Court-Supervised Mediation in Ayodhya Dispute

Why in news?

The Supreme Court ordered a court-supervised mediation to resolve the Ram Janmabhoomi-Babri Masjid land dispute in 8 weeks.

Click here to know more on the dispute. Click here to read on Centre's recent appeal.

What is the core dispute?

- The dispute over the site at Ayodhya has been continuing since 1949.
- A 16th century mosque stood at Ayodhya until it was torn down by Hindutva fanatics in December 1992.
- After the demolition of the Babri Masjid, the President referred the matter to the Supreme Court.
- The court was to look into the question of whether there was a temple to Lord Ram before the mosque was built at the site.
- The court, in a landmark decision in 1994, declined to go into that question.
- However, it revived the title suits to decide on the ownership of the site and, thereby, restored due process and the rule of law.
- The Supreme Court recently took up appeals against the 2010 verdict of the Allahabad High Court which ordered a three-way division of the disputed site.

What is the court's order now?

- The Court sought the views of the parties on invoking Section 89 of the Code of Civil Procedure (CPC) which deals with mediation.
- [Under Section 89 the court can order for a settlement among the parties.
- The court may reformulate the terms of a possible settlement and refer the same for -

i. arbitration
ii. conciliation
iii. judicial settlement including settlement through Lok Adalat
iv. mediation]

- A five-judge constitution bench finally went for mediation and appointed

former Supreme Court judge justice (retd) F.M.I. Kalifulla as the chairperson of the panel of mediators.
- The other two members are spiritual guru Sri Sri Ravi Shankar and senior advocate Sriram Panchu.
- The mediation proceedings will be held in-camera in Faizabad which adjoins Ayodhya in Uttar Pradesh.
- To ensure the success of the mediation process, the apex court directed that “utmost confidentiality" be maintained.
- It also barred both print and electronic media from reporting the proceedings.
- Hindu bodies, except the Nirmohi Akhara, have opposed mediation, while Muslim bodies have supported it.

How effective will mediation be?

- Mediation is a welcome option for those involved in prolonged civil disputes.
- However, it is questionable whether this principle can be applied to all disputes and in all situations.
- Mediation in Ram Janmabhoomi-Babri Masjid dispute is quite strange and incongruous.
- This is because a number of attempts at mediation have been made in the past and all such previous attempts have ended in failure.
- Further, the case is ripe for final hearing, and not all parties favoured mediation.
- Moreover, the inclusion of Sri Sri Ravi Shankar as one of the mediators is controversial.
- In the past, he has made remarks to the effect that Muslims ought to give up their claim and that the failure to find a negotiated settlement will result in “civil war”.

Why is the order welcome still?

- The apex court itself is not very keen on pronouncing a judgement on the issue.
- It's because it is less of a legal issue and more a matter of sentiments and faith.
- A compromise among both will indeed be preferable to a court order that may leave one side aggrieved.
- An appreciable feature of the court-mandated mediation attempt is that it will not consume much time.
- The same eight weeks are needed for preparation for the final hearing.
- Moreover, the confidentiality rule will be helpful in avoiding any unrest with premature disclosures, especially during election times.

Source: The Hindu, Livemint, Indian Express

