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K was at Tiruporur Mediation Centre with his problem about the enjoyment of the produce of a tamarind tree. It was on government porumboke land. He held a 2-C patta. As per standing orders, he had no title to the tree or to the land on which the tree stood. He was only a licensee from the government to enjoy the yield from the tree. B's family was interfering with K's enjoyment. B had a hut in the shade of the tree. He had put it up thirty years ago on the suggestion of K's late father who had already occupied the area and was living in a hut in a part thereof. On talking it over, B readily conceded K's right to the produce from the tree. In the intake K had focused only on the right to enjoy the tree without obstruction from K. In fact K did not ask for B vacating the hut. Once, the agreement regarding K's right to gather the produce was recorded at the centre and both parties signed, the question of access to the tree came up for discussion. B had demarcated the area in his enjoyment with a live fence. It included the tamarind tree also. K asked for the fence to be shifted to exclude the tree. B would not discuss that question.

It transpired that after the intake at the centre, K had placed the same dispute before the jamat at the mosque. Both K and B are muslims. When asked about it, K explained how B was the Muthavalli at the mosque and so K preferred the mediation centre on the first sunday. But owing to pressure from some friends he placed it before the jamat also next day. They talked about it, but did not come to any conclusion. Hence both parties came to the centre next sunday. Again when the question of the fence came up, they said that they would discuss it at the jamat. Why ?

Muslims fight shy of taking their disputes to a secular forum. The dispute about a tree or a fence is not a religious matter. The effective social control by the religious leaders inhibits the free choice of mohammaden citizens even as regards non-religious matters, like dispute resolution. What is the social sanction for religious leader's decisions and discipline in matters secular ? In our society there is no compartmentalization between what is religious and what is secular. The religious leader can and often does guide the parties in non-religious matters also. The transition from religious norms to moral code is imperceptible. The mediator at Tiruporur was faced with a larger context than what the tamarind produce would suggest. Mohammaden initiators were rare at the centre.

On an earlier occasion, a young woman approached the mediation centre at Sriperumbudur. She was working as a teacher in a school where her husband was the correspondent. Both are muslims. It was a matrimonial dispute. The wife has some apprehension that her husband was a drug addict. When the husband responded, his preliminary objection was as to how a mohammaden woman could come to the mediation centre and that too with a grievance against her husband. An hour and more was spent in the attempt to satisfy him or even start the issue and get to the issue between them; all in vain. He kept reverting to the availability of the jamat for such disputes between spouses.

Were they asked to solve the problem regarding the tamarind tree also at the jamat ?

A couple of weeks later, a field worker was sent to contact both the parties to find out if they had found a solution at the jamat in the mosque. On ascertaining that the effort was not fruitful, he suggested to them that one more visit to the mediation centre might not be unhelpful. They came the next Sunday. They came the next Sunday.

The mediator explained to B how K had the right to the produce and therefore, a right to access to the tree to gather the produce. He was also under obligation, as per the terms of the tree patta to safeguard the government tree. Hence any fence around the tree impeding his access would be violative of his right and so was liable to be removed by the government authorities at the village level. This was seen by the mediator as a legal input to enable B to retrace his steps from the rigid stance he had taken as regards his fence. The probable result of any contest before the authorities or court was likely to be in favour of K. Knowledge of this may persuade B to take a more realistic stand. The preference for the contest is watered down. B was enabled to turn back from the confrontation. It was particularly difficult for K as he was a leader at the mosque. But he did it at the mediation centre. A retreat is less unpalatable when there is progress to be made in another direction. In a battle it is strategic withdrawal.

It would appear as though the legal input about their rights had a subordinate role as a strategy. But it had in fact, a supportive function. It furnished a motivation for B to resume the search for solution. If it had been given primacy, perhaps K would have become intractable finding that law was on his side. He may have asked for B vacating the land by dismantling the hut put up with K's father's permission. That would have landed both parties in endless bickering.