

**Bill No. 133 of 2022**

THE PLACES OF WORSHIP (SPECIAL PROVISIONS) REPEAL  
BILL, 2022

By

DR. KRISHNAPAL SINGH YADAV, M.P.

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BILL

*to repeal the Places of Worship (Special Provisions) Act, 1991.*

Be it enacted by Parliament in the Seventy-third year of the Republic of India as follows:—

1. This Act may be called the Places of Worship (Special Provisions) Repeal Bill, Short title.  
2022.

5      2. The Places of Worship (Special Provisions) Act, 1991 is hereby repealed.      Repeal.

## STATEMENT OF OBJECTS AND REASONS

The Places of Worship (Special Provisions) Act of 1991 was enacted to prohibit conversion of any place of worship and to provide for the maintenance of the religious character at any place of worship as it existed on 15th day of August, 1947. India is and has always been a civilizational state and to, not maintain that status would truly be a disrespect to our glorious past. Numerous places of worship in the past have been destroyed and desecrated in our country in the garb of invasions, battles, and warfare. The suppressed nature of our people and deeply-rooted colonialism didn't allow us as a society to take any action against the cruelty bestowed upon us and our places of worship. Post-independence was truly the time to right the wrongs committed to these places of worship and our people in general. However, when the issues were raised, the Places of Worship Act, 1991 did not allow the people to fight for their places of worship that were destroyed and desecrated but also limited our history by limiting it to post-independence.

India is a civilizational state that cannot be limited to its civic attributes only, which the Act largely tried to do with an exception to the Ramjanmbhoomi-Babri Masjid structure. That too took two decades to provide justice on the long-awaited judgment. Whereas the Government should have created an infrastructure to fast-track such issues of conflict on the ownership of places of worship. In doing so the Parliament ignored the Hindu belief upheld by the Supreme Court in the case, *Mahant Ram Saroop Dashi vs. S.P. Sahi*, AIR 1959 SC 951, that "Even if the idol gets broken or is lost or stolen, another image may be consecrated and it cannot be said that the original object has ceased to exist". Thus, even though the Hindu temples were destroyed decades ago, they have not ceased to exist.

Considering recent events and the feelings of most of the citizens of the country in the cases of the Gyanvapi mosque in Varanasi and the demand to establish the Krishnajanmbhoomi Temple in Mathura, it becomes necessarily important to repeal the current law to make the process of reclaiming lost lands by legal means. Off late there's also the Lakshman ka Tila-TilaWali Masjid dispute in Lucknow that has attracted great interest from pressure groups as well. There is a total number of 600 to 3000 such disputed lands and places of worship that were converted, destroyed, or desecrated by different rulers across the country as contested by various pressure and interest groups. These, however, cannot be contested due to the current law. It is of absolute importance to realize that these places of worship constitute a paramount part of the identity of various people. People of various beliefs under the right to religion have the right to worship their Gods and have access to places of worship.

It would thus be a violation of the fundamental rights of Hindus, Jains, Buddhists and Sikhs as it snubbes their voices against the acts of the past invaders. Therefore it not only violates the fundamental rights to practice and propagate religion but also the right to equality under Article 14. It is, therefore, important to right the wrongs that were done in the past practiced by the former rulers and colonial powers.

Moreover, while a lot of historians do defend the act by stating the time, space, and context argument but to justify these acts would not help solve the current problem at hand. The work of efficient Government is to carry out the will of the people and not to restrict them. Sections 2, 3 and 4 of the Act, bars any dispute regarding the nature of a place of worship after 1947. Therefore, the Act takes away the powers of the court under article 32 and 226 which it has no authority to do as opined in the case *I.R. Coelho vs. State of Tamil*

*Nadu*, (1999) 7 SCC 580 and *L. Chandra Kumar vs. Union of India*, (1994) 5 SCC 539. The powers under article 32 of the Supreme Court are provided by the Constitution with the intent of protecting the fundamental rights of the people. It's power is expansive enough to issue any order for the protection for the enforcement of fundamental rights. For a law to not allow access to a fair attempt at fighting a case to reclaim these structures is surely unfair. Every attempt for the same could be simply struck down due to the present law and therefore, to repeal it, becomes of utmost importance.

To repeal the Places of Worship (Special Provisions) Act of 1991 is to give the people of India a voice and a shot at rightfully reclaiming their lost lands taken away from them. Thus, the present repeal bill aims at giving the people a judicial chance to resolve existing disputes and therefore, seek communal harmony by closing the age-old chapters of destroyed places of worship and the debate following them.

Hence this Bill.

NEW DELHI;  
July 5, 2022.

KRISHNAPAL SINGH YADAV

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*(Dr. Krishnapal Singh Yadav, M.P.)*













