Interpretation of Places of Worship Act

Why in news?

The interpretation of the Places of Worship Act, 1991, both in the Mathura and Varanasi cases could open floodgates for claims to change the religious character of a place of worship.

What is the case about?

- **Varanasi case**- The Gyanvapi Mosque is believed to have been built in 1669 during the reign of Aurangzeb, who ordered the demolition of the existing Vishweshwar temple and its replacement by a mosque.
- In 2021, a civil suit was filed for the enforcement of right to worship Hindu deities within the Gyanvapi mosque complex.
- A Shivling was said to have been found in the video survey of the mosque.
- The Muslim side moved to the Supreme Court, arguing that the proceedings were an attempt to change the religious character of the mosque.
- The Supreme Court transferred the case to the District Judge and said that it would intervene only after the District Judge had decided on the preliminary aspects of the case.
- **Mathura case-** The petitioners claimed that the Shahi Idgah Masjid was built on the birthplace of Lord Krishna.
- They sought ownership of the entire 13.37-acre land on which the structure stood.
- They had demanded the mosque be removed and the land returned to the Trust.

The Places of Worship Act, 1991 bars the conversion of religious character of a place of worship from how it existed on August 15, 1947, except Ayodhya.

What is the preliminary ruling on Gyanvapi Mosque case?

- The District Judge rejected the Muslim side's arguments based on three Acts.
- It ruled that the civil suits seeking the right to worship Hindu deities on the premises of the Gyanvapi mosque were maintainable.
- **The Places of Worship Act, 1991**- Section 4 of the Act declares that the religious character of a place of worship existing on 15th August, 1947 shall continue to be the same as it existed.
- The Muslim side argued that allowing the civil suits would alter the character of the mosque as it has existed for over 600 years.
- The Hindu petitioners argued that until 1993, regular prayers were offered inside the Gyanvapi mosque complex to Hindu deities.
- Since 1993, prayers have been allowed on a designated day annually.

- The Varanasi Court held that finding the nature of the religious place is not barred under the 1991 law.
- The court will now look into evidence on the situation in 1947.
- **The Wakf Act, 1995**- The Muslim side argued that the subject matter of the civil suit is a Wakf property.
- According to Section 85 of the Act, only the Wakf Tribunal, Lucknow, can decide the suit.
- The court held that the Wakf Act is to solve disputes within the community and not to extinguish claims from outside the community.
- The court agreed with the petitioners that since the land belonged to the deity Adi Vishveshwar from time immemorial, it could have never been Wakf property.
- **Kashi Vishwanath Temple Act, 1983**- The Muslim side challenged the civil suits on the grounds that under this Act, the temple land was clearly demarcated, and that the Board of Trustees appointed under law did not interfere in the case.
- The court cited Section 4 (9) of the Act, which defines temple to hold that it does not bar the mosque premises.

The order added that a mosque is not an essential part of the practice of the religion of Islam and namaz (prayer) by Muslims can be offered anywhere, even in open.

What was the Mathura court ruling?

- The Mathura court ruled that the suit to remove the Mathura Shahi Idgah Masjid on the ground that it was built over Krishna Janmabhoomi land is maintainable.
- Such broad claims made in civil suits may open the door for a wider religious divide in the country.

References

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