



## Interpreting the Places of Worship Act, 1991

**For Prelims:** [Archaeological Survey of India](#), [Judicial review](#), [Secularism](#)

**For Mains:** The Places of Worship (Special Provisions) Act, 1991, Related Provisions, Role of the Judiciary in Protecting Secularism

**Source:** [IE](#)

### Why in News?

The [Places of Worship \(Special Provisions\) Act, 1991](#), which preserves the religious character of places of worship, remains contentious amid ongoing legal challenges.

- The **Shahi Jama Masjid dispute in Sambhal, Uttar Pradesh** has reignited debates over the Act's applicability.

### What is the Shahi Jama Masjid Dispute?

- **Background of the Dispute:** Petitioners claim the 16th Century Jama Masjid in Sambhal was built on the **site of an ancient Hari Har Mandir (Hindu temple)**.
  - Constructed around 1528 by **Mir Hindu Beg, a general under Mughal Emperor Babur**, the mosque features **distinct stone masonry** with a dome and arches, differing from other Mughal mosques made of **red sandstone**.
    - Its history and architecture have led to speculation about ties to earlier structures, including a possible Hindu temple.
  - This mirrors similar disputes in **Varanasi, Mathura, and Dhar**. Petitioners have sought a survey to determine the site's historical and religious character.
- **Judiciary Involvement:** A Sambhal district court ordered a peaceful survey to verify the claims. However, a second survey resulted in violent clashes.
- **Legal Status of the Mosque:** The Shahi Jama Masjid is a protected monument under the [Ancient Monuments Preservation Act, 1904](#). It is listed by the [Archaeological Survey of India \(ASI\)](#) as a Monument of **National Importance**.
- **Shahi Jama Masjid and Places of Worship Act, 1991:** The Places of Worship (Special Provisions) Act, 1991, is at the center of this dispute.
  - The Act stipulates that the religious character of places of worship as they existed on **15th August 1947, must be preserved, and prohibits** any changes to the religious identity of such places.
  - The Shahi Jama Masjid dispute challenges the Act's provisions by seeking to alter the mosque's religious character.

### What is the Places of Worship (Special Provisions) Act, 1991?

- **About:** The Places of Worship (Special Provisions) Act, 1991, aims to preserve the religious status of places of worship, preventing conversions between **different religious denominations or**

### within the same denomination.

- The Act seeks to **maintain communal harmony** by freezing the religious character of these places and preventing disputes over such conversions.

### ▪ Key Provisions of the Act

- **Section 3:** Prohibits the conversion of any place of worship, **either in full or in part**, from one religious denomination to another.
- **Section 4(1):** Mandates that the religious identity of a place of worship must remain unchanged from its status on **15th August 1947**. Any attempt to alter the religious character is prohibited.
- **Section 4(2):** Terminates all ongoing legal proceedings concerning the conversion of a place of worship's religious character prior to **15th August 1947**, and prevents the initiation of new cases challenging the religious status of such places.
- **Section 5 (Exceptions):** The specific dispute at [Ayodhya \(Babri Masjid-Ram Janmabhoomi\)](#), which was exempted from the Act.
  - 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](#).
  - Cases that have already been resolved or settled by mutual agreement.
  - Conversions that occurred before the Act's commencement.
- **Section 6 (Penalties):** The Act establishes strict penalties for violations, including imprisonment of up to three years and fines for attempting to change the religious character of a place of worship.

- **Supreme Court's Interpretation:** In May 2022, the Supreme Court **noted that inquiries can be allowed into the religious character of places of worship**, as long as such inquiries don't lead to a change in the religious character.

## What are the Concerns Regarding the Places of Worship Act, 1991?

- **Limits Judicial Review:** The Act has been challenged for **limiting judicial review**, potentially undermining the role of the judiciary in resolving disputes.
- **Retrospective Cutoff Date:** The Act's retrospective cutoff date of 15th August 1947, has been criticized as **arbitrary and irrational**, potentially infringing upon the rights of certain religious communities.
- **Legal Challenges:** Multiple petitions have been filed against the Act, with petitioners arguing that it prevents **Hindus, Jains, Buddhists, and Sikhs** from reclaiming places of worship they **believe were "invaded" or "encroached upon" by historical rulers**.
- **Exemption for Certain Disputes:** The exemption of the **Ram Janmabhoomi-Babri Masjid case** from the Act has raised concerns about inconsistency and the potential for **selective legal treatment of certain disputes**.
- **Rising Communal Tensions:** The legal and social debates surrounding the Act are often intertwined with broader **communal issues**.
  - Critics argue that challenges to the **Act may exacerbate communal tensions**, particularly when it comes to **sensitive sites like mosques, temples, and churches**.
- **Impact on Secularism:** The Act was intended to **protect India's secular nature by preserving religious harmony**, but its critics believe that it may inadvertently allow for the **suppression of certain religious communities' claims** to historical sites, thus undermining the [secular fabric of the nation](#).
- **Political and Social Implications:** The Act is often invoked in political and religious debates, leading to concerns that religious issues could be used to **stoke division or mobilize support for political causes**.
  - Some of the ongoing disputes have led to social unrest, with protests and communal tensions erupting over religious site claims, reflecting the deep societal divide over such issues.

## Way Forward

- **Need for Legal Clarity:** With varying interpretations of the Act's provisions, there is a pressing need for the Supreme Court to provide clear and definitive guidelines on the applicability of the

Places of Worship Act.

- **Preventing Local Court Overreach:** The increasing frequency of local court interventions in sensitive religious matters calls for a closer examination of the jurisdictional limits of lower courts.
  - The Supreme Court should assert its role in overseeing cases that may have wider social or political implications.
- **De-politicizing Legal Cases:** Legal challenges on religious sites should remain free from **political influence to prevent misuse** for ideological or electoral purposes, ensuring the judiciary's credibility and the sanctity of religious institutions.
- **Focusing on Unity:** Both political parties and civil society must prioritize unity over division. It is essential to emphasize the shared cultural and historical heritage that binds India together, irrespective of religion.

**Drishti Mains Question:**

Assess the role of the judiciary in resolving disputes related to religious sites, particularly in light of the recent challenges to the Places of Worship Act.

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