



## The Places of Worship Act

**For Prelims:** The Places of Worship (Special Provisions) Act, 1991

**For Mains:** Indian Constitution, The Places of Worship (Special Provisions) Act, 1991, Related Provisions

### Why in news?

Solicitor General told the Supreme Court that the validity of the Places of Worship Act, 1991, “may not be covered” by the opinion of its five-judge Constitution bench in the Ayodhya case.

### What is the Places of Worship Act?

- **About:** It is described as “An Act to prohibit conversion of any place of worship and to provide for the maintenance of the religious character of any place of worship as it existed on the 15th day of August 1947, and for matters connected therewith or incidental thereto.”
- **Exemption:**
  - The disputed site at Ayodhya was exempted from the Act. Due to this exemption, the trial in the Ayodhya case proceeded even after the enforcement of this law.
  - Besides the Ayodhya dispute, 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](#).
    - A suit that has been finally settled or disposed of.
    - Any dispute that has been settled by the parties or conversion of any place that took place by acquiescence before the Act commenced.
- **Penalty:**
  - Section 6 of the Act prescribes a punishment of a maximum of three years imprisonment along with a fine for contravening the provisions of the Act.
- **Criticism:**
  - The law has been challenged on the ground that it **bars judicial review**, which is a basic feature of the Constitution, imposes an “arbitrary irrational retrospective cutoff date,” and abridges the right to religion of Hindus, Jains, Buddhists, and Sikhs.
  - **Violates the Principle of Secularism:** It bars the power of remedy of judicial review which is a basic feature of the Constitution and is therefore outside the legislative competence of Parliament.
    - The result is that Hindu devotees cannot raise their grievance by instituting any suit in Civil Court or invoking the jurisdiction of the Hon’ble High Court under Article 226 of the Constitution of India against high handedness of ultras and will not be able to restore back the religious character of Hindu Endowments, Temples, Mutts etc from hoodlums if they had encroached upon such property before 15th August 1947 and such illegal and barbarian act will continue in perpetuity,
    - The Act had kept out the land which was the subject matter of the Ayodhya dispute from its purview.

## What are the Provisions of the Places of Worship Act?

- **Section 3:** This bars the conversion, in full or part, of a place of worship of any religious denomination into a place of worship of a different religious denomination or even a different segment of the same religious denomination.
- **Section 4(1):** It declares that the **religious character of a place of worship “shall continue to be the same as it existed”** on 15<sup>th</sup> August 1947.
- **Section 4(2):** It says any suit or legal proceeding with respect to the conversion of the religious character of any place of worship existing on 15th August, 1947, pending before any court, shall abate and no fresh suit or legal proceedings shall be instituted.
  - The proviso to this subsection saves suits, appeals, and legal proceedings that are pending on the date of commencement of the Act if they pertain to the conversion of the religious character of a place of worship after the cut-off date.
- **Section 5:** It stipulates that the Act shall not apply to the Ramjanmabhoomi-Babri Masjid case, and to any suit, appeal, or proceeding relating to it.

## What was the Supreme Court’s view during Ayodhya Judgement?

- In the 2019 Ayodhya verdict, the Constitution Bench referred to the law and said it manifests the secular values of the Constitution and prohibits retrogression.
- The law is hence a legislative instrument designed to protect the secular features of the Indian polity, which is one of the basic features of the Constitution.

## Way Forward

Despite of the shortcomings associated with the Act we cannot ignore the importance of Places of Worship Act. This is a great legislative intervention which preserves non-retrogression as an essential feature of our secular values.

## UPSC Civil Services Examination, Previous Year Question (PYQ)

### Prelims

#### **Q. Consider the following statements: (2020)**

1. The Constitution of India defines its ‘basic structure’ in terms of federalism, secularism, fundamental rights and democracy.
2. The Constitution of India provides for ‘judicial review’ to safeguard the citizens’ liberties and to preserve the ideals on which the Constitution is based.

#### **Which of the statements given above is/are correct?**

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

**Ans: (d)**

### Mains

#### **Q. What are the challenges to our cultural practices in the name of Secularism? (2019)**

**Q. How the Indian concept of secularism is different from the western model of secularism? Discuss. (2018)**

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