

The Forgotten Guardrail: Revisiting 'The Places Of Worship Act'

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One important piece of legislation in India's legal and political landscape is the Places of Worship (Special Provisions) Act, 1991. Except for the Ram Janmabhoomi-Babri Masjid site in Ayodhya, which was specifically exempt from its scope, the Act, which was passed by the Indian Parliament, attempts to maintain the status quo of religious sites as they existed on August 15, 1947.

This law addresses the historical complexity of religious disputes in India while embodying the secularism tenets that form the foundation of the Indian Constitution.

In the late 1980s and early 1990s, political unrest and increased communal tensions were the backdrop against which the Act developed. Places of worship disputes, which frequently arose from historical grievances involving claimed conversions or desecrations throughout the Mughal and colonial eras, were at the centre of these tensions. With its divisive effects, the Ayodhya controversy highlighted how urgently a legal framework is needed to stop future intercommunal strife.

Therefore, by preserving the religious nature of houses of worship as they were on the eve of independence, the Houses of Worship Act was intended to foster communal peace. The Act has been the focus of discussion and judicial examination, and there have been several objections to its constitutionality.

Critics contend that it violates the Indian Constitution's Article 25 provision of religious freedom and Article 32 guarantee of the right to pursue justice. Advocates, however, assert that the Act is an expansion of the state's duty to preserve secularism and preserve peace among the community.

The Supreme Court of India consented to consider a plea contesting the constitutionality of the Act in 2020. The petitioner contended that by preventing communities from reclaiming areas they believe were illegally acquired, the statute

transgresses the ideals of justice and equality. But it's important to remember that the Act aims to break free from the loop. The religious diversity of India presents both opportunities and difficulties.

The Act is a legal attempt to settle conflicts over places of worship, which are among the most delicate issues in a pluralistic society. It aims to stop the politicisation of historical wrongs, which are frequently used as an excuse to incite intercommunal violence, by maintaining the status quo.

The Act upholds the secularism ethos of the constitution. It is consistent with Article 14 of the Constitution, which ensures equality before the law, and the Preamble, which states that India is a secular republic. Additionally, it embodies the spirit of Article 51A(e), which exhorts all citizens to foster peace and the spirit of fraternity.

The Places of Worship Act has mostly disappeared from the public conversation, despite its admirable goals. The Act's tenets have been conspicuously disregarded in recent years, as political discourse has been more focused on reopening and rehashing old religious site issues.

For example, demands for the "liberation" of several temples that were purportedly transformed into mosques throughout the Middle Ages have acquired support in both public and governmental spheres. This tendency is best illustrated by the controversy surrounding the Shahi Idgah Mosque in Mathura and the Gyanvapi Mosque in Varanasi. The Act's intention to promote cohesion and maintain the status quo has been undermined by these problems, which have reignited conflicts within the community.

Furthermore, the Act has been marginalised due to a lack of strong enforcement tools. Ambiguities in the implementation of the law are frequently reflected in judicial interventions in instances involving religious sites. This selective recognition threatens India's secular fabric and undermines the Act's fundamental tenet.

Opponents contend that the August 15, 1947, deadline is capricious and ignores valid grievances over historical injustices. For example, pointing to proof of conversions during foreign administration, there have been requests to reconsider the status of specific mosques and temples. However, rather than bridging societal divides, these tales run the risk of widening them.

Another area of concern has been the Act's exemption of the Ayodhya issue, which some have criticised for being inconsistent. Although the law aims to further equality, some view Ayodhya's unique treatment as a political concession.

As a law student and political activist, it is clear that the disregard for the Places of Worship Act is a reflection of a larger problem in modern politics: the growing conflation of religious and political agendas. Political actors can now take

advantage of past grievances for short-term gains, frequently at the expense of long-term concord, because of the Act's marginalisation.

This disregard emphasises the necessity of a fresh dedication to the Act's tenets. Lawmakers and public society must support its implementation and reaffirm its importance in preserving intercommunal harmony. Upholding the Act's intent and making sure that disagreements over religious sites are settled in a way that is compatible with constitutional principles are important tasks for the judiciary as well.

A careful balancing act between justice and peace, history and harmony, is represented by the Places of Worship (Special Provisions) Act, 1991. Its current disregard, however, draws attention to a concerning pattern: the elevation of political expediency over the ideals of unity and secularism.

The Act serves as a reminder of the significance of forward-looking government as India continues to struggle with its complicated history and varied religious landscape. It exhorts legislators, judges, and citizens to preserve the spirit of respect and tolerance that characterises Indian democracy. In addition to being required by law, reviving the Act's applicability is morally necessary to protect the pluralistic identity of the country.

This post has been self-published. Youth Ki Awaaz neither endorses, nor is responsible for the views expressed by the author.



Written by SAPHAL HARPREET SINGH

3 Followers

Being a good reader, I read a lot about great personalities, Politics and humanitarians but my major inspiration is my Father. From very young age, he instilled so many values in me for which I'm very thankful. he taught me that hard work always pays off. he emphasised that if one wants to achieve something in life, one has to be a doer. He also taught me the importance of kindness. My name is Saphal Harpreet Singh and I am student of law at Jindal Global Law School and as following footsteps of my father, I was inspired to do legal studies from very young age. Along with my studies I am active in some social and political activities and always doing something better for our society. "Excellence is the gradual result of always striving to do better." So I believe in "Simple Living and High Thinking". I always endeavour to do my best in any task or work especially for the betterment

of the society. I take it as an opportunity to give the true meaning to my existence. No matter how long it will take but I swear I will always try to be better and better with each passing day. "All of our humanity is dependent upon recognising the humanity in others." According to me, most of the people only see the end result of excellence and success but the reality is that there is a lot of genuine hard work behind it. I believe in Never give up and it doesn't matter from where you are, what you do, or who you are, anyone can succeed in life achieving all the dreams with hard work and positive mind set.

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