



KAMARAJ IAS ACADEMY
Only IAS Academy by Grandson of "Perunthalsivam Kamarajar"

Gyanvapi dispute & Places of Worship (Special Provisions) Act, 1991

Published On: 05-08-2023

Why is in news? SC upholds ASI study at Gyanvapi mosque

The Supreme Court refused to stop the Archaeological Survey of India (ASI) from continuing with its “scientific investigation” of the Gyanvapi mosque premises at Varanasi, though it asked the expert body to stick true to its assurance to use only “non-invasive methodology” for its survey. There should **not be any excavation on the premises nor any damage to any structure**, the court said.

The ASI had already started the survey at Varanasi by the time the case came up for hearing in Delhi, before a Bench headed by Chief Justice of India D.Y. Chandrachud.

On the day before that, the Allahabad High Court had given its nod for the ASI to go ahead with the survey ordered by the Varanasi District Judge on July 21.

Gyanvapi Mosque - Vishwanath Temple Dispute:

Gyanvapi Mosque **controversy started in 1991** when a petition was filed claiming that the temple was constructed by Maharaja Vikramaditya about 2,050 years ago at the spot.

The Gyanvapi mosque stands **adjacent to the Kashi Vishwanath Temple** in Varanasi.

According to the **available historical record**, it was **built in the 17th century** on the orders of the Mughal emperor Aurangzeb **after destroying the original Kashi Vishwanath Temple**.

The present temple was subsequently built next to the mosque by the orders of Queen Ahilya Bai Holkar in the late 18th century.

The current controversy started when five Hindu women wanted to routinely worship Shringar Gauri and other idols within the Gyanvapi Mosque complex.

The plea was opposed by Anjuman Intezamia Masajid Committee, which cited the Places of Worship Act.

The matter has since moved from a magistrate’s court to a district court, to the Allahabad High Court and the Supreme Court, and then back to the district court and the High Court.

Issues with the case:

In April 2021, **Fast Track Court Civil Judge** ordered the Archaeological Survey of India to **get a comprehensive archaeological physical survey**” done of the Kashi Vishwanath Temple-Gyanvapi Mosque complex.

It was tasked to find out as to **whether the religious structure** standing at present at the **disputed site is a superimposition, alteration or addition or there is a structural overlapping of any kind**, with or over, any religious structure.

Kamaraj IAS Academy

Plot A P.127, AF block, 6 th street, 11th Main Rd, Shanthi Colony, Anna Nagar, Chennai, Tamil Nadu 600040

Phone: **044 4353 9988 / 98403 94477 / Whatsapp : 09710729833**

The **mosque is not an ASI-protected site**, and the ASI has no role in its maintenance or upkeep.

Places of Worship (Special Provisions) Act, 1991:

It is described as “An Act to **prohibit conversion of any place of worship** and to **provide for the maintenance of the religious character of any place of worship** as it existed on the 15th August 1947, and for matters connected therewith or incidental thereto.”

The act was passed by the Parliament and enacted into law in 1991 during the peak of the Ram Janmabhoomi movement.

The Act was brought by Prime Minister P V Narasimha Rao at a time when the Babri Masjid was still standing.

Section 3: It **bars the conversion, in full or part, of a place of worship** of any religious denomination into a place of worship of a different religious denomination, or even a different segment of the same religious denomination.

Section 4: The Places of Worship (Special Provisions) Act, 1991, a law that froze the status of places of worship as they stood on August 15, 1947, i.e. **the place of worship's religious nature must remain the same as it was on August 15, 1947.**

It says no person shall convert any place of worship of any religious denomination into one of a **different denomination or section.**

Section 4 (2): It declares that **all litigation, appeals, or other proceedings ongoing before any court** or authority on August 15, 1947, involving converting the status of a place of worship, **will cease as soon as the law takes effect.** There will be **no more legal action taken.**

Section 6 of the Act prescribes a punishment of a **maximum of three years imprisonment along with a fine** for contravening the provisions of the Act.

Few exemption from these provisions:

Ancient and historical monuments and archaeological sites and remains that are covered by the **Ancient Monuments and Archaeological Sites and Remains Act, 1958.**

A suit that has been finally settled or disposed of; and any dispute that has been settled by the parties or conversion of any place that **took place by acquiescence before the Act commenced.**

Section 5: The Act also **does not apply** to the place of worship commonly referred to as **Ram Janmabhoomi-Babri Masjid** in Ayodhya. **This law will have an overriding effect over any other law in force.**

Criticisms surrounding the law:

The law has been challenged on the ground that it **bars judicial review**, which is a basic feature of the Constitution, **imposes an “arbitrary irrational retrospective cutoff date”**, and abridges the right to religion of **Hindus, Jains, Buddhists and Sikhs.**