



## 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?

The Supreme Court will hear a challenge to the order of a civil court in Varanasi directing a videographic survey of the Maa Shringar Gauri Sthal in the Kashi Vishwanath temple-Gyanvapi mosque complex.

- The principal contention is that the order of the Varanasi court which was upheld by Allahabad High Court is “clearly interdicted” by [The Places of Worship \(Special Provisions\) Act, 1991](#).

### 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 15<sup>th</sup> 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.

### What Are its Provisions?

- **Section 3:** This section of the Act 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 15<sup>th</sup> 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.

**Source: IE**

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