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

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