

**18-05-2022**

## **Anglo-Indian quota**

### **Why in Newspapers?**

Recently, a petition filed in the Delhi High Court has sought restoration of the representation of the 'Anglo-Indian' community through nomination in the Parliament. The court has ordered the Central Government to submit its response on this petition.

### **Quick Issue?**

- The court observed that the provision of 'Anglo-Indian' representation in the Lok Sabha by way of nomination or nomination was included to assure the members of the community that, when they are in the country, they will be protected and listened to when they come back.
- A petition challenging the Constitutional (One Hundred and Fourth Amendment) Act, 2019 is being heard by the court.
- This amendment did away with the nomination-based representation of the Anglo-Indian community in the Lok Sabha and the Legislative Assemblies.

### **Other Key Facts?**

#### **Meaning of 'Anglo Indian' in India:**

- The term Anglo Indian is defined in Article 366(2) of the Constitution of India; Accordingly, 'Anglo-Indian' means a person whose father or any other male parent in paternal line is or was of European origin, but who is domiciled in the territory of India and who was born to such parents in such territory; who is or was born ordinarily resident there.
- You know that the idea of naming 'Anglo Indian' is associated with 'Frank Anthony'? - 'Frank Anthony' was the President of the All India Anglo-Indian Association; it was he who suggested Jawaharlal Nehru to add Article 331 to the

### **Historical Background?**

- The central government said that the 'Anglo-Indian community' has merged with the Indian population over time. Further, as per the constitutional scheme, this provision was for a limited period, and cannot be continued indefinitely.
- The number of members of the Anglo-Indian community is not accurately reflected in the 2011 census. While introducing the amendment bill in Parliament, the then Law Minister had based the 2011 census report on it.
- Article 334 of the Constitution of India, provides for the reservation of seats for the Scheduled Castes and the Scheduled Tribes in the Lok Sabha and the Legislative Assemblies of the States, and the representation of the Anglo-Indian community by nomination. As per the constitutional arrangement, if these provisions are not carried forward by the Parliament, they will cease to be effective after 25 January 2020.



- According to the provisions made under Article 331, if no member of this community is elected from the 543 members of the Lok Sabha, the President of India can nominate 2 members of the 'Anglo Indian Community' in the Lok Sabha.
- Similarly, the Governor of the State has the right to nominate 1 member of the 'Anglo Indian Community', if the representation of this community in the lower house of the State Legislature is low.
- According to the 10th Schedule of the Constitution, any Anglo-Indian member can join any party within 6 months of nomination. After subscription; They are bound by the party whip and they have to work in the house according to the agenda of the party.

### Likely Question Asked In Preliminary Exam

**Que: Under which article has the provision of representation of the Anglo-Indian community in the Lok Sabha been made in the Constitution?**

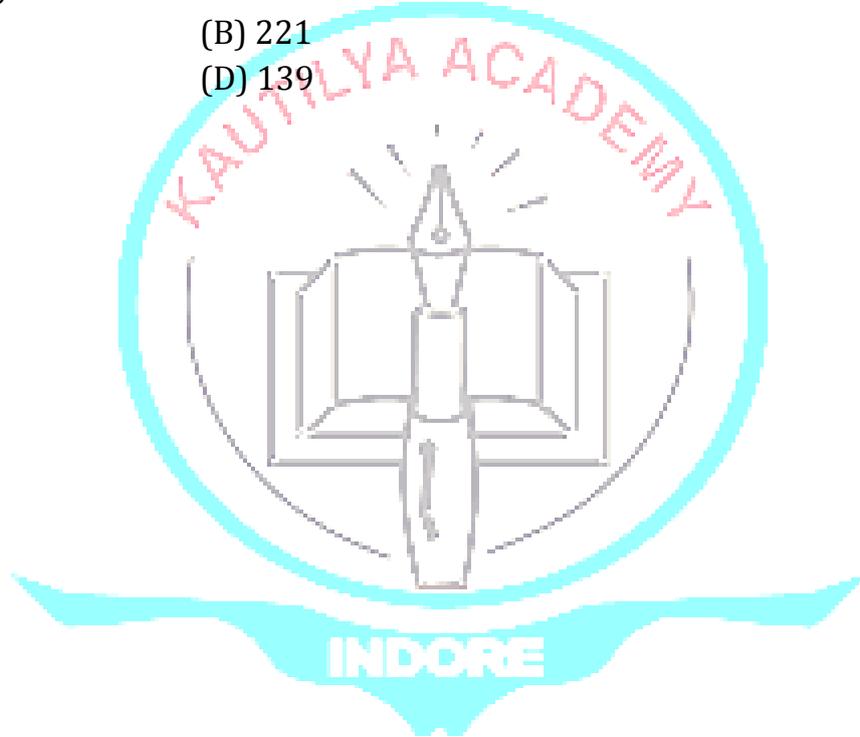
(A) 331

(B) 221

(C) 121

(D) 139

**Ans : (A) 331**



## What is the whole controversy of Gyanvapi?

### Why in Newspapers?

These days, headlines are going on on TV channels from morning till evening regarding Gyanvapi Masjid. The same issue is covered in the newspapers as well. Following a Varanasi court order, the Archaeological Survey of India (ASI) conducted a three-day survey of the Gyanvapi Mosque.

### Quick Issue?

- Now the report of the survey has to be submitted in the court, after which the court will reach a decision. However, the Hindu side says that 'Shivling' has been found inside the mosque during the survey, while the Muslim side refutes these claims.
- Many claims were made from the Allahabad High Court to the Supreme Court, which said that in the 16th century, the Mughal emperor Aurangzeb had built the Gyanvapi Mosque by demolishing the Kashi Vishwanath temple.

### Historical Background?

- In fact, in 1991, the petitioner local priests filed a petition in the Varanasi Court. In this petition, the petitioners had sought permission to worship in the Gyanvapi Masjid area. It was said in this petition that in the 16th century, on the orders of Aurangzeb, a part of the Kashi Vishwanath temple was demolished and a mosque was built there.
- In fact, the Kashi Vishwanath temple was built by Maharani Ahilyabai Holkar of the Malwa royal family. The petitioners claimed that on the orders of Aurangzeb, a part of the temple was demolished and a mosque was built there. He claimed that idols of Hindu deities are present in the mosque premises and they should be allowed to worship in the Gyanvapi mosque premises. Though this issue has been raised from time to time since 1991, it has never taken such a big shape as it is now. The hearing of the matter was also adjourned by the Allahabad High Court.
- Some historians deny the claim of Hindu organizations outright, in which they claim to build a mosque there by demolishing part of the temple on the orders of Aurangzeb.

### **Other Key Facts?**

#### **Muslim organizations got disappointment from Supreme Court**

- Muslim organizations approached the Supreme Court against the decision of the lower court, but they also got disappointed with the Supreme Court. The Supreme Court refused to pass an interim status quo order on the survey. However, the Supreme Court had agreed to list the petition of the Muslim side against the survey of the Gyanvapi mosque complex.
- Muslim organizations are opposing this action by citing the Place of Worship Act 1991. In particular, Section 4 of this Act does not permit anyone to change the religious character of any such place of worship or to initiate other legal proceedings as it was on 15th August 1947.



- They say that the Mughal emperor Akbar had built the Gyanvapi Mosque and Kashi Vishwanath Temple here together to spread awareness on his Din-e-Ilahi religious system.
- There are also some historians who justify Aurangzeb's claim of demolishing some part of the temple and building a Gyanvapi mosque there.
- Historian Andrey Trusk, writing in Aurangzeb: The Man and the Myth, says, 'As far as I understand, the Gyanvapi Masjid was built during the reign of Aurangzeb. On the orders of Aurangzeb, the mosque has been erected on the structure of the temple itself. Since the mosque was built during the period of Aurangzeb, it is not clear who built it.
- Vijay Shankar Rastogi, a lawyer from Varanasi, filed a petition in the trial court stating that the Gyanvapi mosque was constructed illegally and sought an archaeological survey of the mosque. The petition was filed in December 2019 following the Supreme Court's order on the Babri Masjid-Ram Janmabhoomi land dispute in Ayodhya.
- In April 2021, the Varanasi Court ordered the Archaeological Department of India to survey the mosque and submit the report. However, the Uttar Pradesh Sunni Central Waqf Board and the Anjuman Intejamiya Masjid Committee, which oversees the Gyanvapi Masjid, opposed Shankar Rastogi's plea in a Varanasi court. Later, he also opposed the survey being done in the mosque on the orders of the court.
- In the year 2021, a woman from Delhi filed a petition and said that there are idols of Hindu gods and goddesses in the wall of the mosque and they should be allowed to worship them. At the same time, he said in the petition that an order should be passed that the idols of Hindu deities present there should not be destroyed.
- Varanasi District Civil Court (Senior Division) Judge Ravi Kumar Diwakar ordered survey and videography of the mosque premises through Advocate Commissioner in April 2022. Judge Ravi Kumar Diwakar also turned down the demand of the Masjid Committee to remove Ajay Kumar Mishra. Ajay Kumar Mishra was appointed by the court as advocate commissioner for the survey of Gyanvapi-Gauri Shringar complex. Justice Diwakar appointed two other commissioners to assist the Advocate Commissioner and said that the survey work should be completed by Tuesday.