



Shahi Jama Masjid Dispute & Places of Worship Act 1991

Why in News?

The **Allahabad High Court** upheld a trial court's decision to appoint an advocate commissioner to survey the **Shahi Jama Masjid** in Uttar Pradesh's Sambhal district.

Key Points

Shahi Jama Masjid Dispute

- **Background:** The case originated from a petition filed by local residents in a Sambhal court, claiming that the site was originally a Shri Harihar temple, which allegedly was **demolished by Mughal emperor Babur** in 1529.
- **Legal Status:** The Shahi Jama Masjid is a protected monument under the **Ancient Monuments Preservation Act, 1904**. It is listed by the **Archaeological Survey of India (ASI)** as a Monument of National Importance.
- **Shahi Jama Masjid & Places of Worship Act, 1991:** The Places of Worship (Special Provisions) Act, 1991, is at the center of this dispute.
 - The Act stipulates that the religious character of places of worship as they existed on **15th August 1947, must be preserved, and prohibits** any changes to the religious identity of such places.
 - The Shahi Jama Masjid dispute challenges the Act's provisions by seeking to alter the mosque's religious character.

Places of Worship (Special Provisions) Act, 1991

- **About:** The Places of Worship (Special Provisions) Act, 1991, aims to preserve the religious status of places of worship, preventing conversions between **different religious denominations or within the same denomination**.
 - The Act seeks to **maintain communal harmony** by freezing the religious character of these places and preventing disputes over such conversions.
- **Key Provisions of the Act:**
 - **Section 3:** Prohibits the conversion of any place of worship, **either in full or in part**, from one religious denomination to another.
 - **Section 4(1):** Mandates that the religious identity of a place of worship must remain unchanged from its status on **15th August 1947**. Any attempt to alter the religious character is prohibited.
 - **Section 4(2):** Terminates all ongoing legal proceedings concerning the conversion of a place of worship's religious character prior to 15th August 1947, and prevents the initiation of new cases challenging the religious status of such places.
 - **Section 5 (Exceptions):** The specific dispute at **Ayodhya (Babri Masjid-Ram Janmabhoomi)**, which was exempted from the Act.
 - The Act also exempted: Any place of worship which is an ancient and historical monument, or an archaeological site covered by the **Ancient Monuments and Archaeological Sites and Remains Act, 1958**.
 - Cases that have already been resolved or settled by mutual agreement.

- Conversions that occurred before the Act's commencement.
- **Section 6 (Penalties):** The Act establishes strict penalties for violations, including imprisonment of up to three years and fines for attempting to change the religious character of a place of worship.

Archaeological Survey of India (ASI)

- ASI, under **the Ministry of Culture**, is the premier organisation for the archaeological research and protection of the cultural heritage of the nation.
 - **Ancient Monuments and Archaeological Sites and Remains (AMASR) Act, 1958** governs the functioning of ASI.
- It administers more than 3650 ancient monuments, archaeological sites and remains of national importance.
 - Its activities include carrying out surveys of antiquarian remains, exploration and excavation of archaeological sites, conservation and maintenance of protected monuments etc.
- It was **founded in 1861 by Alexander Cunningham- the first Director-General of ASI.**
 - Alexander Cunningham is also known as the **"Father of Indian Archaeology"**.

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