Mosques and Islam

What is the issue?

\n\n

\n
- In the “Ismail Faruqui vs. Union of India Case – 1994”, the Supreme Court ruled that Mosques are not fundamental to Islam.
\n
- But there are inherent flaws in such a notion, and hence there is a need to review this verdict.
\n

\n\n

What are the flaws in the verdict?

\n\n

\n
- 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”.
\n
- The citation mentioned in the verdict was based on “Dinshaw Mulla’s Principles of Mahomedan Law” published in early 20th century.
\n
- 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.
\n
- In other words, the Faruqui judgment wrongly invoked Mulla’s principle and suppressed the Madras HC verdict on “essential practices doctrine”.
\n
- Notably, the doctrine states that “what constitutes the essential part of a religion is primarily to be ascertained with reference to religious texts only”.

\n
- 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”.
\n

\n\n

What are the other polarising implications?

\n\n

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

\n\n

What is the significance of mosques to Islam?

\n\n

\n
- The first act of the Prophet after migrating to Medina was to establish a mosque, demonstrating that mosques weren't mere ritualism.
\n
- They were considered "spiritual, humanitarian and educational centres open to all people irrespective of their social, financial or racial status, or gender".
\n
- Further, the Koran lists the qualities of people who are allowed to maintain mosques in order to ensure that its sanctity is maintained.
\n
- 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".
\n

\n\n

\n\n

Source: The Hindu

\n\n

\n\n

\n

