully mangled the law to give the Modi government, the BJP and the Hindu right what was uniformly recognised as a massive legal and political victory, it was still forced to concede in its November 2019 ruling that the Masjid's demolition was an "egregious violation of the law." Following a public outcry, the Supreme Court had earlier been forced to reinstate the charges against the 32 accused after they had been dropped, and to refer the case to a CBI court, which are used to expedite complex and politically-charged cases.

In its final report, issued in 2009, 17 years after it had been mandated by the Narasimha Rao Congress Party national government to probe the events of Dec. 6, 1992, the Liberhan Commission concluded that the razing of the mosque was neither "spontaneous nor voluntary." Rather, it was "orchestrated and planned." The report named over 60 people, including Advani, Joshi, Bharti, Atal Bihari Vajpayee (India's prime minister from 1998 to 2004), senior RSS and VHP leaders, and UP Chief Minister Kalyan Singh of being "culpable" for "leading the country to the brink of communal discord." It stated, "They either actively or passively supported the demolition."

Following Wednesday's court ruling, former Justice Manmohan Singh Liberhan, who led the commission, told the *Indian Express*, "From all the evidence produced before me, it was clear that the Babri Masjid demolition was meticulously planned ... I remember Uma Bharti categorically took responsibility for it." However, he refused to comment on the CBI court verdict, merely remarking, "I believe everyone does his job honestly. The court has the right to differ, there can be no dispute about its power or working."

As was the case with last November's Supreme Court decision, Wednesday's verdict highlights how the entire Indian political establishment is immersed deeply in Hindu communalist reaction. This applies not only to the BJP, RSS, and their associated organisations, but also to the official opposition Congress Party. In a clear attempt to cover up the connivance of their party in the Hindu extremist campaign to build the Ram temple in Ayodhya, Congress spokesman Randeep Singh Surjewala tweeted, "The decision of the Special Court to acquit all the accused in Babri Masjid Demolition Case runs counter to Supreme Court Judgement as also the Constitutional spirit."

In reality, last Wednesday's verdict builds on the Supreme Court decision, which the Congress welcomed, although it effectively awarded the site of the Babri Masjid to those who had illegally torn it down, plunging India into communal violence in the process.

The Congress, it should be noted, furiously attacked the BJP-aligned Ram Mandir Trust, which is overseeing the construction of the Ram temple, for not inviting its party leadership to participate alongside Modi in its *bhoomi puja* (ground-breaking) programme on August 5.

Congress' adaptation to the most vile forms of communalism is nothing new. In the 1980s, when the Hindu right was beginning to make the Babri Masjid a major focus of its agitation, Congress Prime Minister Rajiv Gandhi lent the movement support. Prime

Minister Narasimha Rao did nothing to prevent the illegal destruction of Babri Masjid on December 6, 1992, although he had been forewarned of the attack.

Wednesday's court verdict is not an aberration. Rather, it is yet another example of the longstanding failure of the Indian state to hold to account political leaders who incite, if not directly organise, mass communal violence, most notably the 1984 Congress-fomented anti-Sikh pogrom, the wave of anti-Muslim violence in 1992-93 in the wake of the Babri Masjid's demolition, and the 2002 Gujarat anti-Muslim pogrom.

The CBI court verdict exonerating Advani and an earlier generation of BJP leaders came as the current BJP government and the Delhi police, which is under its direct control, are conspiring to frame up opponents of its anti-Muslim Citizenship Amendment Act (CAA), for last February's communal violence in northeast Delhi. Those riots, in which Muslims were the principal victims, were in fact incited by local BJP leaders.

The Stalinist Communist Party of India-Marxist (CPM) criticised Wednesday's court ruling as a "travesty." However, its main concern was that it could discredit the institutions of the capitalist state. "This verdict will blemish the image of India as a secular-democratic country governed by the Constitution," warned the CPM.

Under conditions in which popular opposition to the Modi government is mounting, the Stalinists are determined to subordinate India's workers and toilers to the big business Congress Party, other right-wing regionalist and caste-ist parties and the reactionary state institutions of the Indian Republic, which they invariably hail as "secular" and "democratic." It is this ruinous policy—which has paralyzed the working class, preventing it from advancing a socialist solution to the manifest failure of Indian capitalism to lift the masses out of squalor and want—that has paved the path for the growth of the BJP and Hindu supremacist reaction.

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