

Places of Worship (Special Provisions) Act, 1991

The Places of Worship (Special Provisions) Act of 1991 is often seen in the news in relation to the Ram Mandir issue and also the Krishna Temple at Mathura and the Kashi Vishwanath - Gyanvapi Mosque issue. Notwithstanding the political ramifications, it is important to understand what the law stands for & its implications for the [UPSC exam](#) polity segment.

Places of Worship (Special Provisions) Act, 1991 UPSC

In March 2021, the Supreme Court asked the Central Government to respond to a plea that challenged the Places of Worship (Special Provisions) Act, 1991.

What are the provisions of the Places of Worship (Special Provisions) Act, 1991?

This law was enacted by the Parliament under the PV Narasimha Rao government in 1991 in the backdrop of the Ram Mandir agitation.

- This Act freezes the religious character of a place of worship as it existed on August 15, 1947.
- Section 3 of the Act prohibits the conversion of a religious place of worship or a section of a religious place of worship into a place of worship of a different religion or a different denomination of the same religion.
- According to Section 4(2) of the Act, all appeals, suits or other proceedings with respect to converting the religious character of a place of worship shall end on the commencement of the Act. Also, fresh appeals won't be allowed to be filed.
 - But it is important to note that legal proceedings could be initiated if the change of religious character of the place of worship was done after the cut-off date of August 15, 1947.
- In addition, the Places of Worship Act imposes a positive obligation on the State to maintain the religious character of all places of worship as it existed at the time of independence.
- **The disputed site of the Ayodhya Ram Temple was exempted from the Act.**
- Other exemptions under the Act:
 - 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.
 - Any dispute that has been settled by the parties or conversion of any place that took place by acquiescence before the Act commenced.
 - A suit that has been finally settled or disposed of.
- When the law was introduced in the Lok Sabha, the then Home Minister commented that the law was introduced “as a measure to provide and develop our glorious traditions of love, peace and harmony”.

Penalty under the Act

The Act imposes a maximum penalty of 3 years imprisonment along with a fine.

Supreme Court's Views

In the 2019 Ayodhya Ram Janmabhoomi verdict, the SC Constitution Bench upheld the law and said that it is reflective of the secular credentials in the Constitution of India and that it prohibits retrogression.

Places of Worship Act 1991 Petition

The petition said, “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 226. Therefore, they won’t be able to restore their places of worship and pilgrimage including temple endowments in spirit of Articles 25-26 and illegal barbarian act of invaders will continue in perpetuity.”

The petition also said that the law violated the principle of secularism that is enshrined in the Constitution.

Some argue that “pilgrimages” or “burial grounds” come under the State List and that the centre had no power to make laws on this. However, the centre had argued that it could do so under residuary power in Entry 97 of the Union List.

