



Current Affairs of the Day

GS II

- The debate around the Places of Worship Act.
- Governing Delhi.



The debate around the Places of Worship Act

The story so far:

1. Earlier this month, the Supreme Court asked the Centre to respond to a petition that challenges the constitutional validity of the Places of Worship (Special Provisions) Act, 1991.
2. The law was enacted to freeze the status of all places of worship in the country as of August 15, 1947. An exception was made to keep the Babri Masjid-Ramjanmabhoomi dispute out of its ambit as the structure was then the subject of litigation.
3. The challenge to the Act questions the legality of the prohibition it imposes on any community laying claim to the places of worship of another.

What does the 1991 Act say?

1. The Act says that no person shall convert any place of worship of any religious denomination into one of a different denomination or section. It contains a declaration that a place of worship shall continue to be as it was on August 15, 1947.
2. Significantly, it prohibits any legal proceedings from being instituted regarding the character of a place of worship and declares that all suits and appeals pending before any court or authority on the cut-off date regarding the conversion of the character of a place of worship shall abate.
3. In other words, all pending cases will come to an end, and no further proceedings can be filed. However, any suit or proceeding relating to any conversion of status that happened after the cut-off date can continue.

Exceptions to Act

1. The 1991 Act will not apply in some cases. It will not apply to ancient and historical monuments and archaeological sites and remains that are covered by the Ancient Monuments and Archaeological Sites and Remains Act, 1958.
2. It will also not apply to any suit that has been finally settled or disposed of, any dispute that has been settled by the parties before the 1991 Act came into force, or to the conversion of any place that took place by acquiescence.
3. The Act specifically exempted from its purview the place of worship commonly referred to as Ram Janmabhoomi-Babri Masjid in Ayodhya. It was done to allow the pending litigation to continue as well as to preserve the scope for a negotiated settlement.



Anyone contravening the prohibition on converting the status of a place of worship is liable to be imprisoned for up to three years, and a fine. Those abetting or participating in a criminal conspiracy to commit this offence will also get the same punishment.

What are the grounds of challenge?

1. The petitioner argues that the Act takes away the rights of communities such as Hindus, Sikhs, Buddhists and Jains to reclaim the sites of their places of worship through legal proceedings.
2. It amounts to taking away the right of the people to seek justice through the courts and obtain a judicial remedy. He also contends that the cut-off date of August 15, 1947, is arbitrary and irrational.
3. The petition contends that the legislation legalises the actions of invaders in the past who demolished places of worship. It wonders how the law could exempt the birthplace of Ram, but not that of Krishna.
4. It is also said the law violates the right to practise and propagate religion, as well as the right to manage and administer places of worship. Further, it goes against the principle of secularism and the state's duty to preserve and protect religious and cultural heritage.

What has the SC said on the status freeze?

1. In its final verdict on the Ayodhya dispute, the Supreme Court had observed that the Act "imposes a non-derogable obligation towards enforcing our commitment to secularism".
2. The court went on to say: "Non-retrogression is a foundational feature of the fundamental constitutional principles, of which secularism is a core component."
3. The court described the law as one that preserved secularism by not permitting the status of a place of worship to be altered after Independence.
4. In words of caution against further attempts to change the character of a place of worship, the five-judge Bench said, "Historical wrongs cannot be remedied by the people taking the law in their own hands.
5. In preserving the character of places of public worship, Parliament has mandated in no uncertain terms that history and its wrongs shall not be used as instruments to oppress the present and the future."



What are the implications of the case?

Some Hindu organisations have been laying claim to the Gyanvapi mosque in Varanasi and the Shahi Idgah in Mathura. Civil suits have been filed in a Mathura court seeking the shifting of the 17th-century mosque from the spot that some claim is the birthplace of Lord Krishna. Any order that strikes down or dilutes the 1991 law on the status of places of worship is likely to influence the outcome of such proceedings.

Governing Delhi

The story so far:

1. The Government of National Capital Territory of Delhi (Amendment) Bill, 2021 was introduced by the Ministry of Home Affairs in the Lok Sabha on Monday.
2. The Bill states clarification of the expression “Government” and addressing “ambiguities” in legislative provisions as its core objectives.
3. Underlining Delhi’s status as a Union Territory, modifications have been proposed to four sections of its three-decade-old predecessor, the Government of National Capital Territory of Delhi Act, 1991.
4. The legislation was enacted to supplement constitutional provisions for the Legislative Assembly and a Council of Ministers for the NCT of Delhi in 1992.

What are the changes sought?

1. The amendments seek to promote “harmonious relations between the legislature and the executive” and provide for rules made by the Legislative Assembly of Delhi to be “consistent with the rules of the House of the People” or the Lok Sabha. T
2. he Bill also seeks to define the responsibilities of the elected government and the Lieutenant Governor along with the constitutional scheme of governance of the NCT interpreted by the Supreme Court in recent judgments regarding the division of powers between the two entities.
3. The amendments also propose to ensure that the Lieutenant Governor is “necessarily granted an opportunity” to exercise powers entrusted to him under proviso to Clause (4) of Article 239AA of the Constitution.
4. The clause provides for a Council of Ministers headed by a Chief Minister for the NCT to “aid and advise the Lieutenant Governor” in the exercise of his



functions for matters in which the Legislative Assembly has the power to make laws.

Supreme Court Judgement

1. In 2018, a five-judge bench of the Supreme Court held that the “real authority to take decisions lies in the elected government”.
2. The NCT’s government, it also ruled, needed only to inform the L-G of its “well-deliberated” decisions instead of obtaining his “concurrence” in every issue of day-to-day governance.
3. In 2019, a two-judge bench hearing the issue of Services — the transfer and posting of bureaucrats — and power over the ACB delivered a split verdict.
4. This verdict stated that while the L-G was free to form an opinion on any matter, “any” did not mean in every “trifling matter” and the L-G should not intervene routinely but only in matters fundamental to Delhi.

Why does it matter?

1. Some experts believe that the amendments will turn the administrative clock of the Capital back by several decades and take it to the era of the Delhi Metropolitan Council, which was considered a mere municipal body, and “snatch” the right of the city’s citizens to vote for those they deem fit to administer them.
2. Other experts argue that the elected government of Delhi had always been a local administrative body to be headed by the L-G as an administrator.
3. The immediate impact of the Bill will be to render void several committees created in the Delhi Legislative Assembly on administrative issues over the last six years allowing direct communication between MLAs and bureaucrats.