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DEPARTMENT / SUBJECT: Court-Matters

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The Hindu

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Ayodhya land exempted in Act: SC

T.H 13/11/19
Bench cites Places of Worship law

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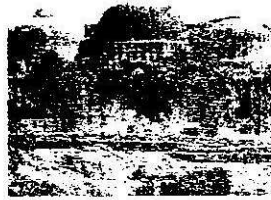
The Supreme Court has made it clear that its Ayodhya judgment will not act as a precedent to justify communal mobilisations against places of worship of other faiths.

The Constitution Bench led by Chief Justice of India Ranjan Gogoi has dealt with this apprehension by referring to Section 5 of the Places of Worship (Special Provisions) Act of 1991.

Section 5 had uniquely exempted the "place of worship - commonly known as Ram Janma Bhumi-Babri Masjid" from the ambit of the 1991 Act, which prohibits the conversion of any place of worship.

The 1,045-page judgment reproduces Section 5, which stipulates, "Nothing contained in this Act shall apply to the place or place of worship commonly known as Ram Janma Bhumi-Babri Masjid situated in Ayodhya in the State of Uttar Pradesh and to any suit, appeal or other proceeding relating to the said place or place of worship".

The 1991 Act bans conversion of religious places of worship and further provides "for the maintenance of the religious character of any place of worship as it existed on August 15, 1947, and for matters connected therewith or incidental thereto".



Section 5 uniquely exempts the "Ram Janma Bhumi-Babri Masjid" from the ambit of the 1991 Act.

The court highlighted that the express prohibition on conversion in the Places of Worship Act "speaks to the future by mandating that the character of a place of public worship shall not be altered".

'Positive obligation'

"Secondly, the law seeks to impose a positive obligation to maintain the religious character of every place of worship as it existed on August 15, 1947, when India achieved independence from colonial rule," the judgment interpreted.

The expression "place of worship" in Section 2(c) of the Act includes "a temple, mosque, gurudwara, church, monastery or any other place of public religious worship of any religious denomination or any section thereof, by whatever name called".

Anyone found guilty of violating the bar would face a jail term of up to three years.