

Places of Worship (Special Provisions) Act 1991

Why in news?

Civil suits challenging the religious character of mosques in Varanasi and Mathura is advancing rapidly.

What are the provisions of Places of Worship (Special Provisions) Act 1991?

- **Aim-** To protect the religious character of all houses of worship as it stood on August 15, 1947 and forbid any changes that would compromise that character.
- **Places of worship-** It is defined as any structure used for public religious worship, such as a temple, mosque, gurudwara, church, monastery, or congregation.
- **Restricts conversion-** The Act limits converting a house of worship of one religious group into a house of worship of another religious group, or even a different sect within the same religious group.
- **Establish religious character-** The religious nature of a house of worship must continue to be the same as it existed on August 15, 1947.
- **Bar on jurisdiction of court-** No new suit or legal process shall be instituted if there is already a suit or legal proceeding currently before any court regarding the conversion of the religious character of any place of worship existing on August 15, 1947.
- **Penalty-** If any one violates the terms of the Act, such a person could face up to 3 years in prison and shall also be liable to fine.

What are the exemptions provided under the Places of Worship (Special Provisions) Act 1991?

- Ram Janmabhoomi-Babri Masjid case and any appeal or procedure arising out of it are exempt from its coverage.
- Any religious structure protected as an ancient and historical monument or archaeological site or remains under the Ancient Monuments and Archaeological Sites and Remains Act of 1958.
- Any action, appeal, or procedure that was determined, settled, or disposed of by a court, tribunal, or other body prior to the effective date of this Act.
- Any disagreement over related aspects that has been resolved amicably between the parties before the start of the proceeding.
- Any prior conversion to religious or secular use of such a location that was allowed to take place with the owner's approval.

What is the status of the ongoing cases?

Gyanvapi Mosque, Varanasi

Sri Janmabhoomi Case, Mathura

<ul style="list-style-type: none"> • In 1991 a suit was filed which aims to declare that the part of the mosque site belongs to <u>Lord Vishweshwar</u>. • They contend that an old temple of Lord Vishweshwar existed at the centre of the Gyanvapi compound since ancient times. • They assert that the temple was demolished on the order of <u>Emperor Aurangzeb</u> in 1660. • The Court orders have favored the position that these suits are not barred by the Places of Worship Act. • The court ruled that a structure <u>cannot have the dual character</u> of being both Hindu and Muslim, and that only an examination of evidence can determine its religious character. • The Act cannot be an absolute bar on proceedings to ascertain its religious character. • The Varanasi district court ordered the Archaeological Survey of India (ASI) survey of <u>Gyanvapi complex</u> on an application moved by four Hindu women in 2023. • The ASI report claims the existence of a temple prior to the mosque's construction. 	<ul style="list-style-type: none"> • The suits in Mathura relate to the Shahi Idgah mosque which stands adjacent to the Krishna Janmabhoomi Temple. • It claims that the mosque was built over the birthplace of Lord Krishna. • The dispute was settled through a he dispute was settled through a compromise between the Sri Krishna Janmasthan Seva Sansthan and the Shahi Idgah Trust in 1968. • The settlement was implemented through a decree in 1974, with the Sansthan giving up a portion of the land to the Idgah. • In 2020 many cases were filed challenging 1968 pact as the decree is drawn up before the commencement of the 1991 Act and it is not applicable to the case. • Allahabad High Court ordered the scientific survey of the Shahi Idgah mosque, which is believed to be built on the <u>birthplace of Lord Krishna</u>. • It is similar to the one in Varanasi's Gyanvapi Mosque, also built adjacent to a venerated Hindu temple. • The Supreme Court declined to halt the Allahabad High Court's order permitting the survey of Mathura Shahi Idgah complex near the Shri Krishna Janmabhoomi Temple
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References

1. [The Hindu- Legal dispute over Varanasi, Mathura mosques](#)
2. [The Hindu- ASI submits report before Varanasi Court in sealed cover](#)