

## STRANGE TURN: ON SC'S ORDER REGARDING AYODHYA DISPUTE

Relevant for: Indian Polity | Topic: Judiciary in India: its Structure, Organization & Functioning, Judges of SC & High Courts, Judgments and related Issues

Mediation, especially when it is at the instance of a court, is a welcome option for those embroiled in protracted civil disputes. A compromise could indeed be preferable to an order that may leave one side aggrieved. However, it is questionable whether this principle can be applied to all disputes and in all situations. The [Supreme Court's order appointing three mediators](#) to find a solution to the Ram Janmabhoomi-Babri Masjid dispute is quite strange and incongruous, given that all such previous attempts have ended in failure. Further, the case is ripe for final hearing, and not all parties favoured mediation. The dispute over the site at Ayodhya, where a 16th century mosque stood until it was torn down by Hindutva fanatics in December 1992, has remained intractable since 1949. After the demolition of the Babri Masjid, the President referred to the Supreme Court the question 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. More important, it revived the title suits and, thereby, restored due process and the rule of law. The present attempt by the Supreme Court to give mediation a chance within a narrow window of eight weeks goes against the spirit of the 1994 decision. After all, it was that verdict that made possible the 2010 judgment of the Allahabad High Court, which favoured a three-way split of the site among Ram Lalla, the Sunni Wakf Board and the Nirmohi Akhara, which is under appeal.

Ayodhya title dispute: Who are the mediators appointed by the Supreme Court?

A welcome 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. The confidentiality rule will be helpful as none would want the atmosphere to be vitiated by premature disclosures when the country is in election mode. However, 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". It is true that the prolonged problem has had an adverse impact on the body politic and some "healing" is required. But the injury to the country's secular fabric was caused by fanatical Hindutva groups that launched a revanchist campaign on the plea that some temples had been turned into mosques by invaders. The only way to heal this festering wound on the body politic is to render complete justice not only in the civil case, but also for the criminal act of the demolition. No one must be left with the impression that the exercise is aimed at privileging the faith-based argument that the mosque stood at the exact spot where Lord Ram was born over the legal question on who holds the title to the land.

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