

## A COMPREHENSIVE SCRUTINY ON GYANVAPI MOSQUE: PRIMARILY GRADUAL PREJUDICE

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### Abstract

The present study investigates the Gyanvapi Mosque, situated next to the Kashi Vishwanath Temple in Varanasi, which became the focus of a legal dispute when a petition was filed in August 2021 by a group of Hindu devotees seeking the right to offer daily prayers before the Hindu idols on the mosque's outer walls according to their belief. There is a point of controversy based on Legal battles; the controversy surrounding the Gyanvapi Mosque revolves around calls for its demolition and the reinstatement of the original Kashi Vishwanath Temple. Numerous cases have been filed on this issue since 1991, highlighting the communal sensitivity surrounding the temple-mosque dispute. The case remains unresolved, with multiple petitions and demands from both sides. The Places of Worship Act, 1991, has influenced the legal proceedings. Resolving this dispute will require a delicate balance between historical claims, legal aspects, and the preservation of cultural and religious heritage. This research paper also analyses the cursory verdicts of the Supreme Court on this matter.

**Key Words:** [Gyanvapi, Kashi Vishwanath Temple, Varanasi, Uttar Pradesh, Incremental Injustice, Archaeological Survey of India (ASI), Places of Worship (Special Provision) Act,1991]

### INTRODUCTION

The term Gyanvapi is a Sanskrit word which basically means "well of knowledge". The Gyanvapi Mosque, located in Varanasi, Uttar Pradesh, has gained attention due to the on-going controversy surrounding its religious status. Dating back to the 17th century, during the reign of Mughal Emperor Aurangzeb, the mosque has a rich history intertwined with disputes that continue to persist neighboring Kashi Vishwanath Temple. This is a believe that the Gyanvapi Mosque is a unique blend of Mughal and Hindu architectural styles, featuring intricate carvings, towering minarets, and a spacious courtyard. Inside the main prayer hall, visitors can admire elegant calligraphy, arches, and domes. Though it has a deep historical significance, the mosque in Varanasi, Uttar Pradesh, has gained attention due to an ongoing dispute over its religious status.

Some popular sources claim that the original temple was destroyed by Qutb al-Din Aibak in 1193-94 CE. At that time there was a war in which Qutb al-Din Aibak defeated Jaya Chanda, the then ruler of Kannauj (present day in Uttar Pradesh). Another claim suggests that Aurangzeb demolished the temple around 1669 and built a mosque in its place. Historical records indicate that after the destruction of the original Vishwanath

Temple and the construction of the mosque, the present Vishwanath Temple was built adjacent to it by the Maratha ruler Ahilya Bai Holkar of Indore in 1780. Various claims and counterclaims persist regarding the historical authenticity of the original temple site, yet there is no conclusive validation from historical scholarship. Through this research paper we will be going from end to end of the matter and also about the dispute regarding the Gyanvapi Mosque in recent times.

### 1. AN OVERVIEW OF GYANVAPI MOSQUE

#### 1.1 HISTORY

Gyanvapi is a Sanskrit term where "Vapi" means a well, and "Gyan" signifies knowledge that leads to liberation, translating to "Well of Knowledge." It is situated in Kashi, Uttar Pradesh-one of the oldest cities in the world. The name "Kashi" can be traced back to the Rig Veda, where it is referred to as "Moksha Nagri." It is believed that anyone who dies in Kashi attains immediate salvation. Therefore, Hindu believers in their old age prefer to surrender their life to God at Kashi. According to ancient beliefs, Lord Shiva is said to have dug the well with his Trishul to fetch water for his puja, giving it the name Gyanvapi. Historical accounts suggest that the temple has been demolished three times over

the centuries. A contemporary historian of Aurangzeb recorded an entry stating that on 17 Jilqda, Hijri 1079 (April 18, 1669), the emperor learned that in Banaras, Brahmins were teaching their sacred texts in schools, attracting both Hindu and Muslim students from distant regions to acquire what he referred to as "Satanic Knowledge." Upon hearing this, Aurangzeb, described as the "preserver of religion," ordered the demolition of all schools and temples belonging to non-believers. The Kashi Vishwanath Temple was among those destroyed, and the Gyanvapi Mosque was constructed using its pillars and debris at the same location. Later, in 1777 Maharani Ahilya Bai Holkar of Indore revived the Kashi Vishwanath temple adjacent to the Gyanvapi Mosque. In present day the dispute is also because till about 1992, Hindus were allowed to worship the idol of Shringar Gauri which the Hindu believes as Maa Parvati. The outer surface of Gyanvapi consist of the image of Maa Parvati. However, from 1992, it has been arbitrarily restricted to do the puja. Several petitions have been filed for the right to worship by the Hindu devotees which was challenged by the Anjuman Intezamia Masjid Committee. it was challenged in high court. The Allahabad High Court heard the parties, and found it for the conduct of survey as lawful. Tracing back to more old days, it can be discovered that during the reign of Mahmud Sharqi between the periods of 1436 to 1458, he demolished many temples in Banaras including the Kashi Vishwanath. Also, the dimensions and other details of this temple are available in Moti Chandra's book, named as KASHI KA ITIHAS.

## 1.2 GYANVAPI COMPLEX

This issue can be peacefully resolved, and the disputes settled if both Hindus and Muslims acknowledge the historical facts surrounding Gyanvapi. It is believed that the origins of this well of wisdom date back to a time when there was no water on Earth. The water from the well is said to be the liquid form of Gyan (Knowledge). This well is regarded as the holiest water source on Earth

and is also known as Shiva Tirtha, Gyanodatirtha, Tarakatirtha, and Moksha Tirtha. From a historical and archaeological perspective, it was once situated beneath a 19th-century arcaded pavilion in an open area at the heart of Varanasi. This location separates the main temple of Visvesvaraya from the Alamgir Mosque in the Gyanvapi region. Because of its position, the site is commonly referred to as the Gyanvapi Mosque. Gyanvapi is considered the spiritual centre of Kashi's cosmic domain, serving as the sacred axis for initiation and completion rituals. With the restructuring of the sacred city, the Gyanvapi Well is now within the boundaries of the Kashi Vishwanath Corridor. Since 2019, it has undergone significant renovations. Today, atop the remnants of the old Vishwanath Temple, stand two mosques: on the upper side, one built in the 13th century by Raziya Sultan, and the other on the lower side, the more famous one built in the 17th century by Aurangzeb.

In the early to mid-18th century, multiple attempts were made by the Kacchawahs and Maratha chiefs to demolish Aurangzeb's mosque and rebuild the Vishveshvara Temple. However, all efforts were suppressed by the Mughals. At the site where Aurangzeb's mosque stands, only remnants of Raja Todar Mal's temple rebuilt around 1585 using Chunar sandstone, less than 100 meters south of the ancient Vishwanath Temple are still visible. The qibla wall rises above the surviving remains of the temple, which was never fully destroyed. Accurately reconstructing the site remains challenging, as our understanding is largely based on James Prinsep's 1833 hypothetical reconstruction, which partly relies on descriptions of the deities as envisioned in the Kashi Khanda. This plan of Prinsep visualize the temple as a mandala i.e., Cosmogram of 3x3 square chambers, the central and larger one reserved for Vishveshvara. This reconstruction is unconvincing as it aligns neither with observable architectural evidence nor with the temple-building

practices of that period. The Vyas family, which had the rights since the Mughal period to perform rituals of commencement of a vow and completion of a vow, is no longer involved since the passing away of Kedar Nath Vyas, who has no Heirs. Now, the temple is maintained by hired priests arranged by the temple authorities intermittently.

## **2. THE CURSORY VERDICT OF COURTS ON THIS ISSUE**

### **2.1 ASI SURVEY ON GYANVAPI MOSQUE**

The District Court of Varanasi permitted the ASI (Archaeological Survey of India) to conduct a survey of the Gyanvapi Mosque premises. The ASI was directed to begin the survey on July 21. Earlier, it was determined that the suit filed by certain Hindu devotees seeking the right to worship specific deities and images within the mosque complex was not restricted by the Places of Worship (Special Provisions) Act, 1991 which froze the status of all places of worship as on August 15, 1947. The justification given was that the suit focused solely on the right to worship and did not seek a declaration that the building was a temple. However, contradicting this stance, the worshippers later filed requests for a scientific survey by archaeologists to determine whether the Gyanvapi Mosque was constructed over the remains of a demolished Hindu temple. Both courts supported this approach, allowing the ASI to gather official evidence that was not previously available to the plaintiffs. According to the counsel for the Hindu plaintiffs, the ASI survey uncovered remnants of idols in the mosque's basement. This claim was however rejected by the Muslims.

The ASI team conducted a detailed examination of the pillars and door frame, as noted by one of the Hindu plaintiffs. On July 21, the Varanasi court ordered a scientific survey of the Gyanvapi Mosque to determine whether it was built over the remains of a pre-existing Hindu temple. In response to the order, the ASI began its survey on July 24. However, on the same day, the

Supreme Court temporarily halted the survey until 5 PM on July 26 while allowing the Muslim side to approach the Allahabad High Court against the lower court's order. On August 3, the High Court rejected the petition and permitted the survey to proceed. The Muslim side then appealed to the Supreme Court, which declined to halt the High Court's order allowing the ASI survey. However, the Supreme Court bench, led by Chief Justice of India (CJI) Dhananjay Y. Chandrachud and Justices J.B. Pardiwala and Manoj Misra, directed the ASI to avoid any invasive procedures during the survey. This ruling came just hours after the ASI had already resumed its detailed survey as instructed by the District Court. The ASI team conducting the survey of Gyanvapi mosque also included experts from Lucknow, Agra, Jhansi and Patna. The ASI survey involved mapping, imaging, and measuring the Gyanvapi structure, excluding the sealed area. Every part of the building was meticulously examined based on records and documents submitted to the court. The ASI also measured the barricaded section and created a detailed map. Additionally, soil samples were collected for further analysis. The aim of the survey is to determine if the mosque was constructed over a pre-existing structure of a Hindu Temple. The survey will cover the entire mosque premises, except for the Wuzukhana (ablution area). The orders were issued after the ASI assured that no excavation would be conducted at the site and no damage would be caused to the structure.

### **2.2 THE VERDICT OF COURT**

With the ASI (Archaeological Survey of India) conducting a survey at the Gyanvapi Mosque, concerns have arisen that the Allahabad High Court may have implicitly supported an attempt to alter the site's religious character. Meanwhile, the District Court's order stated that a scientific report would reveal the "true facts" of the case, aiding in a fair resolution and reasonable conclusion. The High Court rejected all objections, including claims that it could not seek expert

evidence before framing the issues for trial or gather evidence on behalf of the plaintiffs. However, the court did not address why determining the age of the pillars and walls or cataloging artifacts was necessary when the primary request in the suit was for the right to worship Ma Sringar Gauri, Ganesh, and Hanuman and other visible and invisible deities. The case primarily revolves around the claim that Hindu deities were worshipped at the site both before and after August 15, 1947. It is asserted that daily worship continued until 1990 and, since 1993, has been permitted only once a year. The dispute has intensified, with both Hindus and Muslims strengthening their positions. Uttar Pradesh Deputy Chief Minister Keshav Prasad Maurya stated that the survey has uncovered the truth. The Places of Worship Act, which has been in effect since July 11, 1991, has come under focus, particularly Section 3, which prohibits the conversion of a religious site in any manner, even to cater to a particular section of the religion.

The mosque committee argued that the fresh suits filed in 2021, citing the "right to worship," were prohibited by the Places of Worship Act, 1991, and were merely an attempt to rekindle a dispute that had already been settled by law. However, the Act specifically exempts the Ajodhya case, as stated in Section 5, which declares that its provisions do not apply to the Ram Janmabhoomi-Babri Masjid dispute. The Places of Worship Act, 1991, has been challenged in the Supreme Court by a BJP leader, who claims that it contradicts the principle of secularism enshrined in the Indian Constitution. Meanwhile, the political ramifications of the ongoing Gyanvapi controversy are significant. The BJP is well aware that the opposition cannot adopt a one-sided stance on the matter, as doing so could cost them the support of the majority Hindu electorate. The Supreme Court of India on Friday declined to stay the Allahabad High Court allowing the Archaeological Survey of India (ASI) to conduct a survey within the mosque premises.

### 2.3 RESEARCH METHODOLOGY

Based on a descriptive method of research, this research report was written. The secondary sources are primarily used to gather information. To obtain the broadest knowledge possible on the Gyanvapi mosque, secondary data sources are explored. Further this research report has been written from the sources which mention that the court instructed the ASI to establish a five-member expert committee to carry out a thorough physical survey of the entire Gyanvapi compound. The survey is to be conducted using non-invasive techniques, including ground-penetrating radar (GPR) and carbon dating. The scientific study method had been further used by the ASI on the Gyanvapi Mosque.

### CONCLUSION

The central issue in this case is the Hindu side's claim that a "shivling" was discovered inside a reservoir within the mosque complex during a survey. Historical records indicate that the mosque was built in the 17th century on the orders of Mughal emperor Aurangzeb after the demolition of the original Kashi Vishwanath Temple. The Allahabad High Court permitted the ASI to conduct carbon dating of the shivling, which Hindu religious groups claim exists inside the Gyanvapi Mosque. This long-standing dispute between Hindus and Muslims has been a subject of controversy for years. The Supreme Court has received challenges regarding the historical data and perspectives related to the Gyanvapi Mosque. However, it dismissed a plea opposing the Allahabad High Court's order allowing the mosque survey, stating that it was an interlocutory order. On January 31, 2024, a civil court granted permission to a Hindu petitioner to take possession of the cellar and commence worship.

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