

GYANVAPI MOSQUE/TEMPLE: A DILEMMA IN ITSELF

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ABSTRACT

India is a rich heritage country that has several religions and beliefs. In India, there are many temples, churches, mosques and all religious places. Moreover, sometimes we see the debate on the property of temples and mosques. Debate on whether there was a temple or mosque. In this article, you will find one of the recent cases that are Gyanvapi Case where there is a dispute over a temple or mosque. However, Gyanvapi is a place located in Banaras, Uttar Pradesh. When we go into history we will find that there was a temple that belongs to Lord Shiva known as the Vishweshwar temple. In addition to it, it is discussed how the development took place and how the mosque was built after deconstructing the temple. You will find how the archaeological survey of India surveys the mosque and what the court says on that issue. We know that Everyone has a right to religion and on that basis, the court will peacefully decide the matter. And judgments are not just clarifying the parameters of the right to freedom of religion, but are affected by the extremely formation of devotion and sentiment of the people.

Keywords- India, Gyanvapi Case, Vishweshwar Temple, Right to Freedom of Religion, Archaeological Survey of India

INTRODUCTION

Gyanvapi is a place located in Banaras, Uttar Pradesh. As stated in history there was a Vishweshwar temple in ancient times which was devoted to Lord Shiva which was built by Raja Todar Mal, who was the Finance minister of Akbar. In 1669 Aurangzeb demolished that temple and convert it into a mosque. Then there was a lot of evidence which states the presence of the lord Vishweshwar temple. There was a french merchant name, Jean Baptiste Tavernier, who explained more briefly the structure of the temple with the multi-storied domed tower at the four ends of the temple. One British scholar, Peter Mundy also visited the temple in 1632 on his tour to India. When in 1669 the temple was demolished, there was some plinth left on the wall and inside the mosque which was visible from the courtyard of the mosques. The reason for demolition giving at that was the political reason rather than religious zealotry. It was also argued that the demolition of the temple in the name of political reason which has been seen in the hierarchy of the muslim rulers who demolished temples wherever they establish their new empire.

Developments takes place in recent times

The issue then arose in starting of 1984 when the right-wing of the Vishwa Hindu Parishad sued a petition in the civil court of Varanasi claiming the GYANVAPI VISHWESHWAR temple to be their place of worship, which was at that time having a title of the mosque.

Then in 1991 a civil suit was filed before the Varanasi civil court regarding the transfer of title of the property to the Hindu religion but was opposed by the Allahabad high court which stated that it should be protected by the **PLACE OF WORSHIP ACT, 1991**.

Place of worship act, 1991

This act was passed on 18 September 1991, which prohibits the "conversion of any place of worship" and provides "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" which was passed by the P.V Narsimha Rao government.

However, there is a certain exception to it like, Ram Lalla janm-Bhoomi judgement.

Section 4(1) of the Act explains that the religious character of a place of worship existing on the 15th day of August 1947 shall continue to be the same as it existed on that day.

In addition with section 4(2) states that If, on the commencement of this Act, any suit, appeal or other proceedings 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 proceedings with respect to any such matter shall lie on or after such commencement in any court, tribunal or other authority.

WHEN COMING BACK TO 1991

The Muslim side was represented by a committee named Anjuman Inteamiya Masjid and the Hindu side was represented by pandit Somnath vyas who stated that the place of worship act 1991 is unconstitutional as it deprives the right of Hindu's temples those were demolished by the Mughal rulers but the lawyer of Anjuman Itezamiya Masjid - S N Yaseen claim the defence of place of worship act 1991 which protects the transfer of title of the Gyan Vapi.

But in the year 2000 pandit Somnath Rastogi passed away. Later in 2018 former government adv. Vijay Kumar Rastogi was given the command to represent the Hindu site in the case.

One more petition was filled in the same case to allow Hindu women to worship in the complex of the Gyan Vapi mosque but it was rejected by Allahabad high court by stating the defence of the Place of worship act 1991, and if they allow them to worship then it will raise a question mark for the minorities rights that are safeguarded by the constitution of India.

But after the verdict of the Ram Lalla janmbhoomi case, this matter again came into the limelight as it gave confidence in the mind of the hindu side that they can claim the side but it'll also diminish the rights of the other side.

In 2019, 5 women moved to the court with an advocate seeking permission to worship the idols - shringar Gari, Lord Ganesh, Lord Hanuman, and Nandi which were presented on the outskirts wall of a mosque, and also seeking the help of the court to state the other side not to destroy the deities. But in the judgement of the court, they were allowed to worship Shringar Gauri only on the fourth day of the Chaitra Navratri.

On April-8 2021, Varanasi civil court ordered the Archaeological Survey of India (ASI) to survey the area owned by the mosque to check whether there are any prints or proof left showing that there was a temple or not. The survey team was comprised of five members out of which two-member will be of a minority community. But later on September - 9 - 2021, Allahabad high court stayed the order of the survey.

On April-26-2022, Varanasi civil court formed an advocate commission and ordered them to conduct a survey and videography of the mosque which should be kept confidential but it was opposed by the opposition board i.e. Anjuman Inazamiya Masjid where they stated the biased opinions of the court-appointed commissioner Ajay Kumar Misra in the survey. Furthermore, they moved to the Supreme Court alleging that videography is spreading in the media by the advocate commission team which should be confidential and is against the place of worship act 1991 but this appeal was rejected by the court furthermore court added two more commissioners to the survey so that it can take place as early as possible. In addition with 54 member team on 15th May 2022, the survey was completed and it was found that there was a **SHIV LING** inside the Kashi Vishwanath Gyan Vapi **temple/mosque**. After which court order the district magistrate, police commissioner, and CRPF commandment to seal the area immediately where the shivling has been found.

Later on, the next day, May 17th Anjuman Itezamiya Masjid committee moved to the Supreme Court challenging the order of the Varanasi civil court of surveying the archaeological survey of India.

In furtherance on May 30th, Ajay Kumar Bhalla was also removed from the position of the commissioner of the survey team as it was alleged that the video clips have been leaked inside the mosque of the evidence that has been found in the Mosque.

CONCLUSION

- ❖ Whether this decision of **GYANVAPI** being **MOSQUE/TEMPLE**, by the honourable court, it should not infringe the rights of the community which deserve the title of that complex. There were several loopholes in the current matter which should be arranged

- ❖ Place of worship act 1991,- when the place of worship act being in force is not taken into consideration then what's the meaning left behind for having such kind of law.
- ❖ When the current title of the complex is with the Muslim community then why the Women were allowed to worship there, which future could be the reason for the repetition of the same act which was happened in 1991 with the Babri Masjid 1991.
- ❖ The constitution is for the people of India and every people living in India has the right to protect their religion under **Article 25** says "all persons are equally entitled to freedom of conscience and the right to freely profess, practise, and propagate religion subject to public order, morality and health."
- ❖ So it should be on judges to show the Justice to the one who deserves the title and the state should also be prepared for the judgement as it will be a win for one and NO tittle to the other party, So states should also take proper measures for having peace in the country.

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