

COURT No.
SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS
MP (C) No.541 / 95

Aslam Bhure

Appellant (s)

VERSUS

----- & ors .

Respondant (s)

Date 1 - 17.8.95

This / these matter (s) was / were called on for hearing today.

CORAM : Hon . the Chief Justice (BN Kirpal)

Hon'ble Mr. Justice S.C. Sen

Hon'ble Mr. Justice

Hon'ble Mr. Justice

For the Appellant (s) Mr.MM Kashyap , Ady .

For the Respondent (s)

UPON hearing counsel the Court made the following

ORDER

The petitioner, a citizen of India, claiming to be conscious of his fundamental duties under Article 51. of the Constitution, has filed this petition to ensure protection of the Gyanvapi mosque at Kashi - Banaras and Shahi Idgah Mosque at Mathura, both in the State of U.P. In this behalf he has also invoked ' the provisions of the Places of Worship (Special Provisions) Act , 1991 , which , says he , prohibits conversion of any place of worship of any religious denomination into a place of worship of a different section or religious denomination and enjoins maintenance of the status of all religious places as on 15.8.47 . The expression ' place of worship ' inter alia includes a mosque. Lastly, he contends that Art . 49 casts a duty on the state to protect monuments and places or objects of artistic of historical interest.

Life is in apprehension is that volunteers belonging to **utulestone** such an, the VHP, Barang Dal, BJP, etc. peoe a **the of orn** – to the safety and security of the ----- mentioned two mosques because of certain programme which would attract ----- numbers of activists and export approved the ----- happened of the Babri Masjid at Ayodhya. It is not necessary for us to recount the events preceding the demolition of the Babri Masjid. The reliefs claimed the essentially in the nature of directions to be issued to the respondents which include the state of U.P. Its chief Minister as well as the Union of India and

their officers and servants to take adequate precautionary measures to protect the two mosques from the threats posed by the office bearers, workers and volunteers of the VHP, Bajrang Dal and the BJP. Directions are also sought to ensure, that people in large numbers do not collect at the two sites. There is also a prayer for the appointment of Union of India as a Receiver of these places.

While we appreciate the concern and anxiety of the petitioner we see no reason to believe that the Central Government and the State Governments are remiss about performing their statutory and constitutional obligations referred to by the petitioner. It is their duty to take all such measures as are necessary including the restrictions on the number of people visiting the aforesaid place or places of worship to protect the said two places from possible and apprehended assaults. The two Governments, we are sure, are mindful of their obligations and we have no reason to doubt that they will be found wanting in the performance of their constitutional and statutory duties of protecting those places: Good governance demands that of them and it is also essential for the maintenance of law and order, peace and tranquility. At present we do not see any reason for the Courts intervention but if in the performance of their obligations the Central and / or the State Governments need this Court's assistance they will be entitled to move this Court, We have no doubt that State and the Central Government will do everything that is necessary to protect the places of worship. i.e. the **conques** in question, and if for that purpose they need on directions from this Court on account of any impediment they would be at liberty to move this Court.

We for the present, therefore, do not deem it necessary to give any direction but as stated above if any directions are necessary it would be open to either of the Governments or the concerned parties to approach this Court. A copy of this order will be sent to the Chief Secretary of the State of U.P. as well as to the Secretary, of U.P. as well as to the secretary, Ministry of Home Affairs, Government of India, by the Registrar General of this Court by FAX message for information and necessary action.

The petition stands disposed of accordingly.