

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**



CIVIL APPEAL NOS. 10866-10867 OF 2010

IN THE MATTER OF:-

M. Siddiq (D) Thr. Lrs.

... Appellant

VERSUS

Mahant Suresh Das & Ors. etc. etc.

... Respondents

AND

OTHER CONNECTED CIVIL APPEALS

NOTE ON HISTORICAL DOCUMENTS & GAZETTEERS ETC.

BY:-

MR. ZAFARYAB JILANI, SENIOR ADVOCATE

ADVOCATE-ON-RECORD: SHAKIL AHMAD SYED

HISTORICAL DOCUMENTS & GAZETTEERS			
Sr. No.	Exhibit No.	Details of the Document and Comments of Muslim Parties	Running Volume
1.	Exhibit T-4 (Exhibit 42) in Suit No.5 of 1989 Book Ramcharitmanas-Vol.I Book Ramcharitmanas-Vol.II	<p>Ramcharitmanas by Tulsidas</p> <p>Comments: (i). There is no mention of actual site of construction of Ram Janam Bhumi temple in Valmiki Ramayan or Ramcharitmanas of Tulsidas. (ii). And no mention of any worship being offered by the Hindus below the middle dome of Mosque.</p> <p><u>Oral Evidence of witnesses of Hindu Party in this regard:-</u></p> <p>OPW-16 (Jagadguru Ramanandacharya Swami Ramanandacharya) In his cross examination he stated that:- In the fifth couplet, which starts with the word 'Janam Bhoomi', the word city stands for the whole city and not for any particular site. Further he stated that It is correct that in Ramcharitmanas, except this couplet, there is no mention of Ram Janam Bhoomi elsewhere.</p> <p>DW-3/3 (Sh. Satya Narayan Tripathi) In his cross examination he stated that:- In Ramcharit Manas there is no mention of any special place regarding the birth of Ramachandraji</p> <p>DW-3/7 (Mahant Ramji Das) In his cross examination he stated that:- Similarly in couplet No.72(a) also, there is no mention about the birth place of</p>	<p>(Vol. 80) Pg.1730-1761</p> <p>(Vol. 82) Pg.2279-2310</p> <p>(Vol.125)</p> <p>(Vol.126)</p> <p>(Vol.26) Pg.2579</p> <p>(Vol.52) Pg.9159</p> <p>(Vol.54) Pg.9544-45</p>

	<p>Ramachandraji. There is no mention about the birth place in couplet 74 (b) either. In 2nd, 3rd, 4th, 5th & 6th chopayees, after above mentioned couplet No.74(b) also, there is no mention about the birth place but it is only about taking birth. Similarly after couplet No.79(b), in 2nd, 3rd, 4th, 5th, 6th, 7th & 8th chopayees also, mentioned about Ramachandraji's birth place is not made.</p> <p><u>DW-20/2 (Swami Avimuketshwaranand Saraswati)</u></p> <p>Valmiki Ramayana and Ramcharitmanas have reference about the palaces of Ramchanderji, King Dashratha and Kaushalya or Kaekai. I have no knowledge whether area of palaces of King Dashratha, Ramchanderji and Kaushalya was given in both the books or in any other book.</p> <p>No reference is available in Valmiki Ramayana or Ramcharitmanas about the Kaushalya Bhawan, Sumitra Bhawan and Kaekai Bhawan.</p> <p>Ramcharitmanas does not contain the reference about RamJanam Bhoomi Mandir. Ramcharitmanas does not contain any specific reference about this that a mosque was constructed by demolishing the temple.</p> <p>There is also no reference about any particular place where Rama was born. I, being interested in the character of God Rama and Shri Krishna, have referred Valmiki Ramayana, Ramcharitmanas and Srimad Bhagwat in Para -11 of my affidavit.</p>	<p>(Vol.62) Pg.11510,</p> <p>(Vol.62) Pg.11513,</p> <p>(Vol.62) Pg.11536,</p> <p>(Vol.62) Pg.11542-43</p>
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2.	(Exhibit D-1) in Suit No. 5 of 1989	Extract of Aine Akbari (Vol.III)	(Vol-6) Pg.413-421
3.	(Exhibit D-2) in Suit No. 5 of 1989	Extract of Aine Akbari (Vol.II)	(Vol-6) Pg.422-444
4.	(Exhibit D-7) in Suit No. 5 of 1989	The title Page and pages 180-182 of book as Aine-I-Akbari (Vol.II) by Abul Fazal Allami	(Vol-6) Pg.498-504
5.	(Exhibit 104) in Suit No. 4 of 1989	Extract of the report of William Finch from the Book-Early Travels in India by William Foster.	(Vol.5) Pg.387-393
6.	(Exhibit 133) in Suit No. 5 of 1989	Extract of Tieffenthaler published in 1786. Comments: (i). No mention of Janam Sthan Temple. (ii). No mention of joint worship by Muslims and Hindus (iii). No mention of any belief /faith of place of birth of Lord Rama below Middle dome of the Babri Mosque.	(Vol.77) Pg.1133-1155
7.	(Exhibit 9) in Suit No. 5 of 1989	Extract of "The Sharqi Architecture of Jaunpur" by A.Fuhrer	(Vol.73) Pg.64-70
8.		Gazetteer of Walter Hamilton (1815 / 1828) Comments: No mention of Ram Janam Bhumi or place of birth of Lord Rama.	Pg. 3090 to 3093 of Vol. 3 of Judgment
9.	(Exhibit OOS 5-20)	Report by Montgomery Martin (1838) Comments: (i). No mention of Ram Janam Bhumi	(Vol.73) Pg.192-197

		<p>or place of birth of Lord Rama being inside the Mosque</p> <p>(ii). Tradition prevalent at that time was about the destruction of temple and erection of Mosque by Aurangzeb but Martrin refers to the fallacy of this tradition on the basis of the existence of 2 inscriptions on its walls showing the same built by Babur.</p>	
10.	(Ext. OOS 5-5)	<p>Extract of gazetteer by Edward Thornton (1858).</p> <p><u>Comments:</u></p> <p>(i). In this Gazetteer also there is no mention of any such tradition or belief that any portion inside the Babri Masjid was place of birth of Lord Rama and there was no mention of joint worship inside Mosque also.</p> <p>(ii). Referring to Buchanan, the Author (Thorntone) says that out of 360 Temples said to have been constructed by Vikramaditya, no traces were available of any of them and according to native tradition the demolition was made by Aurangzeb who built a Mosque on a part of the site.</p>	(Vol.73) Pg.31-37
11.	(Ext. OOS 5-6)	<p>Four Reports by Alexandar Cunningham – 1862-65(1871 Edn.).</p> <p><u>Comments:</u></p> <p>It is evident from aforesaid reports that in 1862-1865 the tradition and belief / faith was in respect of the Janam Sthan Temple situated in the Northern site of</p>	(Vol.73) Pg.38-46

		Babri Masjid to be the birth place of Lord Rama.	
12.	(Ext. OOS 5-49)	<p>Extract of book by P. Carnegie (1870).</p> <p>Comments: It was with this Gazetteer that the theory of demolition of Janam Sthan Temple and construction of Babri Masjid at the site thereof was introduced for the first time but that too was based on no source of History and rather was based only on local belief.</p>	(Vol.74) Pg.469-489
		These very assertions are repeated in the Reports of Millet, Fuhrer and Nevill etc. being referred as under:	
13.	(Ext. OOS 5-7)	Gazetteer of the Province of Oudh (1877)	(Vol.73) Pg.47-52
14.	(Ext. OOS 5-8)	Extract of report by A.F. Millet (1880)	(Vol.73) Pg.53-63
15.	(Ext. OOS 5-9)	Extract of Archaeological Survey report by A. Fuhrer (1891)	(Vol.73) Pg.64-70
16.	(Ext. OOS 5-11)	Extract of Fyzabad Gazetteer by H.R.Nevill (1905)	Vol.73 Pg.77-91
17.	(Ext. OOS 5-10)	Imperial Gazetteer of Indian Provincial Service United Province of Agra & Oudh (1908)	(Vol.73) Pg.71-76
18.	(Ext. OOS 5-12)	<p>Extract of Fyzabad Gazetteer by H.R. Nevill (1928)</p> <p>Same as in the Gazetteer by H.R.Nevill (1905)</p>	(Vol.73) Pg.92-104

19.	(Ext. OOS 5-13)	Extract of United Province District gazetteer (1960) by Smt. E.B. Joshi	(Vol.73) Pg.105-119
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CONCLUSIONS:

1. None of the above documents shows where is the actual/ particular place of birth of Lord Rama.
2. The witnesses of the Hindu Parties discussed above and others, while referring to Valmiki Ramayana or Ramcharitmanas, categorically stated that there is no mention of specific place of birth of Lord Rama in these books.
3. The Hindu Parties failed to prove the so called belief / faith of the Hindus about the place below the middle dome of Babri Masjid to have been treated on worshipped at any time upto 22nd December, 1949, as the place of birth of Lord Rama.

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