



The Places of Worship Act, 1991

For Prelims: The Places of Worship (Special Provisions) Act, 1991

For Mains: Indian Constitution, The Places of Worship (Special Provisions) Act, 1991, Related Provisions

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Why in News?

The [Supreme Court of India](#) has **adjourned the case** regarding the **validity of the [Places of Worship Act of 1991](#)**, allowing the **Centre until October 31, 2023, to clarify its stand** on the matter.

What is the Places of Worship Act?

- **About:**
 - It was enacted to **freeze the status of religious places of worship** as they **existed on August 15, 1947**, and prohibits the conversion of any place of worship and ensures the maintenance of their **religious character**.
- **Major Provisions of the Act:**
 - **Prohibition of Conversion (Section 3):**
 - Prevents the **conversion of a place of worship**, whether in full or part, from one religious' denomination to another or within the same denomination.
 - **Maintenance of Religious Character (Section 4(1)):**
 - Ensures that the religious identity of a **place of worship remains the same as it was on August 15, 1947**.
 - **Abatement of Pending Cases (Section 4(2)):**
 - Declares that any ongoing legal proceedings concerning the conversion of a place of worship's religious character before August 15, 1947, **will be terminated, and no new cases can be initiated**.
 - **Exceptions to the Act (Section 5):**
 - The Act does not apply to ancient and historical monuments, archaeological sites, and remains covered by the [Ancient Monuments and Archaeological Sites and Remains Act, 1958](#).
 - It also excludes cases that have **already been settled or resolved and disputes** that have been resolved by **mutual agreement or conversions** that occurred **before the Act came into effect**.
 - The Act does not extend to the specific **place of worship known as Ram Janmabhoomi-Babri Masjid in Ayodhya**, including any legal proceedings associated with it.
 - **Penalties (Section 6):**
 - Specifies penalties, including a maximum **imprisonment term of three years and fines, for violating the Act**.
- **Criticism:**
 - **Bar on Judicial Review:**

- Critics argue that the Act prevents **judicial review**, which is a **fundamental aspect of the Constitution**.
- They believe this restriction undermines the checks and balances system and limits the judiciary's role in protecting constitutional rights.
- **Arbitrary Retrospective Cutoff Date:**
 - The Act is criticized for using an **arbitrary date (Independence Day, 1947)** to determine the status of religious places.
 - Opponents argue that this **cutoff date disregards historical injustices and denies redressal for encroachments before that date**.
- **Violation of the Right to Religion:**
 - Critics claim that the Act infringes upon the religious rights of Hindus, Jains, Buddhists, and Sikhs.
 - They argue that it **restricts their ability to reclaim and restore their places of worship**, impeding their freedom to practice their religion.
- **Violation of Secularism:**
 - Opponents argue that the **Act violates the principle of secularism**, which is a core component of the Constitution, and favours one community over others
 - They contend that this undermines the **equal treatment of religions under the law**.
- **Exclusion of Ayodhya Dispute:**
 - The Act is specifically criticized for excluding the land involved in the Ayodhya dispute.
 - Opponents question its consistency and raise concerns about the differential treatment of religious sites.
- **Supreme Court's Stance on the Act:**
 - The Supreme Court views the Places of Worship Act as a legislative intervention that **upholds the commitment to secularism, a fundamental aspect of the Indian Constitution**.
 - The Act enforces the constitutional obligation of the State to **ensure equality among all religions**. It guarantees the preservation of places of worship for every religious community.

Way Forward

- Undertake a thorough review of the Places of Worship Act to address criticisms and shortcomings.
- Ensure the Act **does not restrict judicial review**, preserving the judiciary's role in upholding constitutional rights.
- Strike a **balance between preserving religious character and respecting the rights** of different communities.
- Involve public consultation, ensure transparency, and review the exclusion of specific sites to promote fairness and consistency.