

A DISTURBING ORDER: THE HINDU EDITORIAL ON A VARANASI COURT ORDERING AN ASI SURVEY IN GYANVAPI MOSQUE

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The order of a civil court in Varanasi that the Archaeological Survey of India (ASI) should [conduct a survey to ascertain whether the Gyanvapi mosque was built over a demolished Hindu temple](#) is an unconscionable intervention that will open the floodgates for another protracted religious dispute. The order, apparently in gross violation of the explicit legislative prohibition on any litigation over the status of places of worship, is likely to give a fillip to majoritarian and revanchist forces that earlier carried on the [Ram Janmabhoomi movement](#) over a site in Ayodhya. That dispute culminated in the country's highest court [handing over the site to the very forces that conspired to illegally demolish the Babri Masjid](#). The plaintiffs, who have filed a suit as representatives of Hindu faith to reclaim the land on which the mosque stands, have now succeeded in getting the court to commission an ASI survey to look for the sort of evidence that they would never have been able to adduce on their own. The order has been issued despite the fact that the Allahabad High Court reserved its order on the maintainability of the suit on March 15 and is yet to pronounce its ruling. It is not clear why the civil judge did not wait for the ruling and went ahead with his directive to the ASI.

By an order in 1997, the civil court had decided that the suit was not barred by the [Places of Worship \(Special Provisions\) Act, 1991](#), which said all pending suits concerning the status of places of worship will abate and that none can be instituted. The 1991 Act also froze the status of all places of worship, barring the then disputed site in Ayodhya, as on August 15, 1947. There was another exception — any place of worship that was an archaeological site or ancient monument covered by the [Ancient Monuments and Archaeological Sites and Remains Act, 1958](#). On a revision application, another court had asked the trial court to decide afresh the question whether the suit was barred afresh “after taking evidence”. Presumably, the latest application seeking a survey by the ASI as an expert body is aimed at providing that “evidence”. Regardless of the merits of either side's case, it ought to be clear to anyone concerned with peace and harmony in the country that the attempt to resurrect disputes buried by law is a serious setback to the cause of secularism and peaceful coexistence. That new challenges are emerging to the wisdom of Parliament in giving a statutory quietus to squabbles over religious sites is deeply disturbing.

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From the abrogation of the special status of Jammu and Kashmir, to the landmark Ayodhya verdict, 2019 proved to be an eventful year.

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