



Shahi Idgah and Krishna Janmabhoomi Temple Dispute

For Prelims: Shahi Idgah, [Krishna Janmabhoomi temple](#), Keshava Deva temple, Aurangzeb, [Dara Shukoh](#), Raja of Benaras, [Babri Masjid judgment](#)

For Mains: Significance of judiciary in redressal of disputes related to places of worship.

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Why in News?

The Allahabad High Court recently ruled that a survey will be conducted for the **Shahi Idgah**, a **three-domed mosque** in **Mathura**.

- It is seeking appointment of a **court commission** to inspect the **Shahi Idgah mosque** that stands adjacent to the [Krishna Janmabhoomi temple in Mathura](#).

What is the History of the Disputed Land?

- Raja Veer Singh Bundela of Orchha had also built a temple on the same premises in **1618** and the mosque was built by **Aurangzeb in 1670** on the site of an earlier temple.
- The **Krishna Janmasthan temple in Mathura** is believed to have been built around **2,000 years ago**, in the **1st century CE**.
- A survey has been ordered due to demands by Hindu representatives for complete ownership of the premises where the **Keshava Deva temple** was destroyed on the orders of **Mughal emperor Aurangzeb in 1670**.
 - The area was regarded as nazul land — non-agricultural state land owned by the Marathas, and then the British.
- The temple was originally built in **1618** during the **reign of Jahangir** and was patronized by **Aurangzeb's brother** and rival, [Dara Shukoh](#).
- In **1815**, the **Raja of Benaras** purchased the 13.77-acre land from the **East India Company**.
- Later, the **Shri Krishna Janmabhoomi Trust** was established.
 - The trust acquired ownership rights over the temple, and in **1951**.
 - The 13.77-acre land was placed under the trust with the condition that it would never be sold or pledged.
 - In **1956**, the **Shri Krishna Janmasthan Sewa Sangh** was set up to manage the affairs of the temple.
 - In **1968**, an agreement was signed between the **Sri Krishna Janmasthan Seva Sangh and the Shahi Idgah Masjid Trust**, where the temple authority conceded a portion of the land to the **Idgah** as part of the settlement.
 - The current dispute involves temple petitioners seeking possession of the entire parcel of land.

What is the Present Status of the Issue?

- The plea for a survey was filed on behalf of the Hindu deity, **Shri Krishna** and seven others, who in their original suit pending before court claimed that the mosque was built over the **birthplace of Shri Krishna** on the orders of **Mughal emperor Aurangzeb** in 1670.
 - Since the **Babri Masjid judgment in 2019**, nine cases related to the **Shri Krishna Janmabhoomi** and **Shahi Idgah Masjid**, have been filed in the **Mathura court**.
- The **Allahabad High Court** transferred to itself all the suits pending before the **Mathura Court** on various reliefs pertaining to the **Sri Krishna Janmabhoomi-Shahi Idgah Mosque dispute**.
- In the **High Court**, the **U.P. Sunni Central Waqf Board** and the **Shahi Idgah Masjid Committee** argued that the **birthplace of Lord Krishna** is not under the **Mosque**.
 - They stated that the plaintiffs' claim lacks evidence and is based on speculation.
- When the **Committee of Management Trust of the Shahi Idgah Masjid** sought a stay on the survey from the **Supreme Court**, the court did not grant any relief.

What is the Places of Worship Act, 1991?

- **About:**
 - It was enacted to **freeze the status of religious places of worship** as they existed on **August 15, 1947**, and prohibits the conversion of any place of worship and ensures the maintenance of their religious character.
- **Major Provisions of the Act:**
 - **Prohibition of Conversion (Section 3):**
 - Prevents the conversion of a place of worship, whether in full or part, from one religious denomination to another or within the same denomination.
 - **Maintenance of Religious Character (Section 4(1)):**
 - Ensures that the religious identity of a place of worship remains the same as it was on **August 15, 1947**.
 - The **Allahabad High Court's** recent stance in the **Gyanvapi case** suggests that the **Places of Worship Act, 1991** does not clarify **“religious character of any place of worship”** and can only be determined in a trial, based on documentary and oral evidence, on a case-to-case basis.
 - **Abatement of Pending Cases (Section 4(2)):**
 - Declares that any ongoing legal proceedings concerning the conversion of a place of worship's religious character before **August 15, 1947**, will be terminated, and no new cases can be initiated.
 - **Exceptions to the Act (Section 5):**
 - The Act does not apply to **ancient and historical monuments**, archaeological sites, and remains covered by the **[Ancient Monuments and Archaeological Sites and Remains Act, 1958](#)**.
 - It also excludes cases that have already been settled or resolved and disputes that have been resolved by mutual agreement or conversions that occurred before the Act came into effect.
 - The Act does not extend to the specific place of worship known as Ram Janmabhoomi-Babri Masjid in Ayodhya, including any legal proceedings associated with it.
 - **Penalties (Section 6):**
 - Specifies penalties, including a maximum imprisonment term of three years and fines, for violating the Act.