



PLACES OF WORSHIP ACT - POLITY

Prohibition on Civil Court Proceedings

NEWS: Civil courts are prohibited from registering new lawsuits challenging the ownership and title of any place of worship.

- Courts are also barred from ordering surveys of disputed religious places.

WHAT'S IN THE NEWS?

Impact on Ongoing Cases:

- Applies to ongoing suits as well, preventing courts from seeking reports from the Archaeological Survey of India (ASI), a practice seen in recent disputes.

Context of Existing Disputes:

- Many cases involve claims that mosques were constructed over Hindu religious structures during medieval times.
- The Supreme Court hinted that orders in such cases could violate constitutional principles, including secularism and the rule of law.

Challenge to the Places of Worship Act, 1991

Key Aspects of the Act

1. Prohibition on Religious Conversion:

- Conversion of a place of worship into another denomination or religious character is barred (Section 3).



2. Maintenance of Status Quo (as of August 15, 1947):

- The religious character of a place of worship must remain as it was on the cut-off date (Section 4[1]).



3. Exclusions:

- Exempts historical monuments, archaeological sites governed by the 1958 Act, resolved disputes, and pre-Act conversions (Section 4[3]).

4. Ram Janmabhoomi-Babri Masjid Exception:

- The Act explicitly excludes disputes related to the Ayodhya case, allowing for the construction of the Ram Temple (Section 5).

5. Ayodhya Case Reference:

- In 2019, the SC highlighted the 1991 Act as part of the “basic structure” of the Constitution in its Ayodhya judgment.

Petitioners’ Arguments Against the Act

1. Judicial Review Restrictions:

- The Act is argued to undermine judicial review by nullifying existing claims and prohibiting new ones.

2. Arbitrary Cut-off Date:

- Petitioners contend that selecting August 15, 1947, as the cut-off date for determining the religious character of places is arbitrary.

The Doctrine of Basic Structure

Overview of the Doctrine

1. Judicial Review of Legislation:

- Ensures laws do not damage or destroy the “basic features” of the Constitution.

2. Kesavananda Bharati Case (1973):

- Established the doctrine in a 7-6 landmark verdict by a 13-judge Bench.
- Declared that the basic structure of the Constitution is inviolable and cannot be amended by Parliament.

3. Criteria for Unconstitutionality:

- A law that harms the Constitution’s basic features can be declared unconstitutional.

Examples of Basic Features

1. Identified Features:

- Judicial review, rule of law, federalism, and the democratic structure.

2. Evolving Scope:



- Not an exhaustive list; additional features can be identified based on constitutional challenges.

3. **Judicial Independence:**

- Affirmed as a basic feature in the 2015 NJAC ruling, which struck down amendments affecting judicial appointments.

Implications of the Supreme Court's Review

1. **Pending Constitutional Challenge:**

- The SC will address the constitutional validity of the Places of Worship Act, with petitions pending since 2020.
- The Centre's stance on defending or opposing the Act remains to be clarified.

2. **Broader Constitutional Considerations:**

- The case could set precedents on secularism, judicial independence, and the application of the basic structure doctrine.

Source: <https://indianexpress.com/article/upsc-current-affairs/upsc-essentials/knowledge-nugget-of-the-day-places-of-worship-act-upsc-basic-structure-doctrine-9724406/>