

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