

SIKKIM

GOVERNMENT



GAZETTE

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Gangtok, Wednesday, 20th December, 1995

No. 207

GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK

No. 9/Law/92.

Dated: 6th Nov, 1992.

NOTIFICATION

The following act of the parliament having received the assent of the President on 18th September, 1991 and published in the Gazette of India, Extraordinary, Part II, Section I, is hereby republished for general information:-

THE PLACES OF WORSHIP (SPECIAL PROVISIONS)
ACT, 1991 (ACT NO. 42 OF 1991)

AN
ACT

to prohibit conversion of any place of worship and to provide for the maintenance of the religious character of any place of worship as it existed on the 15th day of August, 1947, and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Forty-second Year of the Republic of India as follows:-

1. (1) This Act may be called the Places of Worship (Special Provisions) Act, 1991.
(2) It extends to the whole of India Except the State of Jammu and Kashmir.
(3) The provisions of sections 3,6 and 8 shall come into force at once and the remaining provisions of this Act shall be deemed to have come into force on the 11th day of July,1991.
2. In this Act, unless the context otherwise requires,-
 - (a) "commencement of this Act" means the commencement of this Act on the 11th day of July,1991;
 - (b) "conversion", with its grammatical variations, includes alteration or change of whatever nature;
 - (c) "place of worship" means 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.
3. No person shall convert any place of worship of any religious denomination or any section thereof into a place of worship of a different section of the same religious denomination or of a different religious denomination or any section thereof.
4. (1) It is hereby declared that the religious character of a place of worship on the 15th day of August, 1947 shall continue to be the same as it existed on that day.
(2) If, on the commencement of this Act, any suit, appeal or other proceeding with respect to the conversion of the religious character of any place of worship, existing on the 15th day of August, 1947, is pending before any court, tribunal or other authority, the same shall abate, and no suit, appeal or other proceeding with respect

Short Title
extent and
commence-
ment

Definitions

Bar of conver-
sion of places of
worship.

Declaration as to
the religious
character of certain
places of worship
and bar of
jurisdiction of
courts, etc.

to any such matter shall lie on or after such commencement in any court, tribunal or other authority:

Provided that if any suit, appeal or other proceeding, instituted or filed on the ground that conversion has taken place in the religious character of any such place after the 15th day of August, 1947, is pending on the commencement of this Act, such suit, appeal or other proceeding shall not so abate and every such suit, appeal or other proceeding shall be disposed of in accordance with the provisions of sub-section (i).

(3) Nothing contained in sub-section (1) and sub-section (2) shall apply to-

(a) any place of worship referred to in the said sub-sections which is an ancient and historical monument or an archaeological site or remains covered by the Ancient Monuments and Archaeological Sites and Remains Act, 1958 or any other law for the time being in force;

24 of 1958

(b) any suit, appeal or other proceeding with respect to any matter referred to in sub-section (2), finally decided, settled or disposed of by a court, tribunal or other authority before the commencement of this Act;

(c) any dispute with respect to any such matter settled by the parties amongst themselves before such commencement;

(d) any conversion of any such place effected before such commencement by acquiescence;

(e) any conversion of any such place effected before such commencement which is not liable to be challenged in any court, tribunal or other authority being barred by limitation under any law for the time being in force.

**Act not to
apply to Ram
Janma Bhumi-
Babri Masjid**

5. 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.

**Punishment for
contravention
of section 3.**

6. (1) whoever contravenes the provisions of section 3 shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

(2) Whoever attempts to commit any offence punishable under sub-section (1) or to cause offence to be committed and in such attempt any act towards the commission of the offence shall be punishable with the punishment provided for the offence.

(3) Whoever abets, or is a party to a criminal conspiracy to commit, an offence punishable under sub-section (1) shall, whether such offence or to be not committed in consequence of such abetment or in pursuance of such criminal conspiracy, and not withstanding anything contained in section 116 of the Indian Penal Code, be punishable with the punishment provided for the offence.

45 of 1860

**Act to override
other
enactment**

7. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any instrument having effect by virtue of any law other than this Act.

**Amendment of
Act 43 of 1951**

8. In section 8 of the Representation of the People Act, 1951, in sub-section (1):-

(a) in clause (i), the word "or" shall be inserted at the end;

(b) after clause (i), as so amended, the following clause shall be inserted, namely:-

“(j) section 6 (offence of conversion of a place of worship) of the Places of Worship (Special Provisions) Act, 1991,”

SHANKAR DAYAL SHARMA
PRESIDENT

K.L. MOHANPURIA

Secretary to the Govt. of India.

B.R. Pradhan

Secretary to the Govt. of Sikkim

Law Department,

F.No. 11 (256)LD/81-92

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.