

The Places of Worship Act, 1991

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.

What is the issue?

- The controversy erupted in 1991 when a group of local priests sought permission to worship in the Gyanvapi complex, claiming the mosque was built on a demolished portion of Kashi Vishwanath Temple.
- The matter was reignited after petitioners demanded an archaeological survey of the Gyanvapi complex but the Allahabad High Court stayed the archaeological study of the complex.
- A videography survey of the mosque was ordered on the plea of some women petitioners who seek to perform worship of idols that are said to be located on the walls of the mosque.
- The Muslim side alleged bias from the side of the court-appointed commissioner of the survey and called videography inside the mosque, a violation of the Places of Worship Act, 1991.
- The court has ordered the continuation of the video survey of the Kashi Vishwanath temple-Gyanvapi mosque complex and has asked to submit the report.

To know more about the Kashi Vishwanath Temple-Gyanvapi Mosque Site, click [here](#)

What is the Places of Worship Act?

- **Aim-** The Places of Worship Act, 1991, seeks to prohibit the conversion of a place of worship and maintain its religious character as was at the time of India's Independence on August 15, 1947.
- **Features-** It bars the conversion, in full or part, of a place of worship of any religious denomination into a different religious denomination or even a different segment of the same religious denomination.
- Any suit or legal proceeding regarding the conversion of the religious character of any place of worship existing on August 15, 1947, pending before any court shall end and no fresh suit shall be instituted.
- **Exemptions-** Section 5 stipulates that the Act shall not apply to the Ramjanmabhoomi-Babri Masjid case.
- The law exempts 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.

What is the controversy around the Act?

- **Justification of the Act-** The Act was brought during the P V Narasimha Rao period, at a time when the Ram temple movement was at its peak.

- The Babri Masjid was still standing, but L K Advani's rath yatra, his arrest in Bihar, and the firing on kar sevaks in Uttar Pradesh had raised communal tensions.
- The bill was said to be adopted to prevent any new controversies from arising in respect of conversion of any place of worship.
- **Challenges to the Act**- The Act was challenged in the Supreme Court on the basis that the law was a contravention of the principle of secularism as laid down by the Constitution of India.
- At present the question is "Could the survey at the Gyanvapi compound lead to its exemption from the Places of Worship Act?"

What did the Supreme Court say about the Act in Ayodhya judgment?

- The court provided a guarantee for the preservation of the religious character of places of public worship as they existed on 15 August 1947 and against the conversion of places of public worship.
- It held that the State has enforced a constitutional commitment to uphold the equality of all religions and secularism which is a part of the basic features of the Constitution.
- The Places of Worship Act imposes a non-derogable obligation (whose infringement is not justified under any circumstances) towards enforcing our commitment to secularism.

References

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