

What is the Places of Worship Act?

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In news- The Committee of Management of Anjuman Intezamia Masjid has said that the order of Varanasi Civil Court for videographic survey of the Maa Shringar Gauri Sthal in the Kashi Vishwanath temple-Gyanvapi mosque complex is “clearly interdicted” by The Places of Worship (Special Provisions) Act, 1991.

Key provisions of Places of Worship Act-

- **The Places of Worship (Special Provisions) Act was passed by the Parliament and enacted into law in 1991** during the peak of the Ram Janmabhoomi movement.
- **The Act was brought by the Congress government of Prime Minister P V Narasimha Rao** at a time when the Babri Masjid was still standing.
- **Section 3 of the Act bars the conversion of places of worship.** It states, “No person shall convert any place of worship of any religious denomination or any section thereof into a place of worship of a different section of the same religious denomination or of a different religious denomination or any section thereof.”
- **Section 4(1) of the Act states that** “the religious character of a place of worship existing on the 15th day of August, 1947 shall continue to be the same as it existed on that day”.
- **Section 4(2) says** any suit or legal proceeding with respect to the conversion of the religious character of any place of worship existing on August 15, 1947, pending before any court, shall abate – and **no fresh suit or legal proceedings shall be instituted.**
- The provision 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 of the Act stipulates that the particular law does not apply to Ram Janmabhoomi-Babri Masjid case** or any suit, appeal or other proceeding relating to it.
- However, suits, appeals and legal proceedings can be initiated with respect to the conversion of the religious character of any place of worship after the commencement of the Act if the change of status took place after the cut-off date of August 15, 1947.
- **Besides the Ayodhya dispute, the Act also exempts:**
 - Any place of worship that is an ancient and historical monument or an archaeological site, or is 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.
- **The original Gyanvapi mosque suit was filed in 1991 in the Varanasi district court** for the restoration of the ancient temple at the site where the Gyanvapi mosque currently stands.

Challenge to The Places of Worship Act-

- **Lawyer and a political leader Ashwini Kumar Upadhyay challenged the Places of Worship Act, 1991,** in 2021 in the Supreme Court, saying the **law was a contravention of the principle of secularism as laid down by the Constitution of India.**
- The petition said that the Centre has barred remedies against illegal encroachment on places of worship and pilgrimages and now Hindus, Jains, Buddhists, Sikhs

cannot file a suit or approach a high court under Article 26.

- **Upadhyay's petition pertained to a legal battle before a trial court over "reclaiming the birthplace of Lord Krishna in Mathura"**, which was directly affected by the restrictions under the 1991 Act.
- Another petition, filed by Vishwa Bhadra Pujari Purohit Mahasangh, challenging the validity of the Act is also pending with the Supreme Court.

Supreme Court's Ayodhya judgment on the Act-

- While delivering the **Ayodhya verdict in 2019, the Supreme Court had referred to the Places of Worship Act and said** that it manifests the secular values of the Constitution and strictly prohibits retrogression.
- It further added: **"The law addresses itself to the State as much as to every citizen of the nation. Its norms bind those who govern the affairs of the nation at every level"**.