

Mosques and Islam

What is the issue?

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- In the “Ismail Faruqui vs. Union of India Case - 1994”, the Supreme Court ruled that Mosques are not fundamental to Islam.

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- But there are inherent flaws in such a notion, and hence there is a need to review this verdict.

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What are the flaws in the verdict?

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- The 1994 case verdict stated that “a mosque is not an essential to Islam and that Namaz (prayer) by Muslims can be offered even in the open”.

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- The citation mentioned in the verdict was based on “Dinshaw Mulla’s Principles of Mahomedan Law” published in early 20th century.

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- But a close reading of Mulla’s principles makes it clear that his view on Mosques is not based on Islamic scriptures but rather on judicial precedence.

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- In other words, the Faruqui judgment wrongly invoked Mulla’s principle and suppressed the Madras HC verdict on “essential practices doctrine”.

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- Notably, the doctrine states that “what constitutes the essential part of a religion is primarily to be ascertained with reference to religious texts only”.

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- This view was elaborated further by the Supreme Court in 1972 to include “practices which are regarded by the community as a part of its religion”.

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What are the other polarising implications?

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- Firstly, it was wrong for the Supreme Court to have opined on the theological aspects of Islam when it could've ruled merely on technical grounds alone.

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- Further, while the apex court's verdict states that Muslims can offer namaz in the open, they are prevented by right-wing outfits when they do so.

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- Also, the Faruqui verdict had barred Muslims from offering prayers at the disputed site (at Ayodhya), while not restricting the Hindus from the same.

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- This is in violation of Article 15 of the Constitution that debars the state from discriminating against any citizen on the ground of religion among others.

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What is the significance of mosques to Islam?

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- The first act of the Prophet after migrating to Medina was to establish a mosque, demonstrating that mosques weren't mere ritualism.

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- They were considered "spiritual, humanitarian and educational centres open to all people irrespective of their social, financial or racial status, or gender".

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- Further, the Koran lists the qualities of people who are allowed to maintain mosques in order to ensure that its sanctity is maintained.

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- Also, some authentic Islamic scriptures quote the Prophet as stating "Prayer in congregation [inside a mosque] is 27 times more meritorious than prayer performed individually".

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Source: The Hindu

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