

MOSQUE: WHETHER A JURISTIC PERSON?

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1. INTRODUCTION

The connotation of separate legal entity for associations or individuals in any situation is as ancient as the old Rome is for collection of mutual foundations delighted in the advantage under Ancient Roman law. This convention must be credited to the Pope IV, who seems, at any rate, to have facilitated banquet the possibility of *persona ficta* as it is brought in Latin. The teaching of *persona ficta* in common law permitted the religious groups to acquire a legal presence that was different from the ministers and priests of the church, refining the misfortune in regulating the prerequisite for such parties to have foundation work, however, these priests took care of promises of individual needs. One other aspect of this was the fictional person, a church or monastery could never be held liable for tort or violation of any other law due to not having natural essence as a normal being, which ends with supportive protection of the associations form non-legally binding obligations to enco-

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mpass communities. This situation moved such responsibilities to the people who act inside such associations while safeguarding the foundation itself since these people were normal beings with a soul and legal character which was essential for tort related crimes and ready to be banished.¹

In the custom based ancient law, a person could only have legal rights to allow such person to work, and the legal character of a company was built up to incorporate five lawful rights which were the privilege to a treasury or chest (to claim property), the privilege to have a corporate seal (viable to deal and sign agreements), the privilege to sue and to be sued, the option to enlist specialists (hire employees) and the privilege to make by-laws (self-administration).²

George F Deiser presenting the idea of the formation of fiction by law says³:

“In a malicious day the law, similar to the accommodating Arab, who allowed his camel to shield his head inside the local tent, offered haven to a fanciful individual the *persona ficta*, at that point a baby, apparently of little guarantee and of dubious residency of life. It has reimbursed the cordiality of the law, even as the camel remunerated his lord by making the legitimate family unit for all time awkward.

1 Dewey, J 1926, „The Historic Background of Corporate Legal Personality“, *Yale Law Journal*, Vol. XXXV, pp 655–673.

2 KANTI, SAHA & TUSHAR, LEGAL METHODS, LEGAL SYSTEMS AND RESEARCH (Special Ed, 2010) ISBN 9788175348936.

3 Deiser FG 1908, „The Juristic Person- I“, *University of Pennsylvania Law Review and American Law Register*, Vol. 57, No. 3.

The law, arousing to the risk of lodging so durable a falsity, has grinned precariously, and stated, “you are nevertheless a fiction-you don’t exist, truly, and afterwards, evidently on the guideline of Christian Science, has attempted to overlook its reality.”

(1.1) Background of Juristic Personality

The term „person“ is grown from the Latin word „persona“ which implies a cover worn by actors/entertainers assuming various roles in a theatre. Until the 6th century, the word was utilized to signify the part played by a man throughout everyday life. From that point, it started to be utilized in the feeling of a living being equipped for having rights and obligations. The word personality was, in this way, related to just living people having a limit of having rights and obligations. Alternately, there might be living people, for example, slaves, who have not treated as “person” law since they were not considered fit for having rights and obligations. In like manner, in Hindu law, a parsimonious “sanyasi” who has renounced the world stops to have any exclusive rights and his whole domain is passed on his beneficiaries and successors and his legitimate personality is lost.

Savigny has characterized the expression „person“ as the “subject or conveyor of a right” whereas brought up by *Holland*, this definition isn’t thorough. Rights benefit against people as much as they are rested in them. Personality in later occasions came to be viewed as a characteristic of not only men but of gatherings of men, going about as a unit for

the fulfilment of a mutual end. This person, which is anything but not a human, is called in fact, a juristic personality to recognize it from the physical character of humanity.⁴ Whereas, *Salmond* characterizes a „person“ as, “any being to whom the law sees as fit for rights or obligations”. Any being that is so competent, is a person whether that is a human being or not and nothing that is not so capable is a person even though he is a man.”⁵ Oxford Reference characterizes a Juristic Personality as a substance, for example, a company, that is perceived as having lawful character, for example, it is fit for getting a charge out of and being dependent upon lawful rights and obligations. It has appeared differently concerning an individual, who is alluded to as a natural individual.⁶

Along these lines, the term person is free of humankind. An individual isn’t a person. There might be human beings who are not people. Slaves were not individuals in the legitimate sense as they couldn’t have rights. Similarly, there might be persons who are not human beings. This is especially so on account of enterprises. As indicated by the Hindu law, idols have juristic personality. Even though they have a character in the eye of the law, they are not human. The expression „person“

4 Corpus Juris Secundum, A Complete Restatement of Complete American System, Vol. VI, pp 778. Available at

https://archive.org/stream/corpusjurissecun006795mbp/corpusjurissecun006795mbp_djvu.txt.

5 JOHN W. SALMOND, SALMOND ON JURISPRUDENCE 299 (12th ed. Sweet & Maxwell, 1966).

6 Oxford English Dictionary 2nd ed., available at <https://www.oxfordreference.com/view/10.1093/oi/authority.20110803100027393>.

has a more extensive criticalness than mankind. Under the Indian Penal Code, the word person incorporates any organization or association, or assemblage of people, regardless of whether consolidated or not. In the philosophical sense, a person is the premise of a human being. A juristic personality is a gadget by which law makes units to which its traits certain lawful rights and obligations. Juristic personality is a fake custom of the law.⁷ There are two fundam-entals of a juristic individual and these are:

(i) **The corpus:** The corpus in the body into which the law mixes the hostility, will or expectation of an invented character.

(ii) **The animus:** The animus is the character or the desire of the person. There is a twofold fiction in which a juristic individual is created or made a substance. Continuously fiction, it is asserted with the desire of a living being.

Juristic individuals are additionally and therefore characterized as these things, mass or property, gathering of individuals or a foundation upon whom the law has given a legitimate status and who are in the eye of law fit for having rights and obligations as common people. Law confers by legal fiction a character to some genuine things.

(1.2) Research Methodology

The research method is doctrinally based on an exploratory approach to the problem in hand. The major part of the research was done via

⁷ Boris Jane, Juristic Personality, available at https://shodhganga.inflibnet.ac.in/bitstream/10603/71969/4/04_chapter%202.pdf.

help from virtual resources like SCC Online, JStor, Manupatra etc. Law journals were found particularly helpful. After this, a more specific approach was undertaken. As a matter of priority, most of the landmark judgments were perused as the authority on the subject.

(1.3) Research Questions

Following are the principal questions for this paper:

- a) Whether a Mosque is regarded as a Juristic Person?
- b) Whether an analogy can be drawn between a Hindu Idol and a Mosque on the subject of recognition as a juristic person?
- c) Whether all the rights are available to the Mosque which is available to the other Juristic Person? and
- d) What are the exact contours of the legal personality ascribed to a mosque?

2. JURISTIC PERSONALITY IN RELIGION

(2.1) Mosque as Juristic Personality

It was in the year 1925 that the Lahore High Court held in *Maula Bux v. Hafizudding*⁸ that a Mosque was a juristic person fit for being sued. There have been different assessments agreeing with the view, especially in *Shankar Das v. Said Ahmad*⁹ and in *Jinda Ram v. Husain Bakhsh*¹⁰. In 1940, the Privy Council

⁸ *Maula Bux v. Hafizudding*, IAR 1925 Lah 372.

⁹ *Shankar Das v. Said Ahmad*, (1884) P. R. No. 153 of 1884.

¹⁰ *Jinda Ram v. Husain Bakhsh*, (1914) P. R. No. 59 of 1914

demonstrated the very famous case of *Masjid Shahid Ganj*¹¹ that mosques are not an artificial person according to law and, hence, no suit can be brought by or against them. Anyway, the Privy Council left the analysis open whether for any reason a mosque can be viewed as a juristic person or not. Thus, it started the disarray concerning the legitimate status of a mosque.

The question among Muslims and Sikhs over the *Shahidganj* mosque in Lahore in the mid-1930s saw as a convincing explanation behind Sikhs to move towards Pakistan when the segment was intended to occur. The contending political battles, strict polarization and discontinuous spells of viciousness that it activated have pulled in the consideration of students of history inspired by the improvement of communitarian mass governmental issues and partition. Interestingly, the discussion over the question turned out to be highly warmed among the lawful diaspora around then in the nation and proceeds right up till today. The current paper sees this overlooked part of the *Shahidganj* strife. Can a mosque, similar to a Hindu divinity, be assigned a juristic person?

One of the premises of initiating the suit was foreseen to be that if the mosque could be described as a “juristic person” then it will lead the mosque to be a juristic person forever, thus limitation could not be applied to it, which will ultimately end that it to be a

11 *Masjid Shahid Ganj & Ors. v. Shiromani Gurdwara Parbandhak Committee, Amritsar & Anr.*, (1940) 42 BOMLR 1100.

proprietor of the property rather being a property. Learned judge for the situation proceeded to state that:

“It is demonstrated without conflicts that mosques can be a proprietor of the property. There is a plentiful expert for the recommendation that a Hindu idol is a juristic person and it appears to be appropriate to hold that on a similar rule a mosque as an establishment ought to be considered as a juristic individual.”¹²

A bench comprising of Lord Thankerton, Lord Russell, Sir George Rankin, Lord Justice Goddard, and Mr. Jayakar acknowledged the disagreement. It was held that the point, the land and structures of a mosque are not property at all since they are a „juristic person“ have various misinterpretations. It was noticed that the choices perceiving a mosque as a „juristic person“ seems, by all accounts, to be limited to Punjab only. In very less number of cases a mosque was a party to the suit and in most of them, it is considered as an imaginary character ascribed to the mosque as a matter of decision. However, in any case, this argument bolsters the acknowledgement a mosque as an artificial person as a foundation hypostatizing a reflection. This, it was held, is different from presenting character upon a structure to deny it of its character as immovable property. Therefore, in the present case, it was stated that it is not to be fundamental to consider in any conditions or for any reason a mosque in law as a “juristic person.” Finishing up their

12 Id at 8.

answer with regards to this perspective the judgment laid the accompanying:

“Their Lordships, with all regard to the High Court of Lahore, must not be taken as concluding that a „juristic personality“ might be stretched out for any reason to Muslim organizations by and large or to mosques specifically. On this general inquiry, they save their supposition, however, they think it option to choose the particular question which emerges in the current case and hold that suits can“t capably be brought by or against such establishments as an artificial person in the British Indian Courts.”

For the reasons for the current suit it was held that a mosque doesn“t comprise a juristic character thus the restriction time frame all around applied. Work toward this field titled *Ayodhya Row and the Lahore Case* abridges the case: “Their Lordships refuted the case that mosques were rejected from the Limitation Act and said they couldn“t acknowledge the dispute that a structure, for example, the mosque “can“t possess adversely”.

A very much spread out judgment in as later as 2000 is that of the Guwahati High Court in *Mustt Sahida Khatun And Ors. v. Secretary, Tezpur Hindustani*¹³. It agreed with before suppositions holding that a Mosque is not a juristic individual and that it discovered authority by Mulla“s Mahomedan Law in Clause 219 of the Book (no reference gave)

13 Mustt Sahida Khatun And Ors. v. Secretary, Tezpur Hindustani, Decided on Jun. 8th 2000, Second Appeal No. 166 of 1994, available at <https://www.legalcrystal.com/case/124416/mustt-sahida-khatun-vs-secretary-hindustani>.

that the pattern of their perceptions appears to show that the perspective on the Lahore High Court didn“t praise itself on them and their Lordships anyway held that suits can“t be brought by or against mosques as an artificial person. The reason was set down as follows:

“So if the Mosque isn“t an artificial person, the property of the Mosque must be ensured by somebody and it is in that setting that the appealing party has an option to sue in the interest of the Mosque, as brought up by Mulla in his Book a Mosque is only a spot where all Muslims offer prayer in that with no differentiation of group and it is additionally called attention to by Mulla that a Mosque every Muslims can essentially walk and offer their prayer. A Mosque likewise doesn“t have a place with a specific group or class, it has a place with all the Muslims.”

Hence, the law regarding the matter is as yet not satisfactory. As opposed to a mosque, a Hindu divinity forever has been presented the status of a different legal personality. The method of reasoning for the equivalent perhaps scrutinized to comprehend it in contradistinction to the status of a mosque.

(2.2) *Hindu Deity as A Juristic Person*

The inquiry with regards to the status of a Hindu idol has been for some time set up. The main expert regarding the matter is *Yogendra Nath Naskar v. Commissioner of Income-Tax*¹⁴ it says that:

14 Yogendra Nath Naskar v. Commissioner of Income-Tax, (1) 52 I.A. 245.

“It ought to anyway be recalled that the juristic person in the symbol is not the idol, and it is a detonated hypothesis that the picture itself forms into a legal person when it is blessed and vivified by the Pran Pratishtha ceremony. It isn’t likewise right that the Supreme Being of which the idol is an image or picture is the beneficiary and proprietor of the devoted property. This is unmistakably laid down in definitive Sanskrit Texts. In this way, in his Bhashya on the Purva Mimamsa, Adhyaya, Pada¹⁵, Sabara Swami states: Words, for example, a village of the Gods, places where there are the Gods are utilized from a figurative perspective. That is a property which can be said to have a place with an individual, which he can utilize as he wants. God anyway doesn’t utilize the town or terrains, as indicated by its wants”.

Similarly, Medhathithi in remarking on the articulation „Devaswam“ in Manu, Chapter XI, Verse 26 expresses „Property of the Gods“, Devaswam, implies whatever is surrendered for Gods, for reasons for penance and such, because proprietorship in the essential sense, as demonstrating the connection between the proprietor and the property claimed, is impossible of use, to Gods. In this way, as indicated by the writings, the Gods have no gainful satisfaction in the properties, and they can be portrayed as their proprietors just from an allegorical perspective (Gaunartha). The right lawful position is that the symbol as

speaking to and encapsulating the profound motivation behind the contributor is the juristic person perceived by law and right now the devoted property vests. Along these lines, it’s anything but a substance or working as such which has been conceded the status of juristic personality. This is in contradistinction to a mosque which isn’t God as such yet just a way to go nearer to the almighty.

Further in the case of *Pramatha Nath Mulick v. Pradyuma Kumar Mulick*¹⁶, clarifies the status of a Hindu idol as follows:

“One of the emerging questions now is with regards to the idea of such an idol, and the administrations due thereto. A Hindu symbol is, as per since quite a while ago settled position, established upon the strict traditions of the Hindus, and the acknowledgement thereof by Courts of law, a „juristic entity.“ It has a juridical status with the authority of suing and being sued. Its inclinations are gone to by the individual who has the god in his charge and who is in law its chief with all the forces which would, in such conditions, on similarity, be given to the manager of the estate of a minor heir, it is superfluous to cite the specialists, for this convention, along these lines just expressed, is immovably settled.”

Comparative was the holding in *Maharaja Jagadindra Nath Roy Bahadur v. Rani Hemanta Kumari*¹⁷. Mukerji J. in *Rambrahma*

15 CHAPTER – V, „Ethics of Purva Mimamsa“, Available at https://shodhganga.inflibnet.ac.in/bitstream/10603/25297/10/10_chapter%205.pdf.

16 *Pramatha Nath Mulick v. Pradyuma Kumar Mulick*, (1925) 27 BOMLR 1064.

17 *Maharaja Jagadindra Nath Roy Bahadur v. Rani Hemanta Kumari*, (1904) L.R. 31; 6 Bom. L.R. 765.

v. *Kedar*¹⁸ clarified the method of reasoning behind the conferment of the status of juristic character as follows:

“We need not depict here in detail the typical sort of proceeded with a workshop of a sanctified picture, the general of the temple, the process of smearing, the expulsion of the earlier day’s contributions of lowers, the introduction of fresh blossoms, the aware oblation of rice with flowers and water, and other like practices. It is adequate to express that the god is, to put it plainly, considered as a living being and is treated similarly as the ace of the house would be treated by his modest servants. The everyday schedule of life has proceeded with minute exactness, the vivified picture is amused with the necessities and luxuries of life in due progression, even to the changing of garments, the contribution of prepared and uncooked food, and the retirement to rest.”

And last importantly in *Manohar Ganesh v. Lakshmiram*¹⁹ famously known as the Dakor Temple case, states:

“The Hindu Law is quite similar to the Roman Law and those got from it, perceives not just fuse bodies with privileges of property vested in the partnership separated from its members yet additionally juridical people called foundations. A Hindu who wishes to build up a strict or altruistic establishment may as indicated by his law express his motivation

18 *Rambrahma v. Kedar*, (1922) 30 C.L.J. 478, at 483.

19 *Manohar Ganesh v. Lakshmiram*, (1) I.L.R. 12 Bom. 247.

and invest it and the ruler will offer impact to the abundance or if nothing else, ensure it so far at any rate as is predictable with his Dharma or morality or conception. Trust hasn’t required for the reason they need for trust in such a case is to be sure a characteristic and a cutting-edge quirk of the English Law. In early law, a blessing put as it was communicated on the special raised area of God, got the job done it to pass on to the Church the grounds in this way devoted. It is reliable with the awards having been made to the juridical individual personified or symbolized in the idol”.

(2.3) Guru Granth Sahib as Juristic Personality

The issues related to the Sikh community that whether their Gurus and the holy book is whether a juristic personality or not is dealt with by Apex Court and explained in *Shiromani Gurudwara Prabandhak v. Shri Som Nath Dass and Ors.*²⁰ the legal status of Guru Granth Sahib, a passage from the very much spread out judgment on the inquiry is as per the following:

“The last living master, Guru Gobind Singh, communicated explicitly that from this time forward there would not be any living master or Guru. The Guru Granth Sahib would be the vibrating Guru. He pronounced that consequently, it would be your Guru from which you will find all your direction and solution. It is with this confidence that it is

20 *Shiromani Gurudwara Prabandhak v. Shri Som Nath Dass and Ors.*, (2000) 4 SCC 146: AIR 2000 SC 1421.

worship like a living master. It is with this confidence and conviction, when it is introduced in any gurudwara it turns into a sacrosanct spot of worship. The holiness of Gurudwara is simply because of the arrangement of Guru Granth Sahib in it. This respectful acknowledgement of Guru Granth Sahib additionally opens the hearts of its devotees to pour their cash and treasures for it. It isn't that it needs it, however when it is introduced, it develops for its devotees, who through their respect to it, purify themselves and for running the langer which is an intrinsic piece of a Gurdwara."

Right now, on overall contemplations, we have no dithering to hold that Guru Granth Sahib is a Juristic Person. It can't be compared with an Idol as idol worship is in opposition to Sikhism. Like an idea or a visionary for regard, the two religions are extraordinary. However, for its legal acknowledgement as a juristic person, the supporters of both religions give them individually the equivalent respectful worth. In this manner, the Guru Granth Sahib it has all the characteristics to be perceived accordingly. Holding, in any case, would mean giving too prohibitive a significance of a juristic person, and that would delete the very jurisprudence which brought forth it.

3. EXAMINATIONS OF RESEARCH QUESTION AND ANALOGY

There operate several variables as to whether a mosque can be equated with a Hindu deity on the subject of conferment of the legal status of

a judicial personality. However, if we look at the above-cited material it is clear that for Hindu idols and the holy book of Sikhism, court declared it as a Juristic Personality. However for the mosque, it is not clarified by the court that they are a legal personality or not and some of the precedents suggest that it depends upon the facts of every scenario.

(3.1) Peculiarities of Hindu Religion

On one hand, various decisions are present whether a mosque can be paralleled out with Hindu Law as a reason for conferment of the status of legal personality. These characteristics being explicit or one of a kind to Hindu idols, it is rigid to acknowledge the contention that a mosque must be conceded the status of juristic personality because a Hindu idol is allowed one. Dealing this issue very early the Court in *Shahid Ganj* case thought that it was hard to draw a similarity between a mosque and that of Hindu idol. It states:

"That there ought to be any alleged relationship between the situation in the law of a structure committed as a place of worship for Muslims and the divinities of the Hindu religion involves some amazement to their Lordships. The inquiry of whether a British Indian Court will perceive a mosque as having a locus standi in judicial is an issue of procedure. In British India, the Courts don't adhere to the Mahomedan law in issues of methodology anything else than they apply the Mahomedan criminal law or the old

Mahomedan rules of proof.²¹ Simultaneously the system of the Courts in applying Hindu or Mahomedan law must be proper to the laws to which they apply. Subsequently, the system in India considers, fundamentally, of the polytheistic and different highlights of the Hindu religion and perceives certain principles of Hindu law as basic thereto, e.g., that an idol might be the proprietor of the property.”

The method of courts takes into consideration a case in the name of divinity or idol however the privilege of the case is truly in the sebit²². Very impressive challenges go to these principles specifically as respects the differentiation, assuming any, legitimate to be made between the god and the image²³. In any case, there has not any conflict regarding the property of a Hindu religious endowment counting a thakurbari which is dependent upon the law of confinement²⁴. From these contemplations exceptional to Hindu law no general license can be inferred for the creation of imaginary persons. It is as valid in law as in different circles “entia non sunt multiplicanda praeter necessitatem.”

In this way, previously the High Court of Lahore had perceived mosque as a juristic person in three past rulings²⁵ however, the

Privy Council later brushed away by saying that the rulings are restricted to Punjab alone as there was no decision on these matters from any other High Court on the opposite side. Besides, the mosque can be held as a juristic person on the relationship of Hindu religious symbols. Considering these opinion, High Courts²⁶ of Madras and Rajasthan have followed the decision by Privy Council in articulating that mosque is certainly not a juristic person.

(3.2) Significance of Entities in Different Religions

The second contention that strikes a chord is that various things suggest various things in faith. The faith or trust-related with one thing in one religion may not be so related to another. It means that there is no purpose behind drawing a similarity between various religions as every religion has its peculiar set. Allowing of legal status must be a free choice having respect to the organization, thing, and criticalness of a specific idea in religion as was done in numerous cases. Thinking about the over, a mosque isn't a collection of block and concrete for the supporters of Islam. It implies and signifies significantly more in Islam.

Some writers of Islam claim that in practice the Muslim jurists do recognize mosque as legal persons. For instance, the state or community holds the rights of Allah and acts as his representative through the Imam. They

21 Jafri Begam v. Amir Muhammad Khan. (1885) I.L.R. 7 All. 822.

22 Maharaja Jagadindra Nath Roy Bahadur v. Rani Hemanta Kumari Debt, (1904) L.R. 31 I.A. 203.

23 GOLAPCHANDRA SARKAR, SASTRI'S HINDU LAW 865 (7th ed. 1940).

24 Damodar Das v. Lakhan Das (1910) L.R. 37 I.A. 147; Jswari Bhubaneshwari Thakurani v. Brojo Nath Dey, (1937) L.R. 64 I.A. 203

25 Jinda Ram v. Hussain Bakhsh, AIR 1914 (Lah.) 444.

26 Mohamed Safindeen v. Chatur Bhaj 1958 L.W (Raj) 461; Sunnath Jamath Mosque Committee v. Land Administration Commissioner (1998) 1 L.W (Mad.) 69.

allow a gift, a bequest, or a religious endowment to be made directly to a mosque.²⁷ No doubt some of the examples from Islamic law also show some resemblance with the concept of juristic personality as idol holds in modern law. But this resemblance does not make both the same and similar. In principle rights and obligations are only subjected to facts and circumstances of the case to case.

(3.3) Socio-Political Development

The third angle is Socio-Political Development. The conferment of the status of legal personality or juristic personality even in the commonwealth countries was a procedure of development, be it an artificial person of an organization or church. It is just socio-political improvement that the conferment of such status to artificial elements and later to “God” as such as conceivable. If the sociopolitical improvement is taken for the advancement of conferment of such status to God, all things considered, there can be no rhyme or reason for non-conferment of the status of Juristic personality to a mosque given the significance it values to the Muslims. This is very much brought out by *Shiromani Gurudwara Prabandhak v. Shri Som Nath Dass and Ors*²⁸:

“In this manner, it is very much settled and affirmed by the experts on statute and courts of different nations that for a greater push of socio-political-logical advancement development of an anecdotal personality to be a

²⁷ Markham & Fiqhi, „The principles of Islamic Jurisprudence”, available at http://pjjr.bzu.edu.pk/upload/Vol-07_Eng%2005%20Ijaz%20Sab.pdf 24.pdf.
²⁸ Id at 20.

juristic person got unavoidable. This might be any element, living, lifeless, items or things. It might be a strict establishment or any such helpful unit which may prompt the courts to remember it. This acknowledgement is for subserving the necessities and confidence of the general public. A juristic person, similar to some other natural person is in law additionally consulted with rights and obligations and is managed as per law. At the end of the day, the element demonstrations like a natural person however just through an assigned person, whose demonstrations are handled within the ambit of the law. At the point when an idol was perceived as a juristic person, it was realized it couldn’t act without anyone else. As on account of a minor, a guardian is designated, so on account of an idol, a Shebait or administrator is selected to follow up for its sake. In that sense, a connection between an idol and Shebait is much the same as that of a minor and a guardian. As a minor can’t communicate, so the symbol, however like a gatekeeper, the Shebait, and chief have constraints under which they need to act. Additionally, where there is any gift for the beneficent reason it can make organizations like a congregation, medical clinic, gurudwara and so on. The entrustment of an invested support for a reason must be utilized by the person so depended for that reason in as much as he gets it for that reason alone in trust. At the point when the benefactor supplies for a symbol or a mosque or any foundation, it requires the production of a juristic person. The law likewise encompasses the privileges of any person

getting such entrustment to utilize it just with the end goal of such a juristic person.”

As to the development of the word from the common based law ideas like enterprises, trusts and so on to God, it might be adequate to refer to Justice Subrahmania Ayyar opinion of Madras High Court in *Vidyapurna Tirtha Swami v. Vidyaniidhi Tirtha Swami and Ors.*²⁹ that “it is to give due impact to a notion, across the board and profound established as it has consistently been, concerning something not fit for holding property as a natural person, that the laws of most nations have authorized the formation of an artificial person in the issue as...”

However, the above argument has a major problem. It is that a mosque is not “God”, it is not “Allah” for Muslims, but is a way to reach the almighty. Mosque, Arabic masjid or jāmi‘, essentially is any house or open territory of worship in Islam. The Arabic word *masjid* signifies „a position of prostration to God“, and a similar word is utilized in Persian, Urdu, and Turkish.³⁰ Thus, there is distinguished between different religions. The significance of structures and institutions among these all religions differ. It also implies that there are peculiarities in the Hindu religion which confer the status of juristic personality over idols.

4. CONCLUSION

²⁹ *Vidyapurna Tirtha Swami v. Vidyaniidhi Tirtha Swami and Ors.*, I.L.R. 27 Mad. 435.

³⁰ Mosque: Place of Worship, *ENCYCLOPAEDIA BRITANNICA*, Available at <https://www.britannica.com/topic/mosque>.

Characteristics of People are portrayed by natural and juristic personality. Natural persons will be individuals as we seem to be. Juristic persons are any animals or items or things that are treated as people for the law. For law purposes, they are given practically identical treatment as that to a natural person. A juristic person is any point other than the natural person to which law properties characteristics.³¹ It consolidates any article, a thing with mass and weight, a foundation, a team of individuals, associations etc. Law sees them as rights and commitments bearing units or components like any natural individual. Even though they are not such person, they are treated as such by a fiction of law. The critical characteristics of a juristic person are that it is a holder of rights and obligations, it can hold property, it can get endowments and it can sue and be sued in courts of law.

At last, answering the research question above raised following answers has been found:

- a. A mosque, as of today, is not recognized as a juristic personality.
- b. No analogy can be drawn between a Hindu idol and a Mosque for viewing them as a juristic personality as one is „God“ and the other is a way to lead to it.
- c. If for any particular case Court finds that a mosque is a juristic personality then it will have the same right as a juristic personality have however it depends upon the facts of the case and judge’s interpretation.

³¹ Id at 5.

Whether it must be regarded as a juristic person is a difficult question. While it lacks the inherent quality of being God, the socio-political reason may render it necessary for such a recognition being granted to a mosque.