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LEGISLATION TRACKER

Places of Worship (Special Provisions) Act, 1991

27 March 2026

SUBJECTS COVERED

POLITY

HISTORY & CULTURE

CURATED & WRITTEN BY



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ACT NUMBER	YEAR ENACTED
Act No. 42 of 1991	1991

KEY PROVISIONS

- 1 Section 3 — Bar on conversion of any place of worship from one religious denomination to another
- 2 Section 4(1) — Religious character of a place of worship to be maintained as it existed on August 15, 1947
- 3 Section 4(2) — All pending suits and legal proceedings regarding conversion of religious character of places of worship stand abated
- 4 Section 5 — Act does not apply to the Ram Janmabhoomi-Babri Masjid dispute (exempted)
- 5 Section 6 — Penalty for contravention: imprisonment up to 3 years and fine
- 6 Section 4(3) — Bars future suits or proceedings to change religious character of any place of worship as determined on August 15, 1947

BACKGROUND

The Places of Worship (Special Provisions) Act, 1991 was enacted by the Parliament of India during the Narasimha Rao government in the backdrop of the Ayodhya dispute and rising communal tensions across India. The Act was passed on September 18, 1991 — more than a year before the demolition of the Babri Masjid on December 6, 1992. The Act was intended as a legislative safeguard against the reopening of historical religious disputes that could inflame communal passions.

The core principle of the Act is the preservation of the religious character of all places of worship as they existed on August 15, 1947 — the date of Indian independence. The Act prohibits the conversion of any place of worship from one religious denomination to another, bars any legal proceedings to challenge the religious character of a place of worship as it stood on that date, and abates all pending proceedings in this regard. The only exception carved out was the Ram Janmabhoomi-Babri Masjid dispute at Ayodhya, which was already the subject of active litigation.

The Act has gained renewed significance since 2019, when the Supreme Court in its Ayodhya verdict (*M. Siddiq v. Mahant Suresh Das*) strongly endorsed the constitutional importance of this Act. Subsequently, several new suits have been filed challenging the religious character of mosques and dargahs across India — including at Varanasi (Gyanvapi), Mathura (Shahi Idgah), Sambhal (Jama Masjid), and elsewhere — raising questions about the scope and enforceability of the Act.

KEY CONCEPTS

- **Cut-off date — August 15, 1947:** The Act freezes the religious character of every place of worship at the moment of Indian independence. This means that even if a place of worship was originally of one religious denomination but was converted or occupied by another before 1947, its character as of August 15, 1947 is what the Act protects.
- **Religious character:** The Act does not define “religious character” explicitly. Whether a place of worship retains the character of a temple, mosque, church, gurdwara, or other denomination is determined by the religious activities conducted there and the community that worships there. This ambiguity has been a focal point of litigation.
- **Abatement of suits (Section 4(2)):** Any suit, appeal, or other proceeding pending before any court, tribunal, or authority on the date of commencement of the Act (September 18, 1991), regarding the conversion of religious character of a place of worship, stands abated. New suits or proceedings are barred under Section 4(3).
- **Secularism as constitutional principle:** The Supreme Court in the Ayodhya verdict described the Act as “a legislative instrument designed to protect the secular features of the Indian polity.” It prevents the weaponisation of historical grievances to disturb communal harmony.
- **Ayodhya exception (Section 5):** The Ram Janmabhoomi-Babri Masjid dispute was specifically exempted from the Act’s application because it was already the subject of proceedings before the Allahabad High Court and was of unique national significance.
- **Distinction between “ascertainment” and “conversion”:** Petitioners challenging the Act argue that they seek to “ascertain” or “discover” the original religious character of a site (whether a temple existed before a mosque was built), not to “convert” it. They argue the Act only bars conversion, not ascertainment. The Government and defenders of the Act argue that ascertainment proceedings are merely a prelude to conversion claims and fall within the Act’s prohibition.

IMPORTANT PROVISIONS

- **Section 3 — Prohibition of Conversion:** No person shall convert any place of worship of any religious denomination into a place of worship of a different denomination or section. This is an absolute prohibition — it applies to all places of worship across India, with no exception other than the Ayodhya exemption.

- **Section 4(1) – Maintenance of Religious Character:** The religious character of a place of worship existing on August 15, 1947 shall continue to be the same as it existed on that day. No alteration is permitted.
- **Section 4(2) – Abatement of Pending Cases:** All suits, appeals, or proceedings in any court regarding the conversion of religious character of a place of worship, pending on September 18, 1991, stand abated. No court shall entertain fresh proceedings.
- **Section 4(3) – Bar on New Proceedings:** No suit, appeal, or other proceeding shall be instituted in any court regarding conversion of the religious character of any place of worship as existing on August 15, 1947.
- **Section 5 – Exemption for Ayodhya:** The Act does not apply to the place of worship known as Ram Janmabhoomi-Babri Masjid situated in Ayodhya, or any suit, appeal, or proceeding relating thereto.
- **Section 6 – Penalty:** Contravention of Section 3 is punishable with imprisonment up to 3 years and fine.

LANDMARK JUDGMENTS

- **M. Siddiq (D) Thr Lrs v. Mahant Suresh Das & Ors (2019) – Ayodhya Verdict:** The five-judge Constitution Bench of the Supreme Court described the Places of Worship Act as “a legislative instrument designed to protect the secular features of the Indian polity, which is one of the basic features of the Constitution.” The Court observed that the Act “protects and secures the fundamental values of the Constitution” and “imposes a non-derogable obligation towards enforcing the commitments to secularism.”
- **Gyanvapi Mosque – Anjuman Intezamia Masajid v. Union of India (ongoing):** Hindu petitioners filed suit claiming that the Gyanvapi Mosque in Varanasi was built over a destroyed Kashi Vishwanath Temple. The Allahabad High Court and Supreme Court have been hearing whether the Places of Worship Act bars such proceedings. In May 2022, the Supreme Court allowed the Varanasi District Court to proceed with the case while clarifying that it was not deciding on the applicability of the Act.
- **Mathura Shahi Idgah – Sri Krishna Janmabhoomi Trust v. Shahi Masjid Idgah Trust (ongoing):** Similar to Gyanvapi, suits have been filed claiming that the Shahi Idgah adjacent to the Krishna Janmabhoomi temple in Mathura was built over a temple. The Allahabad High Court is hearing the matter.
- **Sambhal Jama Masjid (2024):** A suit was filed claiming that the Jama Masjid in Sambhal, Uttar Pradesh was built over a Hari Mandir. A court-ordered survey was conducted in November 2024, leading to communal tensions.

RECENT AMENDMENTS / DEVELOPMENTS

- **Supreme Court Blanket Stay (December 12, 2024):** A Special Bench of Chief Justice Sanjiv Khanna, Justices Sanjay Kumar, and K.V. Viswanathan passed an interim order freezing all suits related to the Act. The order: (a) no trial court across India shall register any fresh suit claiming ownership of an existing religious place belonging to a different community, (b) in approximately 18 pending suits, no effective or final orders — including survey orders — shall be passed until further orders. This stay was prompted by deadly violence in Sambhal (November 2024), where five people were killed during a court-ordered survey of the Shahi Jama Masjid.
- **Constitutional validity challenge (ongoing):** A batch of petitions challenging the Act's validity was listed for hearing on February 17, 2025 before the Special Bench. Petitioners argue the Act violates the right to judicial remedy (Articles 226, 32) and freedom of religion (Articles 25-26). The Union Government was given 4 weeks to file its counter-affidavit.
- **Affected suits:** The December 2024 stay effectively stalled proceedings in about 18 lawsuits seeking surveys of religious structures, including: Gyanvapi Mosque (Varanasi), Shahi Idgah Masjid (Mathura), Shahi Jama Masjid (Sambhal), Moinuddin Chishti Dargah (Ajmer), and the Atala Mosque (Jaunpur).
- **Sambhal violence (November 2024):** A court-ordered survey of the Jama Masjid in Sambhal, Uttar Pradesh — following a suit claiming it was built over a Hari Mandir — led to communal violence in which five people were killed. This incident was a direct trigger for the Supreme Court's blanket stay order.
- **Political debate:** The Act remains deeply divisive. Proponents argue it is essential for communal harmony and secularism. Opponents argue it perpetuates historical injustices and denies Hindus their right to reclaim their heritage. Fresh petitions by political parties and leaders continue to be filed, with the Supreme Court observing “enough is enough” regarding the surge of new pleas.

UPSC RELEVANCE

Places of Worship Act, 1991 — cut-off date (August 15, 1947); Section 3 (prohibition of conversion); Section 5 (Ayodhya exemption); penalty (3 years imprisonment); enacted during P.V. Narasimha Rao government.

Mains GS-2: *Secularism as a basic feature of the Constitution; tension between religious freedom (Articles 25-26) and communal harmony; role of the judiciary in disputed religious sites; fundamental rights vs. legislative restrictions. GS-1: Medieval Indian history, temple destruction and mosque construction — historiographical debates. Interview: “How should a secular democracy balance historical grievances about religious sites with the need for communal harmony and the rule of law?”*

RELATED TERMS

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