

1_ Lessons from mediating Ayodhya

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Among many learnings about the nature of public disputes is an urgent need to create a centre for moderating dialogue

On March 8 last year, the Supreme Court of India appointed a three-member Mediation Committee to attempt mediation in the [Ayodhya Babri Masjid Ram Janambhumi dispute](#) pending before the Court. Justice (retd.) Ibrahim Kalifula, former judge of the Court, Sri Sri Ravishankar and myself were the three members. We immediately commenced the process of having meetings with the many parties to the case, together and separately. The initial time of two months was extended to August 15, 2019, which the Court advanced to July 31, 2019.

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Closure to the issue

All parties could not reach agreement by that time, and the Court started the hearing of the case on August 6. In mid-September, at the request of some parties, the Court permitted resumption of mediation. Around the time of conclusion of arguments in end-October, several parties submitted their agreement on a settlement formula so that the views of other parties be sought under the provisions of the Code of Civil Procedure or the formula be adopted for a broad order under Article 142 of the Constitution of India. The Court delivered judgment in the case on November 9, 2019. It adverted to the terms of settlement arrived at in the mediation process, but expressed its inability to proceed with the same since all parties had not signed it. It gave the disputed land and adjoining parcels to the Hindus for building the Ram Mandir and allotted five acres elsewhere to the Muslims.

The judgment was bitterly resented and intellectually criticised for favouring the Hindus. But there was also relief that there was closure to this issue and that no more bloodshed took place. Importantly, the Court breathed constitutional protection and longevity to the Protection of Places of Worship Act, 1991, which protects all other places of worship of all religions from conversion; with this, India will be spared repeats of this mandir and masjid mayhem.

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Mediation dynamics

Certainly in the history of mediation this is a most momentous case, given the context, communities, history of violence, ancient archaeology and present ground realities, the interplay between law and logic and emotions and faith, and what the outcome boded for the future of hundreds of millions of people. There are many, many lessons to be learnt from mediating Ayodhya. Some will remain undisclosed owing to the confidentiality which covers the mediation proceedings. Others will emerge perhaps when the time is right, and the manner is appropriate. But

for me, the indelible lesson is one concerning a very basic nature of public disputes. Put simply – and sometimes the most important things can be stated very simply – when conflict starts, there is a movement towards each end of the spectrum. The periphery swells, strident voices command attention, extreme demands are made, and soon it is the combative ones within the combatant sides who call the shots. They benefit ideologically, politically and personally. They fashion the litigation and the courts give them the right to represent their communities. The moderates, on the other hand, behave moderately, can be easily shouted down or shunted out. Fearing charges of being traitors, they toe the line.

Also read: [Babri Masjid demolition: Proud of taking part in temple campaign, says Uma Bharti](#)

Leaving aside the mediation sessions (about which I say nothing here) I have spoken to many people about this dispute – before and after, and apart from, the mediation. Overwhelmingly, they favoured the middle ground, accommodation, compromise, moving on, securing to each side what it needed most, recognising that the non-negotiables were different. When I put it all together, I am left with the inescapable feeling that if strong voices had pushed for moderation and dialogue and harmonious solution, there would have been a countervailing centripetal movement cancelling out the centrifugal one. And then the following scenario would not be unimaginable.

Then and now

Sometime in the 1980s, a meeting is facilitated between the senior Shankaracharyas, the accepted representatives of the Hindu faith, and the President of the All India Muslim Personal Law Board, Maulana Ali Miyan, accompanied by the head of the waqf Board and other leading Muslim clerics. They are all under intense public pressure to find a solution; if religious men cannot, hotheads and politicians will have a field day, they are told.

In an atmosphere of respect and confidentiality, these holy men can talk freely and explore multiple options for settlement. Sharing the contested space is desirable, but if the Hindus feel strongly about locating a large Ram temple, the Muslims must hear an apology for the wrongful act of sneaking in an idol into the mosque in 1949. And if the language is not of giving up or giving in but to please give to the brother with greater need since he fervently believes that this is the birthplace of the Lord, the response is likely to be commensurate. Maulana Ali Mian is scholarly and wise, and can give his people a crucial piece of advice. Do not treat this as an ordinary masjid versus mandir dispute. Lord Ram for the Hindus is like Allah for us. We may win legal battles, but we will win no war here. Give it to them generously and we will be the winners. But on one condition – this must be no precedent. What we really fear is that this is a prelude to other demands. When conveyed to the Hindus, their response can be clear – you need have no fear for the rest. In Kashi and Mathura no doubt the old temples were destroyed by Muslim invaders, but we have built new ones where worship is happening for many years, and we do not want to change that. Ayodhya is different because we do not have a temple for Ram. We will prevail on the government to bring in a law to protect all other places of worship; let this country be free of this spectre of breaking houses of religion. Choose any parcel of land, and it will be yours to build a new mosque. And as a measure of goodwill, other mosques in Ayodhya can be repaired and renovated.

How much better we would have been, my countrymen, if this had been the reality. But learning the lesson for the future, it can be if there is both targeted action and a groundswell, each feeding into the other, which creates the momentum and movement towards the middle platform where both sides can meet to resolve public disputes. An urgent need of our times is to create this centre for moderating dialogue. May it come about soon. It will be the sacred space which the great poet, Jalāl ad-Dīn Rūmī, spoke about: Out beyond ideas of wrongdoing and rightdoing, there is a field. I will meet you there.

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