

CENTRAL INFORMATION COMMISSION

(Room No.315, B-Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi 110 066)

Prof. M. Sridhar Acharyulu (Madabhushi Sridhar)

Central Information Commissioner

CIC/ALSOI/A/2017/303740

B K S R Ayyangar v. PIO, Archaeological Survey of India

RTI	:	28.04.2016
FAO	:	05.07.2016
Second Appeal	:	22.08.2016
Hearing	:	27.07.2017
Appellant	:	Present
Public Authority	:	Ms. A. Kabui, CPIO
Decided On	:	03.08.2017

FINAL ORDER

FACTS:

- Request points:** The appellant wanted to know whether Taj Mahal at Agra is Taj Mahal or Tejo Mahalaya? The appellant sought complete details and information with supported evidences related to great monument Taj Mahal. (1) Many people stating that Taj Mahal is not Taj Mahal and it is Tejo Mahalaya: that this was not constructed by Shahjahan, but was gifted by Raja Maan Singh; hence give the facts as per ASI reports-details with evidences, (2) The construction details of Taj Mahal, rooms, hidden rooms, closed rooms, if any (3) As per National Archives, Badhshnama Page 403 lines, 25th to 35th line on Mumtaj rooms-copies with translation in English; (4) as on names of top experts archaeologists visited Taj Mahal and reports of Mr. P.S. Oak.
- Reply:** The CPIO gave point-wise reply on 03.06.2016 that, (1) No such record is available (2) It is security purpose (3) No such record is available (4) Any report of Mr. P.N. Oak is not present in office. This was upheld by the FAA. Being dissatisfied, the appellant approached this Commission.
- What is the truth?** The appellant stated that since Taj Mahal is the ancient monument, one of the seven wonders of world and crores of

money is being invested for the preservation of the monument, the correct and complete historical facts about the monument should be disclosed to the public. Appellant pleaded with the Commission to direct the public authority to provide authentic version of the two: one which says that it was Taj Mahal and according other says Tejo Mahalaya.

4. **Beyond the control of ASI:** The Archeological Survey of India, Agra office claimed to have provided whatever information it possessed. What the appellant expected from his RTI application is research and investigation into the history of Taj Mahal, which is beyond the purview of the RTI Act and Archeological Survey of India. It is unreasonable to ask for opening of closed rooms, bringing out hidden things, and for excavations underneath the protected monument of Taj Mahal and rewriting the history under an RTI application.
5. **Declaration as protected monument:** The Archaeological Survey of India (ASI) under the provisions of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 protects monuments, sites and remains of national importance. With two month notification they invite objections from people. After scrutinizing the objections, if any, the ASI makes decision to bring a monument under its protection. Before Taj Mahal was declared as such protected monument, people should have filed their objections. Those who wanted Taj Mahal to be declared as Tejo Mahalaya should have filed objections.
6. **ASI's information:** The website of ASI http://www.asi.nic.in/asi_excavations.asp, says: Various Branches and Circles of the ASI carry out archaeological excavations in different parts of the country. Since independence various agencies like the Archaeological Survey of India, State Departments of Archaeology, Universities and other research organisations have conducted archaeological excavations in different parts of the country. Based on the information available in the Indian Archaeology - A Review a list of the sites, excavated during last century, is given state wise. Excavations conducted since 2000 are given in this section. Arranged state wise they include brief information on the site and important finds.

7. **Excavations:** The information disclosed on website shows that there were excavations in Uttar Pradesh but it was not specified where the excavations were made in UP. The public authority has to inform the appellant whether any excavations were done in the protected site of Taj Mahal and if so, what was discovered. The website also contains the brief history and details of Taj Mahal, without dealing the controversy pointed out by the appellant or Mr P N Oak. Decision regarding excavation has to be taken by the concerned competent authority and Commission cannot give directions to excavate or open the hidden or closed rooms in Taj Mahal.

8. **Claims of PN Oak:** In his book "Taj Mahal: The True Story", Mr P N Oak claimed: The Taj Mahal was originally a Shiva temple and a Rajput palace named Tejo Mahalaya seized by Shah Jahan and adopted as a tomb; This temple might have been built by Indian King Jai Singh I; Mahal is a word to describe a royal palace and not a tomb and after seizure by Shah Jahan, the name was changed to Taj Mahal; Well-known western authorities on architecture including Ernest Binfield Havell, Mrs. Kenoyer and William Wilson Hunter have written that the Taj Mahal is built in the Hindu temple style, asserting that Havel says the plan of the ancient Hindu temple of Java, the Prambanan, is identical with that of the Taj Mahal; The octagonal shape of the Taj Mahal has a special Hindu significance, because Hindus alone have special names for the eight directions and the celestial guards assigned to them; The finial of the Taj Mahal is a trishula with a Kalasha, holding two bent mango leaves and a coconut, which is a sacred Hindu motif, etc. Advocate Mr Yogesh Saxena of Allahabad High Court has placed hundreds of pages of his research on ancient monuments in website <http://gloriesofindia.in/lal-quila/> in which he claimed to have filed several petitions before different Courts.

9. **Supreme Court reprimands:** There are several litigations on the subject. Mr P N Oak claiming himself to be a historian not only wrote a book but also approached Supreme Court in 2000 to declare Taj Mahal as Shiva Temple. However Supreme Court reprimanded him for having 'a bee in his bonnet' about the Taj Mahal.

10. **Suit for Hindu Prayers:** In 2015, Agra district court admitted a plea of six lawyers seeking permission to Hindu devotees to offer prayers at Taj Mahal claiming that it was Tejo Mahalaya temple of Shiva. In that petition Ministry of Culture, Home Secretary of Union Government and Archeological Survey of India were made respondents. Interestingly, the lawyers in their suit have named **Lord Agreshwar Mahadev Nagnatheswar Virajman** as main plaintiff to claim of ownership of the property. Mr. Jain, one of the lawyers, has claimed to be His next friend and pleaded that the property was not a burial ground as that was being place of worship by Hindus. The petitioners claimed that in 1212 AD, Raja Paramardi Dev had built Tejo Mahalaya temple palace (presently Taj Mahal). The temple was later inherited by Raja Maan Singh, the then maharaja of Jaipur. After him, the property was held and managed by Raja Jai Singh but was annexed by Shah Jahan (in 1632). Petitioners contended that it was later converted into memorial for wife of Shah Jahan.
11. **Claim as Wakf Property:** It was also contended that the matter relating to the ownership of monument has been pending before the Supreme Court since October 2011. The claim for ownership was raised by Mr Irfan Bedar seeking the registration of Taj Mahal as a wakf property.
12. **Petition to rewrite history:** A writ petition No 36818 of 2004 was also filed by Institute of Rewriting Indian History against Union of India before Allahabad High Court, seeking removal of notices displayed by the ASI stating that it was Mughal structure, opening of locks of upper and lower portions of the four storied building with number of rooms, removing the brick walls blocking those rooms, bringing out idols and inscriptions hidden in Taj Mahal and declare it as temple. Besides quoting the book by PN Oak, they also referred to "the Greatest Historical discovery of Modern Times- The Taj Mahal is a Temple Palace" published by Hindi Sahitya Sadan, 2003 Edition, " Taj Mahal – Tejo –Mahalaya Shiva Mandir Hai" 1998 Edition, published by the same publisher; Fatehpur seekri Ek Hindu Nagar", Agra Ka Lal Kila Hindu Bhawan Hai" in Hindi 1998 Edition;, " Some Blunders of Indian Historical Research" 2003 Edition; Thatta Islamic

Architecture” Written by Professor Ahmad Hasa Dani, Professor, Emerritus Quaid- I – Azam University, Islamabad, published by Institute of Islamic History. Culture & Civilization, Islamabad, Pakistan etc, to support their contention. The Government’s counsel Mr K C Sinha pleaded that it was neither desirable nor feasible to decide the factual controversy in writ jurisdiction and petition cannot be said to be in Public Interest. On 21. 02. 2005 the bench consisting of Dr. B. S. Chauhan, J and Dilip Gupta, J. agreed that petition raises disputed question of facts, which cannot be adjudicated upon in a Writ Jurisdiction and dismissed it.

13. **What is the stand of ASI?** Thus some cases were dismissed and some are pending. The public authority, i.e., ASI being a party in some cases, must be holding the counters filed on its behalf and by the Ministry of Culture etc.
14. **Direction:** The Commission directs the Archeological Survey of India to share those copies with the appellant at additional fee constituting the cost of copying, before August 30, 2017.
15. **Recommendation:** The Commission recommends the Ministry of Culture to provide information about their stand in the litigations about Taj Mahal, and on frequent claims based on Mr. PN Oak and Mr. Yogesh Saxena’s writings, to put to rest the controversy and clarify doubts about history of Taj Mahal.

Sd/-

(M. Sridhar Acharyulu)
Central Information Commissioner

Authenticated true copy

(Dinesh Kumar)
Deputy Registrar

Copy of decision given to the parties free of cost.

Addresses of the parties:

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