

Brief

# Bhojshala Verdict

*Constitutional and  
Historical Perspectives*

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**Bhojshala Verdict:**  
Constitutional and Historical Perspectives

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## Context

In a landmark ruling delivered on May 15, 2026, the Indore Bench of the Madhya Pradesh High Court recognised the Bhojshala complex in Dhar as the temple of Goddess Vagdevi (Saraswati). The ruling represents a significant shift in Bharat's legal and civilisational discourse on historical religious sites and the explanation of archaeological and historical evidence in courts.

The judgment was delivered by a Division Bench made up of Justice Vijay Kumar Shukla and Justice Alok Awasthi in the long-running litigation concerning Bhojshala. The Archaeological Survey of India's (ASI) 2003 agreement allowing namaz at the site was overturned by the Court, which determined that the contested monument's historical and religious nature is that of a Hindu temple connected to Goddess Saraswati.

After the Ram Mandir Ayodhya ruling, the verdict is regarded as one of the most significant court rulings in issues pertaining to historical religious identity and the continuation of worship.



From Munj Talab to Gyanpura, the ancient Bhojshala complex stood as a timeless seat of learning and spirituality; home to Acharyas, a grand Mandap etched with carvings and inscriptions, where every pillar, shadow and reflection still whispers the stories of ancient Bharat.

## Historical Background of Bhojshala

Bhojshala, situated in Dhar district of Madhya Pradesh, has historically been associated with Raja Bhoj of the Paramara dynasty, one of medieval Bharat's most celebrated scholar-kings.

Centre for Integrated and Holistic Studies (CIHS) had done a thorough study on the historical accounts and local traditions that identify Bhojshala as a hub for Sanskrit learning and a temple dedicated to Maa Saraswati, revered as Vagdevi, the goddess of knowledge, wisdom and speech. The study can be found at link <https://www.cihs.org.in/the-bhojshala/>.

The false religious claim over the temple by Kamal Maula Structure further intensified during the colonial and post-independence periods, eventually resulting in administrative arrangements regulating access to the site.

In 2003, the ASI issued an order permitting Muslims to offer namaz on Fridays and Hindus to perform puja on Tuesdays. This arrangement often resulted in tension, especially during Vasant Panchami celebrations.



Stolen Goddess Vāgdevi (Saraswati/Ambika), carved during the Paramara Dynasty circa 1034 CE at Bhojshala in Dhar; now housed in the British Museum; a symbol of medieval India's artistic and sacred heritage.

## Key Findings of the Madhya Pradesh High Court

*i) Acknowledgment of Bhojshala as Saraswati Temple:* The High Court clearly held that the site has a Hindu religious character and acknowledged Bhojshala as the temple of Goddess Vagdevi (Saraswati).

The Court noted that the structure's identity as Bhojshala is established by historical documents, inscriptions, archaeological evidence and the continuity of Hindu worship.

### The Bench declared:

*“The religious character of the area is held to be Bhojshala with temple of Goddess Vagdevi Saraswati.”*

The Court also recognised the site's longstanding connection to Sanskrit education and Raja Bhoj's cultural significance.

### *ii) Quashing of the ASI's 2003 Order:*

The Archaeological Survey of India's 2003 order, which had allowed namaz inside the complex, was set aside as a significant part of the ruling as it lacked legal validity as arrangement changed the nature of a location whose fundamental identity was determined to be Hindu. The Court further noted that historical and religious evidence about the nature of a place of worship cannot be overruled by administrative convenience.

The dual-use agreement that had controlled the complex for more than 20 years is essentially terminated by this.



Adorned with flowers and reverence, Goddess Vagdevi, stands as a symbol of civilizational continuity and spiritual devotion

### *iii) Reliance on Archaeological and Historical Evidence:*

Documentary evidence and archaeological findings played a major role in the verdict.

In 2024, the ASI carried out a thorough scientific examination of the Bhojshala complex in accordance with previous High Court directives. According to reports, the survey contained:

- Excavations
- Structural analysis
- Study of inscriptions
- Architectural examination
- Documentation of temple-style features

The Court observed that the Hindu contention about the site's original nature and sacred character was largely substantiated by these facts.

The Bench also took into account historical documents and writings that linked the location to the Saraswati temple tradition of Dhar.



ASI scientific survey at the historic Bhojshala complex in Dhar, Madhya Pradesh, under High Court supervision amid tight security

#### ***iv) Hindu Worship Continuity:***

The High Court placed a high value on Bhojshala's continuous Hindu devotion.

The Court noted that Hindu devotees have consistently maintained religious rituals connected to Goddess Saraswati and considered the place sacred notwithstanding administrative limitations and historical shifts.

Indian courts have frequently viewed continuity of worship as a crucial legal consideration in cases involving sacred places and the Bhojshala ruling upholds this idea.

#### ***v) Suggestion for Alternative Land for Mosque:***

The Court, even as it ruled in favor of the Hindu petitioners, attempted to preserve societal harmony.

According to the ruling, Muslims may ask the state government to grant them a different piece of property so they can build a place for worship in the Dhar district.

This part of the decision demonstrates the Court's effort to strike a balance between restorative justice, communal harmony, and constitutional sensitivity.

## Legal Course of the Bhojshala Litigation

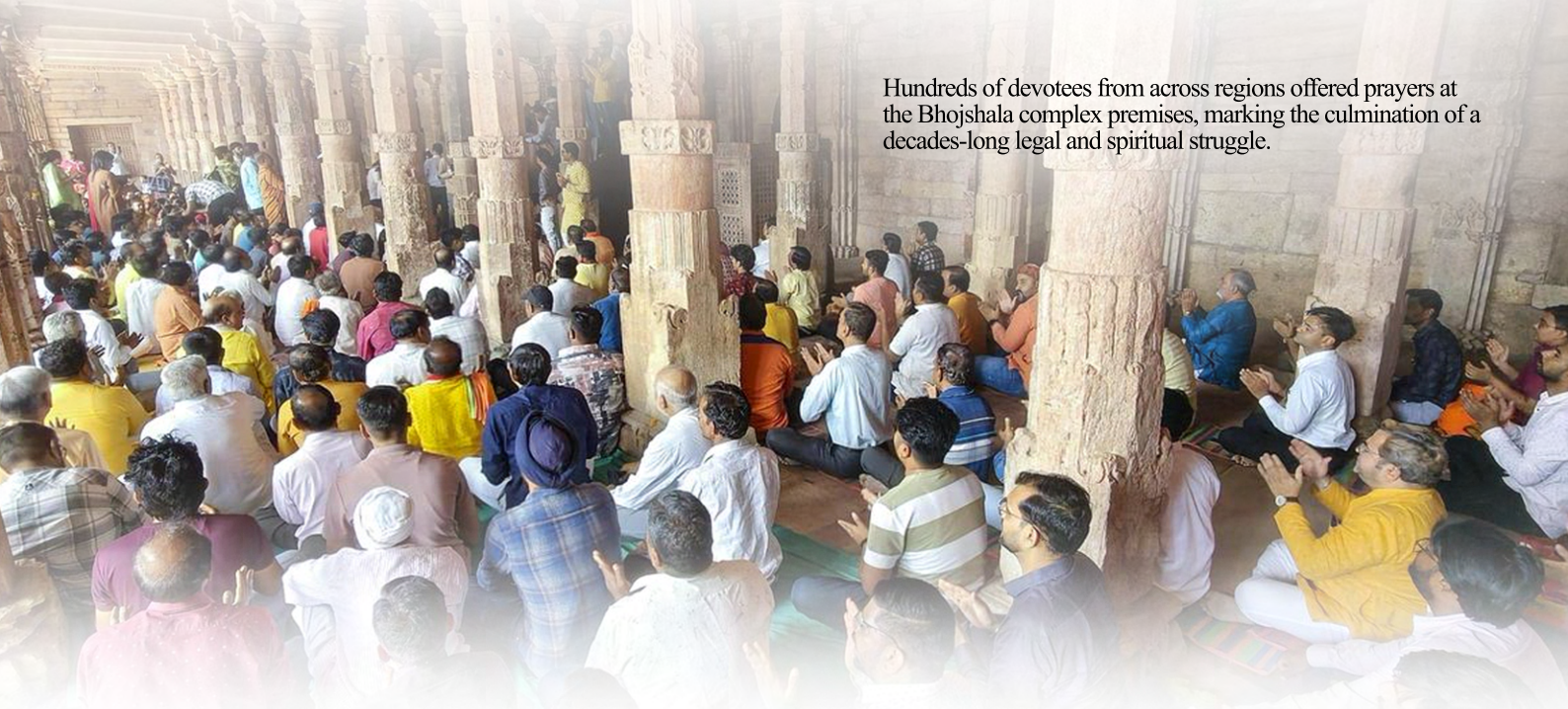
The Bhojshala verdict delivered on 15 May 2026 is the culmination of a legal journey spanning more than two decades, beginning with the Archaeological Survey of India's (ASI) administrative order of 7 April 2003 that split worship rights at the complex, namely Hindu puja on Tuesdays and Muslim namaz on Fridays. This composite arrangement, conceived as a peace-keeping formula, soon became the very source of friction it sought to prevent, particularly whenever Basant Panchami coincided with Friday namaz. What was originally treated as a question of access and convenience gradually transformed into a substantive legal inquiry into the religious character of the monument itself.

The matter that reached the Indore Bench of the Madhya Pradesh High Court drew submissions from three principal sets of parties. The Hindu side was led by the Hindu Front for Justice, with petitioner Smt. Ranjana Agnihotri (National President of the Hindu Front for Justice) and co-petitioners Ashish Janak,

Ashish Goyal, Sunil Saraswat and Mohit Garg, represented by Senior Advocate Hari Shankar Jain and Advocate Vishnu Shankar Jain (with Advocates Gurumurthy, Parth Yadav and Vinay Joshi). The Muslim side was led by the Maulana Kamaluddin Welfare Society of Dhar (the mosque committee custodian), represented by Senior Advocate Salman Khurshid and Advocate Tausif Warsi. A third strand of submissions came from a Jain petitioner who asserted that the complex was originally a medieval Jain temple and gurukul. The Union of India and the ASI were represented by Additional Solicitor General K.M. Nataraj, assisted by the Advocate General of Madhya Pradesh. The matter at the Supreme Court was titled Maulana Kamaluddin Welfare Society, Dhar v. Hindu Front for Justice (Registered Trust No. 976) and Others, SLP (Civil) No. 7023/2024. The chronology below traces the principal milestones, observations and contesting arguments that shaped the final judgment.

Date	Event / Court Stage	Key Observations and Orders	Arguments by Hindu Side (Hindu Front for Justice; Advs. H.S. Jain and V.S. Jain)	Arguments by Muslim Side (Maulana Kamaluddin Welfare Society; Sr. Adv. Salman Khurshid and Adv. Tausif Warsi)
7 April 2003	ASI administrative order	<b>Permitted Hindu puja on Tuesdays and Muslim namaz on Fridays at the Bhojshala complex; created a dual-use regime.</b>	Did not contest immediately; later argued the order altered the fundamental religious character of a protected monument.	Treated the order as a settled administrative arrangement entitling continued Friday namaz between 1 pm and 3 pm.
May 2022	Hindu Front for Justice files PIL before the Indore Bench, MP High Court	<b>Court issued notices to the Union, the State of Madhya Pradesh and the ASI; recognised the petition as raising substantial questions on the religious nature of the site.</b>	Sought a declaration that Bhojshala is a Saraswati (Vagdevi) temple, full worship rights for Hindus, and restoration of the Vagdevi idol allegedly removed by the British in 1857 and currently held at a London museum.	Maintained that the structure is the Kamal Maula Mosque and relied on a 1935 order of the erstwhile Dhar State permitting namaz inside the complex.

5 February 2024	Hindu Front for Justice applies for a scientific survey	<b>Court took the application on board and proceeded to hear the parties on the question of an ASI survey.</b>	Pressed that an ASI scientific survey was a statutory duty long overdue.	Opposed any survey on the ground that it would prejudice a protected monument.
11 March 2024	MP High Court orders ASI scientific survey	<b>Directed a five-member ASI committee to ascertain the "true nature and character" of the complex without defacing or destroying its original character.</b>	Welcomed the order as recognition that archaeological science was the appropriate route to historical truth.	Maulana Kamaluddin Welfare Society moved the Supreme Court seeking a stay, contending the survey would damage the protected monument.
22 March 2024	98-day ASI scientific examination	<b>Survey included excavation, structural analysis, study of inscriptions, architectural documentation and recording of temple-style features. The ASI later stated that three Muslim experts were part of the survey team.</b>	Pointed to inscriptions, pillar carvings, idol fragments, coins, sculptures and architectural motifs consistent with a Saraswati temple, Sanskrit centre and Paramara-era foundations.	Objected that the team was selectively using the term "Bhojshala Temple" throughout its working notes, alleging institutional bias.
15 July 2024	ASI submits 2,000-page survey report to the High Court	<b>Report recorded evidence of a structure linked to the Paramara rulers of Dhar that predated the present mosque, and the use of repurposed temple components.</b>	Submitted that the report substantiated the temple origin and the destruction-and-superim position thesis (linked by the petitioners to events of 1305 and later).	Salman Khurshid argued the report failed to demonstrate that the Kamal Maula Mosque was built by demolishing any earlier religious structure, and that the ASI never carried out the directed carbon dating.
6 April 2026 onwards	Continuous hearings on five petitions and one writ appeal before Justices Shukla and Awasthi	<b>Division Bench heard sustained submissions on the ASI report, historical literature, inscriptions, the 1935 Dhar State order and the 2003 ASI arrangement.</b>	Argued continuity of Hindu worship, Raja Bhoj's Sanskrit centre, the Vagdevi tradition, the Parijata Manjari literary record and recovered artefacts as admissible scientific evidence.	Salman Khurshid contended (i) no petition specifically pleaded or proved title; (ii) no juristic deity was impleaded, unlike Ram Lalla Virajman in the Ayodhya matter; (iii) Article 25 rights cannot be a substitute for title; (iv) the Persian inscription at the tomb of Abdullah Shah Chagal (1.5 km away) was wrongly linked to the site; (v) the videography supplied to parties was in short clips, many under 45 seconds; (vi) recovered "artefacts" included paper and plastic, which "was not invented in the 13th or 14th century"; (vii) the ASI altered steps, platforms and flooring during the survey; (viii) a Gautam Buddha statue recovered was not mentioned in the report.



Hundreds of devotees from across regions offered prayers at the Bhojshala complex premises, marking the culmination of a decades-long legal and spiritual struggle.

Parallel submissions	Jain petitioner's claim	<b>The Bench took note of, but did not accept, the Jain claim.</b>	(Not advanced.)	(Not advanced.) The Jain petitioner separately claimed the complex was originally a medieval Jain temple and gurukul.
22 January 2026	Supreme Court order on Basant Panchami	<b>Permitted Hindus to perform Saraswati Puja at the complex on 23 January 2026; deployment of about 8,000 police personnel was undertaken.</b>	Treated this as judicial recognition of subsisting worship rights.	Maintained that Friday namaz timings remain protected by the 2003 arrangement.
14 May 2026	Court signals judgment for the following day	<b>Heavy security deployment of nearly 1,200 personnel ordered around the complex; the Dhar administration appealed for calm.</b>	Awaited declaratory relief on the religious character of the site.	Sought protection of the existing 2003 arrangement and Friday prayer rights.
15 May 2026	Final verdict by Justices Vijay Kumar Shukla and Alok Awasthi	<b>Declared the religious character of the area to be "Bhojshala with temple of Goddess Vagdevi Saraswati"; partially set aside the ASI's 7 April 2003 order; recorded that the continuity of Hindu worship "has never been extinguished"; directed that the ASI continue overall conservation; observed that the Maulana Kamaluddin Welfare Society "or any other new Waqf body" may apply to the State Government for suitable land in Dhar district to construct a mosque or prayer site; directed the government to consider the petitioners' request on repatriation of the Vagdevi idol from London.</b>	Recognised as the prevailing party; Vishnu Shankar Jain termed the verdict "historic" and stated only Hindu worship would now take place at the site.	The 1935 order and the 2003 administrative arrangement were held not to override the fundamental religious character established by historical and archaeological evidence.



Historic shrine of Goddess Vagdevi, reclaimed through faith, resilience, and decades of unwavering struggle.

The judicial trajectory of the Bhojshala matter illustrates a careful migration from administrative compromise to evidentiary adjudication. The Division Bench did not rest its conclusion on faith or tradition alone; it built its findings on three converging streams of proof, namely the ASI's court-monitored scientific survey, historical literature establishing the Paramara-era Sanskrit centre associated with Raja Bhoj, and the recorded continuity of Hindu worship across centuries of administrative shifts. The Court's express observation that "archaeology being a science, the findings emerging from scientific studies could be relied upon" signals a maturing jurisprudence on the use of expert evidence in disputes over religious heritage. Importantly, the Court engaged squarely with the Muslim side's structured objections led by Senior Advocate Salman Khurshid, on title, on juristic personality, on survey methodology, and on the absence of carbon dating, and chose to test those objections against the documentary and archaeological record rather than against the 2003 administrative status quo.

Equally significant is the Bench's effort to balance restorative recognition with constitutional restraint. While partially setting aside the 2003 dual-use arrangement and affirming the temple character of Bhojshala, the Court left open a constructive path for the Maulana Kamaluddin Welfare Society (or any successor Waqf body) to apply to the State Government for alternative land within Dhar for a place of worship. This twin gesture, of correcting the historical record through evidence-based adjudication while preserving space for communal accommodation, gives the Bhojshala ruling a distinctive doctrinal character. It is likely to serve as a working template in other pending heritage disputes, where courts must reconcile historical accuracy, religious sentiment and the constitutional commitment to harmony.

## Observations

Bhojshala ruling on May 15, 2026 is a landmark turning point in Bharat's constitutional and civilizational jurisprudence. The Madhya Pradesh High Court's Indore bench recognized Bhojshala in Dhar as the temple of Goddess Vagdevi Saraswati after the Ayodhya ruling, based not just on faith but also on historical documents, inscriptions, archaeological evidence and the persistence of Hindu worship.

The ruling is noteworthy because it replaces administrative compromise with evidence-based adjudication in the discussion of contested heritage sites. The Court upheld the growing importance of scientific and historical evidence in establishing the original character of sacred spaces by stating that "archaeology being a science" can direct judicial findings.

The ruling further emphasized that despite centuries of political and administrative changes, Hindu devotion at Bhojshala had never ceased. By permitting the Muslim community to seek an alternate site for a place of worship in Dhar, the Bench simultaneously struck a balance between restorative justice and constitutional sensitivity.

In a broader sense, the Bhojshala ruling represents Bharat's broader civilisational endeavour to balance constitutional principles with historical reality and cultural memory, where temples served as hubs for philosophy, language, art and knowledge in addition to being places of worship. In the future, it will probably be a crucial source of reference for judges in cases involving religious identity and heritage.

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