

## **Places of Worship (Special Provisions) Act**

### **Why in news?**

Recently, Supreme Court asked the Centre to respond to a plea challenging the Places of Worship (Special Provisions) Act, 1991.

### **What is the law about?**

- The law seeks to maintain the religious character of places of worship as it existed on the 15th day of August, 1947 except in the case of Ram Janma bhoomi-Babri Masjid dispute.
- Sections 4 of the Act declare that no person shall convert any place of worship of any religious denomination into one of a different denomination or section.
- Section 4(2) says that all suits, appeals or other proceedings regarding converting the character of a place of worship, that were pending on August 15, 1947, will stand abated.
- The above provision is applicable from the date on which this act commences and fresh proceedings cannot be initiated from then.
- However, 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 i.e. after August 15, 1947.

### **What does the law say about Ayodhya?**

- Section 5 mentions that the act is not applicable to Ram Janma Bhumi Babri Masjid and to any suit, appeal or other proceeding relating to the said place or place of worship.
- 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.

### **What has the Supreme Court said about the Act?**

- In the 2019 Ayodhya verdict, Supreme Court said the law manifests the

secular values of the Constitution.

- It says that the act provides confidence to every religious community that their places of worship will be preserved and their character will not be altered.
- It says that the norms bind those who govern the affairs of the nation at every level.
- And these norms seek to implement the Fundamental Duties under Article 51A and it gives a positive mandates to every citizen.
- The court also mentioned that State has enforced its constitutional commitment and operationalised its constitutional obligations of upholding the equality of all religions and secularism ideology.

### Why was the law challenged?

- It was challenged on the ground that it violates the principle of secularism.
- The petition said that the cut-off date of August 15, 1947 is arbitrary, irrational and retrospective.
- It prohibits Hindus, Jains, Buddhist, and Sikhs from approaching courts to re-claim their places of worship which were encroached by invaders.
- Moreover it indicates that Centre has no power to legislate provisions of State list- pilgrimages or burial grounds.
- But the centre replied that it could make use of its residuary power under **Entry 97 of the Union List** to enact this law.
- Entry 97 confers residuary powers to the Centre to legislate on subjects that are not enumerated in any of the three lists.
- The petition highlights the fact that since the cut-off date for the law is the date of Independence, the status quo determined by the colonial power will be considered as final.
- This another major criticism against the law.

**Source: The Indian Express**