



**GACCHADHIPATI (SPIRITUAL SOVEREIGN)  
JAINACHARYA SHRIMADVIJAY  
YUGBHUSHANSURI  
(PANDIT MAHARAJ SAHEB)**

9<sup>th</sup> September 2021

Ref.: 202109E-02

**Sakal Sangh Jog Nivedan**

**Sub: Shatrunjay - Nilkanth Mahadev Temple Case<sup>1</sup>**

**Critical and Neutral Analysis (Part-1 of 3)**

Tirthankar Shri Mahavirswami, the victorious of the universe established the current Jaina Order. Sudharmaswami, the first successor of Tirthankar Shri Mahavirswami inherited his entire spiritual kingdom. He further passed on this kingdom along with the paramount powers and all-encompassing rights of Jain Shashan to his prime disciple. All these have been flowing continuously till date.

One of the important facets of the Spiritual Kingdom is 'Shree Shatrunjay Maha Tirth', one of the most revered places of worship for Jains. Infinite souls have attained 'Moksha' at this Tirth which is sanctified by 23 Tirthankaras of this time cycle (Avasarpini Kaal) and is undoubtedly an epitome of piousness for all Jains. It becomes the responsibility of every Jain to protect this Tirth, under any adversaries, which has been passed on to us by our ancestors, even at the cost of laying their lives.

<sup>1</sup> Gujarat High Court, R/Writ Petition (PIL) No. 180 of 2017, Judgment dated 19.08.2021.



How I wish I could go to reside in the matters of Tirth Katsah of west.

For the last few centuries, this holy Tirth is managed by Anandji Kalyanji Trust ("AKT"). A recent publicized judgment dated 19<sup>th</sup> August 2021 passed by the Gujarat High Court in R/Writ Petition (PIL) No. 180 of 2017 relating to the issue of Nilkanth Mahadev Temple, which is located at the summit of the Hill has been widely circulated in the social media and has found ample coverage in the print media as well. It is publicized that, 'no one else except Jains have any rights over Shree Shatrunjay Tirth'. Since then, there have been a lot of questions directed towards me *inter alia*, asking whether this judgment has led us to victory; and what benefits Chaturvidh Jain Sangh has derived from this?

As a Dharmacharya; and as per scriptural commandments, it is my

responsibility to make efforts to enlighten the entire Chaturvidh Sangh about the facts on the subject related to the said judgment of "Shatrunjay Tirth" so that the Chaturvidh Sangh does not remain in dark. It becomes imperative for me to put forth the true, neutral and balanced picture and legal position of the Tirth post judgment and the root cause of their gloomy scenarios. Therefore, I shall be narrating various aspects of this judgment which shall include, both the pros and cons of the Counter Affidavit filed by AKT, historical facts such as 'Firman', traditions in Jaina Order with respect to the representative authority of Jain Shashan and the consequences of this judgment.

method of the Jain Order with respect to the representative authority of Jain

Firstly, I am delighted to see that after my Declaration dated 17<sup>th</sup> December 2020, AKT has sprung into action and has become active. I

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hope that it continues to remain so, in the matters of Tirth Raksha at least. Secondly, the outcome of the judgment, in terms of recognition of entire Shatrunjay Hills as pious and sacred, seems satisfactory.

In this case, AKT had appointed Senior Counsel Mihir Joshi. During my meeting with Mihir Joshi at Kandivali in July 2017, I had brought to his notice various issues concerning this pious Tirth. The most important point that I informed him was that even Britishers, in whose period we lost significant rights, recognized the religious rights of Jains over the entire Shatrunjay Hills. To this, he was surprised and asked if there were any legal documents to support the point. The Relevant document being G.R. No. 1641 dated 16<sup>th</sup> March, 1877 by the Political department was then shared and discussed with him. I appreciate that Mihir Joshi, has nicely advocated using this point of religious rights over Shatrunjay Hills and presented them in front of the court. This proved to be the turning point in recognizing the religious rights of the Shatrunjay Hills. In religious matters, it is generally observed, that even if a senior counsel of such a stature is appointed, and if not briefed properly in the case, we usually see undesirable results. And if thoroughly briefed, it can be a game changer.

Understanding this, post this meeting with Mihir Joshi as well, there were ample opportunities given to AKT to share with me various documents related to Shatrunjay Tirth so that any suggestions/points similar to the above could be shared with them in the interest of Tirth Raksha. But unfortunately, none of my communications were responded by AKT.



174 Jains believe in 24 Tirthankars and out of the 24, 22 had stayed on this Hill for

Now I begin with the analysis which is divided in three parts:

- 1) Unwarranted, unnecessary and harmful submissions from AKT.
- 2) Points of concern in Judgment.
- 3) Background based on historical facts, documents and opinions of research scholars with respect to tradition in Jain Order for representative authority of Jain Shashan.

**PART-1: Unwarranted, Unnecessary and Harmful submissions from AKT:**

The counter-affidavit filed by AKT is a part of a publicized judgment. It is important to understand the Pros and Cons of admissions made by AKT claiming to be the representative of Jain Shwetambar Murtipujak Community and their ramifications on the entire Chaturvidh Jain Sangh at large.

In Para 12.5 AKT mentions;

**Shatrunjay Hill:**

.....  
12.5 Paramatma Shri Rishabhdevji is the first Tirthankar of the present time cycle. Because of this, he has the name Adinath - the first Lord. He became Siddha, a liberated soul, which destroyed all of his karma, i.e. enemies of Jivatma. Paramatma Rishabhdevji before attaining Siddha status came to the Shatrunjay Hills "Purva Navanuvār", this time goes into millennia, for sadhana to destroy his karmas. That is why the principal idol on the Hill is of Tirthankar Paramatma Shri Rishabhdevji.





**12.6 Jains believe in 24 Tirthankaras and out of the 24, 23 had visited on this Hill for Sadhana to become Siddha by eradicating their karmas. The Hill in itself has some spiritual quality, which facilitates in Sadhana and eradicating Karma.**

The above submissions are not only contradictory to Jain Scriptures but also devalue the magnanimous personality of our Tirthankaras. Our scriptures profess that Tirthankaras are not only the establishers of Tirth; but in fact, are regarded above the Tirth as they can complete 'Sadhana' on their own without any dependence or any support ('Aalamban') whatsoever. Hence, these kinds of submissions raise questions on infinite potential of Tirthankaras, that too from an authority who claims to be representative of Shwetambar Murtipujak Jain Community. As per the Jain Scriptures, it is one of the biggest mistakes which attracts 'Atichar Dosh'.

Surprisingly, judges who may not be well-versed with the Jain tenets have actually quoted 'Shatrunjay Mahatmay' (Jain Scripture) and acknowledged quite correctly that Tirthankar Shri Rishabhdev has sanctified the Shatrunjay Hills with his arrival. Similarly, as noted in the judgment Para. No. 26, the District Collector of Bhavnagar has correctly stated that Shatrunjay Hills are sanctified due to the arrival of 23 Tirthankaras. It is quite strange that when outsiders can understand and maintain the dignity of God, the so-called representative authority of Jain Sangh has failed to describe our Tirthankaras' true persona in a dignified manner.



constructed any temple other than the ones belonging to Jain religion on Siddhshetra (Siddhshetra) except that of a 'Siddha' or

Further, on Para 14, AKT has mentioned that;

#### MAHADEV TEMPLE:

.....  
14. At the summit of the Hill, within Gadh vistar (Fort area), a Mahadev Temple is situated. The Sompuras, who constructed temples at the summit, as well as majority of pujaris and employees are Hindus, followers of Shivat Panth. Hence the Mahadev temples was constructed within the Gadh vistar by Jains to facilitate them to worship their Aradhya Dev, Mahadeo.

The above submission is not only uncalled-for but also against our glorious tradition of Shatrunjay Hills.

It would be worthwhile to recollect historical incident between temporal King Siddhraj Jaisingh and Spiritual Sovereign Shri Kalikaal Saravagna Hemchandracharya.

King Siddhraj Jaisingh was a staunch follower of Lord Shiva and at the same time had deep respect for Kalikaal Saravagna Hemchandracharya. With inappropriate influence, he had expressed his desire to have a temple of Lord Shiva constructed on Siddhshetra (Shatrunjay Hills). To this, Kalikaal Saravagna calmly denied Siddhraj with reasonings that construction of a temple except those of 'Siddhas' on Siddhshetra cannot take place. He further strengthened his point by asking Siddhraj that there was no precedence of earlier kings who have





constructed any temple other than the ones belonging to Jain religion on Siddhkshetra. Constructing a temple except that of a 'Siddha' on Siddhkshetra, would lead to disastrous consequences and hence, it was not even in the interest of Siddhraj to do so.

Despite, this being the part of our well-known history, AKT has made submissions in irresponsible manner at several places in their Counter Affidavit.

On Para 14.1, AKT has mentioned that;

.....  
**14.1 The Sompuras/architects of the temples are mostly followers of the Shiv or Hindu religion; hence on any site for construction of Temples, temple of their Lord Shiva or other Aradhya Dev was constructed. In ancient time and specially at the summit of Hill, work continues for years as such they request person for whom they are working to construct a temple of Shiva or their aradhya dev for their regular daily worship and accordingly the temple of Shiva or other deities are constructed and consecrated. At almost all ancient Jain sites, including at Shatrunjay, Jains at their own cost for daily worship of their Sompuras, workers and employees constructed temples and these temples are managed and maintained by them along with their main temple, as pujaris and employees in Jain temples are mostly followers of Hindu religion.**

This was an irrelevant, unnecessary, unwarranted and harmful admission that at almost all ancient Jain Sites (including at Shree Shatrunjay Hills), Jains have constructed at their own cost temples for daily worship of their Sompuras and also that those were managed and maintained by the



Jains. This statement apart from being contradictory to scriptures, implies that:

1. There is a long tradition and practice to construct temples for other religions that too from the treasuries of Jain Sangh.
2. The erection and maintenance of those temples is the responsibility of Jains.
3. This statement is applicable not only to temples of Shatrunjay Hills but even to our other significant Tirths.
4. There is no issue / problem for us in having other temples on our Tirths.
5. These temples are centuries old and were managed by Jains.

The above submissions are made arbitrarily without any substantial historical evidences and without taking into consideration the future safety of religious rights of Chaturvidh Jain Sangh in all such Tirths (for the protection of which our ancestors have sacrificed their lives).

**On Para 14.2 and 27.13, AKT has mentioned that;**

**Mahadev Temple:**

.....  
**14.2 The Mahadev temple is also managed, maintained, repaired and renovated regularly by the AKT, since inception as per the Hindu customs and rituals. The Pujaris appointed at Kumarpal Derasar at Gadh Vistar are normally performing seva-puja in this temple.**

**Para-wise Reply:**





.....  
**27.13 ..... AKT has always respected with full honour the idols and places of other religions and either it maintain the same or maintained and supported in maintenance of those places as per their respective custom and rituals.**

These statements have a deep, long and perhaps irreparable consequence which may establish rights of non-Jains including that of Muslims over all the Tirths wherever such non-Jain temples or places of other religions are in the vicinity. To add to this, AKT reiterated that the Mahadev Temple, since its inception, is managed and maintained as per Hindu customs and rituals. Not only Mahadev temples, AKT also took upon itself, the responsibility of either maintaining or supporting in maintenance of the idols and places of worship of other religions including that of Ingarsah Pir. I certainly hope that this should not open flood-gates for us to shoulder the responsibility of maintaining and managing all non-Jain temples present in the vicinity of our Tirths as per their customs and rituals which may also be contradictory to Jain tenets.

On Para 17, AKT has mentioned that;

**Repair and Renovation of Mahdeo Temple:**

.....  
**17. The pujari of the AKT appointed at Kumarpal Derasar, followers of the Shivat Panth regularly carrying seva-puja in the Temple in question and AKT is providing all necessary articles to complete rituals and customs as per the Hindu Shivate religion**  
.....



AKT not only confirmed the rights of followers of shivat panth to regularly carry seva – puja at Mahadev temple but also went on to confirm that it has been providing all the necessary articles to complete rituals and customs as per the Hindu Shivite religion. AKT in a way accepted the responsibility of providing facilities and amenities to followers of Shivat Panth for their worship on the hills.

To conclude, the admission of construction, maintenance and management of non-Jain shrines along with providing facilities funded by Jains are a tradition, is a grave mistake. This may put us in precarious situation in future.

In our glorious history, our ancestors have withstood even royal orders to ensure that the character and spiritual nature of Siddhkshetra is not tampered with. While today, on the other hand AKT, the so-called representative authority of Jain Community has not only admitted a long tradition of building Lord Shiva temple, but also taken-up the responsibility to manage and maintain these temples as per their beliefs. Unfortunately, this admission is not only limited to Siddhkshetra, but also to all ancient Jain sites.

**On Para 24, AKT has mentioned that;**

**Para-wise Reply:**

.....





**24. .... Hinduism is culture of India and it includes all Indians and their religious faith, including Jainism too.**

Here, AKT asserts that Hinduism is the culture of India and it includes all Indians and their religious faith, including Jainism. This implies that Jainism, which is an independent religion having its own philosophy, tenets, beliefs, ethics and traditions, is a part of Hinduism. The repercussions of the same can be well understood.

Moreover, how can a religion be a part of a culture? Our scriptures clearly state that Tirthankar Shri Rishabhdev before initiation, had taught culture to his subjects when he was the King. If religion is a part of culture, it would mean that Tirthankar Shri Rishabhdev had professed religion before initiation; which is also against our scriptures. It is worthwhile to note that the words 'Hinduism' and 'Hindu' are not considered as religion in today's India. Even the Supreme Court held that Hinduism is a way of life and nothing more; and to proceed with the assumption that Hinduism refers Hindu religion is an error in law. In such circumstances, AKT's attempt to include Jainism- a universal religion into 'Hinduism'- which is merely a way of life - is actually obliterating 'Jainism' as religion.

We are hereby concluding the first part of the analysis. AKT's such poor representation making errors apparently noticed on record, puts the whole Jain Community in trouble and grossly jeopardizes the religious rights of Chaturvidh Sangh to a great extent, as indicated above. We are throwing light on this counter affidavit as this has become part of



reported judgment which was widely publicized. One can safely contemplate from this, the kind of admissions AKT might have made in other cases of prime importance relating to Tirth Raksha. The next part shall be dealing with various points of concern in the judgment.

Dharmalaabh

*Acharya Yugbhushansuri*

(Ga. Acharya Yugbhushansuri)

**NOTE: I, Gacchadhpati of Mohjit Samuday Chaturvidh Sangh (within Tapagaccha), on behalf of our Sangh, by virtue of my Declaration dated 17<sup>th</sup> December 2020, do hereby declare that the admissions of AKT as stated in this Nivedan are either contradictory to the facts or to the scriptures, and further I declare in the interest of Chaturvidh Sangh that such admissions do not represent our views, opinions, statements, assertions, intentions or our position in respect of Shri Shatrunjay Maha Tirth/ and other Jain Tirths or Jain religion at large.**