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“The Places Of Worship Act Of 1991 Affected Community Relations In India”

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Abstract

In a democratic society, we hope that every religion, no matter its core beliefs or moral views, will show respect for all faiths. This means that anyone who wants to follow their religious beliefs or any other personal convictions should be free to do so without interference from the government. The recent court case involving Article 25 of the Indian Constitution, which is all about "secularism," doesn't give us much to cheer about. This situation has become complicated because of external pressures that have really impacted the Constitution. This paper takes a critical look at how the current discussion surrounding the 1991 Places of Worship (Special Provisions) Act is testing the very idea of secularism, a cornerstone of true democracy. The 1991 Act creates a clear responsibility for us to uphold secularism as outlined in the constitution. However its validity is being challenged due to the rise of religious fervor and some indirect legal battles. The statute's preamble espouses the noble principle of secularism,

keys: 'Religion law. places of worship, secularism, constitution, etc.'

Introduction

Through Places Worship Act 1991 India secures religious harmony together with preserving its secular framework. The law originated when tensions between religious groups were intensifying and disputes erupted about religious facilities. The law safeguards religious centers from any changes made since August 15, 1947. Through its restrictions on religious site conversions and its efforts to minimize disputes, the Act strives to establish peace among India's diverse religious organizations. The research paper explores numerous ways in which the 1991 Places of Worship Act affects community peace in India. This section examines the events that produced the passage of this law while detailing the Ram's birthplace movement expansion and the demolition of Babri Masjid subsequently. This research analyses Supreme Court decisions throughout the years to demonstrate why courts influence both the understanding and application of Rule enforcement efficacy. The analysis evaluates the Act's effectiveness regarding both curtailment of religious conflicts and support for secular principles. A thorough evaluation of legislative debates together with investigative analysis of specific exceptions including Ram Janmabhoomi-Babri Masjid reveals how the Act functions within India's religious sector and social dynamics. This investigative study reveals the obstacles that stand in the way of maintaining peace between diverse population groups within a multicultural nation. The research recommends alterations that would enhance the Act's effectiveness.¹

¹ (Ministry of Home Affairs, Government of India) <https://www.mha.gov.in/sites/default/files/PlaceWorshipAct1991.pdf> accessed 10 January 2025.

Pre-Independence Era

Before India gained its independence, the country was known for its diverse religions and rich culture. Back then, religious buildings were central to social life and cultural practices. People from various backgrounds - Hindu, Muslim, Sikh, and Christian - lived together in harmony, each adding to India's unique architectural legacy and vibrant cultural tapestry.

Temples:

Beyond religious service, Hindu temples functioned as intellectual knowledge centers and both artful and cultural hubs. The buildings contained elaborate works of sculpture and painting and manuscript preserves which demonstrated the primary religious heritage coupled with artistic elements of the historical epoch.

Mosques:

From this era, Islamic architects designed numerous impressive mosques using Mughal balance between Indian traditional methods and Central Asian ornamentation. Each mosque functioned as a meeting place as well as offering spiritual advice while performing as an education hub.

Gurdwaras:

Gurdwaras work as places where people worship and also perform community service. Throughout their lifespan, these architectural marvels transfused Sikh social life and faith through their focus on equality together with service and devotional practices.

Christian missionaries built countless churches throughout India which facilitated both Christian expansion and educational institutional growth. India's churches functioned as centers that delivered both social help and educational activities.²

Indian society expanded in both cultural diversity and variety through the establishment of multiple religious places. During periods of instability, the religious presence often produced sectarian distress that blurred cohesive units within society.

Examining religious institutions predating independence sheds light on the historical factors that led authorities to enact . This examination helps us grasp why religious harmony is so crucial and why managing multiplex societies presents such a challenge.

Historical Developments

The Narasimha Rao Government enacted this law back in September of 1991. Essentially, the law aims to prevent any changes to the religious designation of places of worship, making sure that their religious character stays exactly as it was on August 15th, 1947. It also addresses some connected matters.

This law has two primary goals. Firstly, it prevents any religious building from being changed into a different type of structure. The definition of "religious building" is quite wide, covering places of worship for all faiths and communities. Secondly, the law mandates that the government must preserve the religious nature of each of these buildings, keeping them as they were on August 15, 1947.

Once this Act commences all pending religious changes of worship properties in courts, tribunals, or authority jurisdictions will automatically be suspended. All future petitions and appeals become invalid when this Act takes effect. Section 4 of the Act maintains a legal blackout on the situation of place of worship changes that occurred before India's independence. Legally speaking the enactment lets new lawsuits or appeals proceed for

post-August 15 1947. alterations. Following the passage of the Act both governmental and religious authorities made vehement objections. The opposition named this policy fake secularism as an attempt to push it into the nation.³

Opposition members accused the government of passing the bill exclusively to gain political favor from minority communities. The opposition challenged the Parliament's power to introduce the legislation because places of worship and burial grounds fell under state jurisdiction. Entry 97 of the Union List grants power to the central government to establish legislation about topics beyond state or central authority jurisdiction.⁴

Under this legal framework, the government must safeguard all spiritual characteristics present in houses of worship and at the same time discharge its responsibility to establish harmony and respect in society. Through this law, the state backs secular norms to stop any regression in religious practices. State protection of religious specifics at places of worship became law following the Union Minister of Home Affairs' September 10, 1991 statement.⁵

Literature review

1. Rajeev Bhargava, *Secularism and Its Discontents: Religion, Law, and Social Change in India*, (Oxford University Press, 1999)

This work explores Indian secularism through an analysis of how this model differs from the Western approach along with explaining its execution in Indian society. Bhargava demonstrates that we need to understand secularism in terms that fully protect both cultural variety and governmental impartiality toward all faiths. According to Bhargava secularism presents three subjects: ethics and politics and mathematics of state-religion boundaries which requires secular nations to maintain a purposeful distance toward religious matters. According to Bhargava secularism operates as a system for managing plurality between religious groups without representing an anti-religious stance.

2. Christophe Jaffrelot, *Religion and Politics in India: The Role of the State*, (Columbia University Press, 2011)

This text examines religious and caste-based political forces that modify India's democratic institutions alongside affecting domestic rule of law standards and evolving global power status. As part of his analysis, Jaffrelot investigates how states regulate and handle interfaith and caste conflicts. Jaffrelot presents an interdisciplinary investigation that evaluates India's political situation by examining both its challenges and possibilities for maintaining mutually coexisting social unity alongside democratic governance for a multicultural population.

3. S. Gopal, *India's Secularism: A Historical and Critical Analysis*, (Manohar Publishers, 2002)

Through his research Gopal studies how seminal figures Jawaharlal Nehru and Mahatma Gandhi shaped the development of secularism in India. Throughout his discussion, Gopal examines the multiple ways key figures and their practices facilitated the development of a secular state. The book examines the purpose of the legislation to conserve religious settings exactly as they appeared on August 15, 1947. The law sought to stop religious site disputes from turning into widespread communal unrest.

³ Sanjeev Sablok, 'Who is Pseudo-Secular Now Sure, Yogi Adityanath, Do Build a Ram Statue – But with Your Own Money' accessed 10 January 2025.

⁴ Supra note 5.

Research question

- Investigating court rulings related to the Act and their influence on communal relations and legal precedents
- Evaluating the impact of specific communal incidents related to the Act.
- Evaluating the consistency of legal outcomes across different courts and jurisdictions.

Research objective.

1. Prevention of Religious Exploitation: The legislation protects places of worship through a ban on conversions preventing merchants of religious favoritism from achieving political or personal agendas. The unemployment allowance must ensure religious sites remain free from instrumentality for either violent unrest or malicious political agendas.

2. On November 24, 2024, a heartbreaking event unfolded in Sambal, Uttar Pradesh. During a court-mandated survey of the Shahi Jama Masjid, violence broke out, leading to a number of deaths and injuries. This tragic situation presents a number of important research avenues that deserve further investigation.

3. Study the legal and judicial aspects of the case, including the court's decision to order the survey,

Hypothesis

(HO)

Research indicates that the Places of Worship Act from 1991 did not produce substantial changes to national communal harmony levels based on incident numbers and severity before and after its implementation.

Null Hypothesis: Procedural reforms have no significant influence on the fairness of court trials. Alternative Hypothesis: Procedural reforms significantly influence the fairness of court trials

Section 4(2): A Limit on Judicial Review

A point of contention for some regarding the constitutionality of the Act is Section 4(2). This section prevents courts from scrutinizing specific decisions. However, in this part of our discussion, we'll present the argument that this limitation isn't actually an issue. Instead, it's a perfectly sensible method of placing a check on the judiciary's power. Some wonder if the Act aligns with the constitution because Section 4(2) blocks courts from reviewing certain decisions. But we'll show in this section why this isn't a flaw. It's actually a fair way to keep the courts' power in balance.

Judges, despite their vast legal knowledge, sometimes make decisions with what seems like unwavering conviction. Occasionally, they might not fully grasp or clearly articulate the broader social, political, and economic ripples caused by their rulings. Sometimes, judicial decisions don't fully consider all the different ways these rulings affect society. For instance, on October 11, 2022, the Supreme Court announced it would hear a petition from Ashwini Kumar Upadhyay, a BJP spokesperson turned petitioner. He's challenging certain parts of the 1991 Places of Worship Act. This highlights how courts might not always see the full picture of how their decisions impact society as a whole.⁶

⁶ V Venkatesan, 'Places of Worship Act: Is Supreme Court Unwittingly Helping Centre with Proxy Litigation?' *The Wire* (23 March 2021) <https://thewire.in/law/places-of-worship-actashwini-kumar-supreme-court-ayodhya> accessed 11 January 2025.

The Places of Worship Act of 1991, specifically Section 4(2), states that once this law goes into effect, any ongoing legal cases regarding changes made to places of worship will automatically stop. After the law's official start date, courts and tribunals no longer have the power to handle any remaining or new cases related to changes made to places of worship. Furthermore, the legal system doesn't have the authority to evaluate claims of religious conversions related to these places, essentially making this issue a core part of the foundational principles of the constitution.

A Wasted Political Effort Through Proxy Lawsuits;

Frank Herbert once wrote, "When religion and politics travel together, chaos is sure to follow."

The act of being swayed by religion and politics leads to an awareness that nothing can stop them, leading to their faster and more rapid movements. This declaration corresponds to and precisely reflects the current state of affairs in India.

Instead of merely disregarding pleas, the Supreme Court is advocating for a moderately progressive stance that mirrors the likely trajectory of the legislation. What exactly does this imply? Back in 2019, the Supreme Court of India made a landmark decision by settling the ownership conflict surrounding the Babri Masjid-Ram Janmabhoomi site.

That was such a relief! I thought the fight was finally over. But, the Archaeological Survey of India has ordered an inspection of the Gyan Vapi mosque area, and on July 1, 2022, a Civil Court in Mathura will examine the Krishna Janmabhoomi case. It feels like we're taking a step back and might cause even more trouble. There are real dangers in these actions and slogans like "Ayodhya is just the beginning; Kashi and Mathura are next." Worship Act was challenged in 2020 by a petition from Ashwini Kumar Upadhyay, who argued that it violated several parts. claims this Act prevents citizens from seeking legal review, even though this right is a core part of the Constitution. A part of the petition talks about the Krishna Janmabhoomi issue in a way that's similar to what sparked the violent Babri Masjid-Ram Janmabhoomi conflict. In his petition, Ashwini Upadhyay stated.

The Supreme Court, with a panel of three judges, made it clear that the law doesn't stop anyone from figuring out if a place of worship has a religious nature. People often wonder if a place's spiritual vibe comes from how many pilgrims go there. Since Islam began, these places have been spots for Muslims to pray. Because of this, these places have had religious significance tied to Islamic culture ever since August 15th, 1947, which means the Places of Worship Act covers them. The point of the act is to safeguard the current traits of places of worship instead of deciding on their religious identity, and that's how we think it should work. We have the utmost respect for the Supreme Court of India's observations, but we don't agree with this particular stance from its Ayodhya Case ruling.⁷

the court held that the legal system should never serve as a framework to recreate past events for individuals who object to how temporal development unfolded. There exists no power for present-day courts to recognize past legal matters unless evidence exists today to enforce their outcome. The court makes clear that altering historical events from decades past would not be both smart and appropriate. A dramatically different viewpoint emerges from recent Supreme Court decisions. A branch of the Sangh Parivar known as the Vishwa Hindu Parishad has led fights over mosque possession near Kashi Vishwanath temple alongside temple construction at Mathura Eidgah. The current stance from the Supreme Court has brought praise beyond court approval and an active call for Act assessment.⁸:

In the past, the government had the power to decide whether to break up religious institutions, but things are different now. These days, majority rule means that just because Kashi and Mathura were claimed a certain way five centuries ago doesn't mean that's how it should be today. The authors say the real reason for all this conflict is political payback. The actions are politically motivated since the ruling party wants to show that the majority is in control and keep accusing minorities of being a problem. Religious beliefs are used as tools to scare people

⁷ *Supra* note 13.

from other communities. The main reason for fighting over religious land is to gain control over those properties. History tells us that pitting different religions against each other has happened again and again to win more votes, even if it means losing innocent lives. In a famous Australian court case, *Adelaide Company v. Commonwealth*, the High Court made an important point. The Bombay High Court has also said that the right to religious belief and practice, protected by Articles 25 and 26 of India's Constitution, isn't just about beliefs but also about all the actions that come from religious practices.⁹

Acquisition of places of worship due to public safety concerns stands without a doubt. Research demonstrates that fundamental religious sentiments always catalyze these acquisition measures. Actions created in history cannot be reversed. The retreat is impossible once something is lost. The pages of history cannot be reversed. So long as our founding documents establish a Secular identity for our nation, we should strongly reject both the actions and court collaboration involved in church property confiscations.

Judicial interference

During the row over the Babri Masjid, the {SC} of India made a ruling on the Worship Act of 1991.¹⁰

'The Places of Worship Act was enacted in 1991 to maintain the religious character of places of worship as they existed on August 15, 1947, except the Ram Janmabhoomi-Babri Masjid site in Ayodhya.'

"The Varanasi district has seen some recent developments regarding the Places of Worship (Special Provisions) Act, 1991. These developments stem from orders handed down by the District and Allahabad High Court."

Background:

The Varanasi-based Gyanvapi mosque stands at the heart of ongoing Hindu-Muslim disputes over ownership rights. The situation worsened after researchers using video evidence discovered a structure identified by Hindus as a "shivling" but by Muslims as a "fountain" during a scientific survey in 2021.

Archaeological Survey of India (ASI) Report:

Back in December of 2023, the ASI wrapped up its scientific survey of the mosque site and turned in its report. The report's takeaway? A large Hindu temple used to stand there before the mosque was built.

Recent Order:

Varanasi district court opened Vyasji Ka Tehkhana beneath the mosque complex where Hindu devotees can perform puja started on January 29, 2024. The district administration received instructions from the court to organize temple worship under a priest selected by the Shri Kashi Vishwanath Temple Trust.

Reactions: Leaders of Anjuman Intezamia Masjid Committee made it clear they will take the court decision to higher levels. Both Hindu groups have received the ruling positively because it supports their efforts to restore their religious freedom.

¹⁰ Ashwini Kumar Upadhyay v Union of India (Constitutionality of the Places of Worship Act): Case Background' (Supreme Court Observer) <https://www.scobserver.in/cases/ashwini-kumar-upadhyay-union-of-india-constitutionality-of-the-places-of-worship-act-case-background/?form=MG0AV3> accessed 16 January 2025.

Ongoing Legal Proceedings:

Court proceedings for this case continue until a February 17 2025 hearing date has been set. The Supreme Court issued an order that civil courts cannot file new cases concerning questions about religious space property rights and characteristics.

Allahabad High Court Order

Background:

Hindu petitioners assert the mosque stands at Krishna Janmasthan the birthplace of Lord Krishna yet they dispute where the temple originally existed. The Hindu petitioners maintain that the mosque builders destroyed temple remains during construction.

Allahabad High Court Order:

In December of 2023, the Allahabad {HC} gave the green light for a court-supervised survey of the Shahi Eidgah complex. This survey was to be carried out by a team of three advocate commissioners. The Mosque Committee, however, contested this ruling.

Ongoing Legal Proceedings:

Officials from the Supreme Court announced that their next scheduled hearing will take place during the week starting April 1, 2025. The Court explores the consolidation of different lawsuits pertaining to this dispute because the process will become more efficient.¹¹

Sambhal district and sessions court ordered.

November 19, 2024: According to a civil judge within Sabhal's district and sessions court authorities he authorized surveying the Shahi Eidgah Mosque to determine whether it was constructed where a former temple stood.

During the second survey, multiple people lost their lives due to violent confrontations with local authorities. Four individuals including Naeem Ghazi along with Mohammad Ayan and Bilal and Kaif lost their lives from bullet injuries during the fall of November 2024. Law enforcement personnel and administration officials dealt with complaints about using too much force.¹²

The demolition of the Babri Masjid in 1992 triggered massive communal riots that cost the lives of at least 2,000 people throughout India. India implemented this legislation to stop future religious conflicts while supporting religious peace.¹³

¹¹ <https://lawstreet.co/judiciary/sc-extends-stay-on-survey-of-shahi-eidgah-mosque-adjacent-to-krishna-janmabhoomi-temple-in-mathura?form=MG0AV3> (last visited 16 Jan. 2025)

¹² <https://scroll.in/article/1076142/ayodhya-happened-now-sambhals-turn-how-a-court-order-sparked-a-deadly-mosque-temple-dispute?form=MG0AV3> (last visited 19 Jan. 2025)

¹³ <https://www.nextias.com/newuploads/Nextias/2025/1/the-places-of-worship-1735972100205.pdf?form=MG0AV3> (last visited 20 Jan. 2025)

Conclusion

Fairness of Court Procedures:

Fair court trial outcomes depend crucially on procedural reforms. The reforms address judicial systematic problems which lead to increasing public confidence in fair judiciary procedures.

Impact of Legal Precedents:

Court decision landmarks function as essential drivers that steer present and upcoming judicial processes as well as judicial interpretation methods. Through precedents, upper courts guide lower courts while establishing court-wide legal standards.

Overall Impact:

A study of courts demonstrates the continuing need for both reforms and innovative solutions in our judicial system. Improved efficiency combined with better justice accessibility through procedural equity and technological integration with transparent processes and precedent awareness enables the judiciary to deliver better service to society while maintaining justice and equality principles.

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