



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 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.

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 15th 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.

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