



# Places of Worship (Special Provisions) Act, 1991

## Why in News

The Supreme Court asked the Centre to respond to a plea challenging the [Places of Worship \(Special Provisions\) Act, 1991](#) which **freezes the status of places of worship** as it was on **15<sup>th</sup> August, 1947**.

- In agreeing to examine the law, the court has opened the doors for litigation in various places of worship across the country including Mathura and Varanasi.

## Key Points

### ▪ About the Places of Worship (Special Provisions) Act, 1991:

- It seeks to **maintain the “religious character”** of places of worship as it was in 1947 except in the case of [Ram Janmabhoomi-Babri Masjid dispute](#), which was already in court.

### ▪ Purpose:

- Section 3 of the Act **bans the conversion of a place of worship** or even a section of it into a place of worship of a different religious denomination or of a different segment of the same religious denomination.
- Section 4(2) says that **all suits, appeals or other proceedings** regarding converting the character of a place of worship (that were pending on 15<sup>th</sup> August, 1947) will **come to end when the Act commences** and no fresh proceedings can be filed.
  - However, legal proceedings can be initiated if the change of status took place after the cut-off date of 15<sup>th</sup> August, 1947 (after enactment of the Act).
- The Act also **imposes a positive obligation on the State to maintain the religious character** of every place of worship as it existed at the time of Independence.
  - This legislative obligation on the State to preserve and protect the equality of all faiths is an essential secular feature and one of the basic features of the Indian Constitution.

### ▪ 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 **maximum three-years imprisonment** along with a fine for contravening the provisions of the Act.

▪ **Supreme Court's View (in 2019):**

- In the **2019 Ayodhya verdict**, the Constitution Bench referred to the law and said it manifests the secular values of the Constitution and strictly prohibits retrogression.

▪ **Petition Arguments:**

- It has been challenged on the ground that the Act violates secularism.
  - It has been argued that the cut-off date of 15<sup>th</sup> August, 1947 is **“arbitrary, irrational and retrospective”** and **prohibits Hindus, Jains, Buddhists, and Sikhs** from approaching courts to “reclaim” their places of worship which were “invaded” and “encroached” upon by “fundamentalist barbaric invaders”.
- It is argued that the Centre has no power to legislate on **“pilgrimages” or “burial grounds”** which is under the state list.
  - However, the government had said it could make use of its **residuary power** under Entry 97 of the Union List to enact this law.
  - **Entry 97** confers residuary powers to the Centre to legislate on subjects that are **not enumerated in any of the three lists.**

[Source: IE](#)

PDF Reference URL: <https://www.drishtias.com/printpdf/places-of-worship-special-provisions-act-1991>

