

**HON'BLE HIGH COURT JUDICATURE AT ALLAHABAD,  
LUCKNOW BENCH, LUCKNOW**

Other Original Suit No-3, 1989

Panch Ramanandiya Nirmohi

Akhara

.....

Plaintiffs

Versus

Priya Datt Ram and Other..... Defendants

**EXAMINATION IN CHIEF BY WAY OF AFFIDAVIT OF  
D.W.3/2 PANDIT RAJA RAM PANDEY UNDER ORDER  
18 RULE 4 OF CODE OF CIVIL PROCEDURE**

I, Pandit Raja Ram Pandey, aged about 87 years S/o Late Shri Vishwa Nath Pandey, resident of Unwal Ram Kot Kaushatya Ghat, Ayodhya, Distt., Faizabad solemnly affirms on oath as under:-

1. I am the original resident of Gorakhpur Tehsil, Sadar Gram Ranipur. I came to my father in Unwal temple in 1930. My father was already serving as the Priest (Pujari) there and also resided there. Unwal temple is situated at Tedhi Bazar Road in Ramkot locality of Ayodhya.
2. I received some of my education in Ayodhya also at Raj Gopal Sanskrit Pathshala and Gwallior Pathshala. I am religious person belonging to Vaishno Religion Brahmin family. I have passed 'Madhyama' in Sanskrit.
3. Ever since my arrival in Ayodhya in 1930, I have been having a view of the famous temple of Shri Ram

Janam Bhoomi, Hanuman Garhi and Kanak Bhawan daily. Shri Ram Janam Bhoomi is within the radius of about 400 yards from Unwal Mandir, where I reside. So, I have been having glimpse of Ram Lalla in Shri Ram Janam Bhoomi daily.

4. I know about the riot of 1934, which is known by the name of Hindu – Muslim riot. It occurred in the month of March and Muslims were killed in this riot and a number of grave yards damaged. As per my knowledge, the Muslims population around Ram Janam Bhoomi Mandir constituted of 5 households in Mohalla Suthatti, four households in Alamganij Katra, three-four households in Tedhi Bazar and 4-5 households in Panji Toal Kaziana. Besides, there are three-four Muslim households in Mohalla Begampur, Moghulpura and sayyad Bara, out of which a few belong to Shia Muslims.
5. I was of 19-20 years at the time of 1934 riots. A considerable number of Muslims were killed in that riot. The graves were damaged but no part or pinnacle of Shri Ram Janam Bhoomi Mandir was broken. The outer wall was slightly damaged. As far as my memory goes, there were two Muslims Diwans, whose name I don't remember. At that time, there was some British D.M. After that riot the Muslims were panic-stricken and they refrained from going towards Shri Ram Janam Bhoomi Mandir.
6. Ever since I came to Ayodhya in 1930, I have always been visiting this temple. I have also had the glimpse of 'Garb-Grah', where Ram Lalla is scatted on a wooden throne. In 1934, wooden frame like structure was raised out side the courtyard, where later on,

iron bars were installed. In the outer part, that was surrounded by the courtyard wall, the Entrance and Exit gates had been provided and the gate on the Eastern side remained open. Two touch-stone pillars were installed in the North South of Eastern gate, which is stated to be the idol of Hanumanji and is why that gate has been known by the name of Hanuman Dawar and it contained pictures of flowers and leaves also. A stone-stab of 11/4 ft. and 3 ft. high is also fixed here in and contains the writing of digit 1 and "Shri Janam Bhoomi Nit-yatra" in Davnagri script and also 'Janam Bhoomi' in English is written i.e. engraved in the stone.

7. Whatever portion of the outer wall of Ram Janam Bhoomi Mandir was constructed to the East, North and Southern side, were about 8-9 ft. high and about 2 ft. wide. In the inner portion of the outer courtyard, there is Ram Chabutra Mandir on the southern side that is about 21-22 ft. long and 17-18 ft. wide. This Chabutra has the height of about 3 ft. There is a throne over the 'Chabutra' (raised platform) here upon is seated Ram Lalla; this is a wooden throne caring Ganga-Yamuni style i.e. is covered with gold-silver plate. On the east west of this three ft. high part of the Chabutra, there is a Gufa Mandir (cave temple). In this Gufa Mandir Kaushalyaji, Kag Bhuandiji was seated in the Eastern cave, whereas Bharatji was seated in the western cave. In the eastern and southern corner of this Chabutra, six-faced Shanker Bhagwan, Nandeshwarji, Ganesh ji, Parvati ji etc. were seated on the semi-circled Chabutra having Pipal and Eczai trees of Neem. Within the constructed inside the Northern gate to the North of the wall with window bars. Chhatti

Poojan Sthal contained four pairs of footprints, and the painting of "Chowka-Belna" and a hearth (Choolha). All there footprints were the pair footprints of Lord Rama's four brothers.

8. From relegations point of view, 'Chhathi Poojan Sthal' was a place of worship where 'Aarti' was performed and regularly performed and where the people belonging to Hindu religions worshipped and offered their deferential salutations. Worship and Aarti in Garb Grah, the seat of Ram Lalla, at Ram Chabutra, the seat of Ram Lalla and other gods, the seat of Lord Shiva and other gods under the Pipal and Neem tree, Chhathi Poojan Sthal and the site of footprints and at all the religious places was recited by the priest and the Assistant Priests of Nirmohi Akhara. I have been witnessing the devotes and the pilgrims coming to have a view, to worship and offer 'Prasad' flowers and money at all the above said sites ever since my arrival in Ayodhya right up to 6.12.92 i.e. December 1992.
9. To the North of the courtyard, adjacent to the resident of the Priest, Asstt. Priest and five Saints and others was constructed the Store and 'Sant Niwas' where lived the five Saints of Nirmohi Akhara.
10. Behind Ram Janam Bhoomi Mandir is the Prikruma [4-5] ft. (Revolution) after is the two and a half ft high demarcation wall, which extends deep up to 25 or 30 ft. in the west.
11. On the late night of 23<sup>rd</sup> December 1949, the Muslims attacked the Garb Grah and for this reason the site of Garb Grah with window-bars wall was



attached on 23.12.49 and the three pinnacles built over Garb Grah were attached six days thereafter on 29.12.49.

12. The wall with window-bars contained two gates which were locked by the police after attachment and from then onwards I and the other viewers used to have a glimpse of Ram lalla through the meshed iron gate of the wall with window-bars.
13. I and the other viewers used to go nearby area to have a glimpse of the gods seated in Ram Chabootra Mandir, Shiv Darbar (Under papal tree), chhatti Poojan Sthal and while having a glimpse, the viewers offered material, flowers, sweets and other articles as per their devotion and they used to take foot ambrasia (charancmrit) that was offered by the Priest of Nirmohi Akhara.
14. After attachment, all these religious sites of the outer part described by me above and store etc. have remained in possession of the Priests, Panchas etc of Nirmohi Akhara. After attachment, The inner attachment had gone into the hands of the Receiver. Shri Priya Dutt, the then Chairman, Faizabad Municipality, was appointed as Receiver, that I came to know through newspaper. Before attachment of Garb Grah and till the taking over of its charge by the receiver, I have seen the Priest and the Assistant Priest of Nirmohi Akhara reciting Aarti, offering deferential situations and giving 'prasad' and 'Charanamrit' and similarly I have seen upto February, 1982 the Priest, The Assistant Priest the Panch of Nirmohi Akhara reciting Aarti and performing 'pooja' (worship) in 'Chabootra Mandir

and "Chhati Poojan sthal". In 1982, the outer part was attached due to mutual dispute and its work was also entrusted to the same Receiver who was acting as Receiver of the inner part. I came to know through the newspaper that K.K. Verma had been appointed as Receiver.

15. A tin-door had been fixed in the outer gate. In the upper portion of the Northern gate, the pictures of a lion, peacock and fish were made on either side with protruding mortar. That is why it was called 'Sing-Dwar'. To the East of the Northern door, there was 14-15 feet land area from where, after covering some distance towards North, one would find a descending staircase which was connected with Durahi Kuan-Hanuman Garhi road. The Northern gate opened at the time of festival and for the rest of the period it remained closed. The duty of opening and closing the gate was performed by the Saints of Nirmohi Akhara. There are three main festivals in Ayodhya, which are known as Sawan, Chait and Kartik and there is also a festival of 'Aghan Ram Vivah'. It is within my knowledge that the pilgrims from outside have been coming to Janam Bhoomi Mandir premises in the month of Chait, Kartik, Aghan for offering recitation and have been agonizing petty general feast. I have witnessed all these things from the year 1930 till the demolition of the structure.

16. When I came here in 1930, Narotam Das was the 'Mahant' of Nirmohi Akhara who was succeeded by Mahant Ram Charn Das. Mahant Ram Charan Das was a tall and well-built person who used to wear a turban (Safa) and sword and moved on a horse. I also used to meet him in Janam Bhoomi. Shri Sita

Ram was the priest (pujari) at that time. In 1934-riots, these very persons were the Mahant and the Priest. At the time of attachment of grab Grah, Raghu Nath Das was the Mahant and the Mahant Baldev Das was the Priest of Nirmohi Akhara who was also the Mahant in Naka Hanuman Grahi, Faizabad, I had seen Baldev Das ji. Nirmohi Akhara it self, is a Trust and is connected with Hanuman Grahi Akhara.

17. At the time of attachment, Baldev Das Ji was the Priest. He had been working in this position even 3-4 years before this event. I saw him regularly and three years before attachment, Mahant Bhaskar Das was his Assistant Priest and Ram Subhag Das, Ram Sakal Dall, Sudershan Das etc were the junior Priests, out of whom Mahant Bhaskar Das ji and Ram Subhag Das ji are still alive. Out of them, Bhaskar Das ji is the Mahant of Naka Hanuman Grahi, Mahant Ram Subhag Das, Ram.....is the Mahant of - ----- . Upto the date of attachment, I have never seen any Muslim either offering Namaz in Garb Grah or heard of any Muslim making Azaan therein. In the outer part also, I have not seen any Muslim coming or reciting Namaz there. I have seen that the Muslims did not even go towards Ram Janam Bhoomi premises.
18. Except Hindu devotes, the Panch and the Priest would not allow any Muslim to enter from the outer gate. Only the followers of Hindu religion were allowed to enter from the outer gate. Both, the round and long-shaped pinnacles are constructed in the temple. There were three pinnacles in Ram Janam

Bhoomi Mandir. There was Parikrama (place to go round) but minaret was built nowhere in this structure.

19. For taking the viewer to Eastern Gate, there was a path coming from North-East corner to enter the gate from Hanuman Garhi Durahi Kuan to the front side of Sakshi Gopal Mandir. Even from 1930 to 1934, this path was unmetalled. Bricks (khadanza) were laid 4-5 years before attachment of Garb Grah.
20. The unmetalled path from Mandir Sakshi Gopal is on the ascent. If one stands on the road, which is called as Hanuman Durahi Kuan Road, one would not be able to see the Eastern gate of the outer wall of Ram Janam Bhoomi because hanuman Dutahi Kuan Road stands on higher surface than that of Sakshi Gopal. On the South-East corner of the Eastern of the Shri Ram Janam Bhoomi, there is a 'Sita Koop Mandir' which is reared very sacred. Shri Govind Das Ji has been the Mahant of this temple, who has also been the Panch of Nirmohi Akhara which is 200ft south of the main temple. Ever since I started going to Janam Bhoomi Mandir, I came to know that there were some trances (Samadhies) of 'Rishies' and not the graves.
21. In October 1991, the U.P. Govt. Acquired about two and three quarter acres (2.77) of land in the month of October, itself, small temples in front of Janam Boomi were demolished such as Sankat Mochan Mandir,. Bhavan Mandir, Sita Koop Mandir etc. A stone slab was installed in front of Sumitra Bhavan mandir, on which was engraved 'Sumitra Bhavan Mandir'. The inner and the outer portion was demolished by the mob on 5<sup>th</sup> December 1992. its

complete control was taken over by the Central Govt. in January 1993. Even after demolition, the adoration, recitation and Aarti goes on as per religious rites and offerings are made, and the central Govt. itself, maintains the accounts there-of and everything remains the same, as it was earlier.

22. From 1930 to 1949, when I used to have a view in the inner part of Grab Grah, some touch stones were installed in Grab Grah on which some idols like celestial maidens (Dev Kanyas), Yakhshas (methodical demigods) were engraved and the picture of pitcher, flowers, leaves etc. were drawn. Even after its control by Central Government, I go there to have a view. The touchstones are lying there which were fixed in the wall and it is reported that the remaining touchstones have been collected.
23. At the time of attachment of 1949, the Diwan in Ayodhya Police station was a Muslim and besides the Police Station (Kotwali) was Zahur Ahmed's shop, where he resided. Even before 7-8 years of attachment, I know Zahur Ahmed, who quite often indulged in litigation. I have never seen Zahur Ahmed, Hazi Fayak, Hazi Fainku, Achhan Mian, A.Ahad, Hazi Mehboob etc. reciting Namaaz from 1930 to the date of attachment.
24. In Ayodhya, there are too many temples belonging to Ramanandiya community. The pioneer of Ramanandiya community was Swami Rama Nand Acharya who considered Lord Ram to be his God and Rama Nandiya community has seven well-known Akharas. Out of them, the famous Mandir Hanumangarhi and the well-known Mandir Ram

Janam Bhoomi falls under Nirwani Akhara. I have some knowledge about the rites and rituals of the Akharas because I often attended the “Bhandaras” (feast-for-all) whenever invited.

25. The Akhara has the Panchayat System and the decision of the Panchas is the supreme. The Mahant works under the order of the Panchas. The Mahant is elected by the Panchas and he is not dismissed. The Mahant has no right to sell or give any property. There are many temples under Nirmohi Akhara or any other Akhara, but they are not the owners of the gods seated in those temples or the property contained therein, but the owner is only the Akhara. God remains only consecrated but the arrangement for worship, Aarti and other things is made by the Akhara under whose control that temple falls.

26. On the way going from the Eastern gate of Mandir Ram Janam Bhoomi to Sakshi Gopal Mandir, there were the vendors selling flowers, garlands and prasad from whom I and the other devotees bought flowers, garlands and Prasad and offered the same in the temple. When I used to go there in the beginning, many people in Ayodhya also visited this temple, such as Ram Sewak Yadav, Ram Dev Das, Ram Shiromni Das, Sant Sewak Das, Mathura Das (deceased), Kallu Mahapatra, Kalyug Maharaj, Ram Bharose etc. When I used to go there some Brahmin had the contract for offering water from Sita Koop (well). The Mahants and Panchas of Nirmohi Akhara awarded the contract for flowers garlands, sweets and water and I came to know about this fact only from the sellers of these commutations.

27. Since 1930, I have seen the disputed premises as a sacred temple of the Hindu where the flowers-garlands, Prasad has been continuously offered and the devotees have been having a glimpse of god.
28. Ever since my arrival till the date of attachment, the disputed premise has never been used as a mosque by any of the Muslims.
29. The famous Akhara of saints belonging to Ramanandi community, which is a Panchayati Math, is a Nirmohi Akhara having a seat in Mandir Ram Bhatt and I have seen that too and 'it' is looked after by the Priest and Panchas of Mandir Ram Janam Bhoomi by engaging Panch Golka, Saints and Servants. Ever since I come of my age and reached Ayodhya I heard and found that Nirmohi Akhara was the owner of outer and inner part of Ram Janam Bhoomi Mandir and they were having continues possession here of.
30. I know and have been seeing that the owner of the outer and inner part of Ram Janambhoomi Mandir is the Nirmohi Akhara.
31. Mahant Bhasker Das is the Sarpanch of Nirmoi Akhara. I have been seeing him as a priest in Ram Janambhoomi Mandir from 1946 to the year of attachment i.e. 1949. I have been seeing him at Ram Chabutra for several years since 1946.

Deponent

Sd/-

Pandit Raja Ram Pandey

## VERIFICATION

I, Pandit Raja Ram Pandey, the deponent, solemnly state on do solemnly affirm that the statement made by me in my affidavit paras No. 1 to 31, are true and correct to the best of my knowledge. Nothing is false or nothing has been concealed. May God help me.

Verified today on dated 22.9.2003 at the premise of High Court, Lucknow bench Lucknow.

Deponent

Sd-

(Raja Ram Pandey)

I, R.L. Verma Advocate, know Pt. Raja Ram Pandey, the witness oath-take who has signed the Affidavit in my presence.

I identify the exponent who has signed before me.

Lucknow

Sd/

Dated 22-9-2003

R.L. Verma

Advocate

Sd/

Shailendra Kumar

Advocate Oath Commissioner

Hon'ble High Court Allahabad

Date 22.9.03 No. (213047)



In the Hon'ble High Court judicature at Allahbad Lucknow  
Bench, Locknow.

O.O.S No. 3/1989

(R.S.No. 26/1959)

PANCH Ramanandiya Nirmohi Akhara

Plaintiffs

Vs

Baboo Priya Datt Ram & others

Defendants

Dated 22.9.2003

D.W. 3/2 Sh. Raja

Ram Pandey

The Affidavit from page 1 to 16 of the main examination of Pandit Raja Ram Pandey, aged about 87 years, S/o Shri Vishwa Nath Pandey, resident of Unwal Mandir Ramkot Kaaushalya Ghat, Distt, Faizabad, Uttar Pradesh was submitted and taken on record.

The Cross examination by Shri Vireshwar Dwivedi, Advocate on behalf of Defendant No. 17 Defendant No. 22 in the law Suit No. 4/89 starts:-

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I was born in the month of Paush Vikrami Sanwat 1972. At present, Vikrami Sanwat 2060 is going on. I offer adoration-recitation in Unwal Mandir and I have absolute responsibility of managing this temple. Kunwar jaduriaj Kunwari was built the temple. At the time of abolition of Zamindari System the management of Jadurraj ji Mandir was entrusted to us. Kunwar Jadurj ji had donated this temple to us, but no Gift-Deed was executed. Only the Manager of the temple is its owner and not the god or the gods and goddesses consecrated therein.

I don't have the complete knowledge about the year when Ramnandiya community came into existence. As heard from the people, the said community approximately originated about 700-800 years ago. The various Akharas were established one hundred years after the Ramanandiya sect came into existence. Among those Akharas, there is one Nirmohi Akhara. As per the accreditation, Ram Janam Bhoomi Mandir has been in existence since 'Treta Yug' and the Akharas emerged one hundred years after the birth of Ramanandiya sect. I have no knowledge as to who was the owner of Ram Janam Bhoomi Mandir building before this Ramanandiya sect and Nirmohi Akhara or other Akharas came into existence. I don't know as to when and by whom the Nirmohi Akhara was made the owner of Ram Janam Bhoomi Mandir. I am not the follower of Ramanandiya sect but I follow the Ramanuj sect. Ramaanuj sect is connected with the 'Math' and not with any Akhara. Someone from amongst the whole retinue of the servants/attendants is appointed as the Priest who serves and worships the consecrated gods-goddesses.

To honour the summons issued by the Court, I have appeared as a witness on behalf of Nirmohi Akhara to give evidence in the suit relating to Ayodhya Janam Bhoomi dispute. As per my knowledge, this suit was filed by Nirmohi Akhara in the year 1949. I have told the fact of filing the case in 1949 according to my assumption, but I don't fully remember the year in which this suit was filed. It is wrong to say that I am making this statement in the vested interest that the Nirmohi Akhara is the owner of the disputed structure and the property. Nirmohi Akhara became Panchayati ever since it came into existence. The branches of Nirmohi Akhara are located throughout the country. The main Panchas of this Akhara are elected through election. I can't say who was the Chief Paanch of

the whole Nirmohi Akhara around 1949-50. I can tell the name of the Head of Nirmohi Akhara. It is not correct to say that the Nirmohi Akhara at different places acquire their separate property. The main seat of Nirmohi Akhara in Ayodhya is at Ram Ghat. The main seat of Nirmohi Akhara known by the name of Vijay Raghav Mandir is situated behind the Raja Sahib place of Ayodhya. I can't say as to when Vijay Raghav Mandir came in to existence, not even by assumption. It is wrong to say that I am ;making wrong statement for the benefit of Nirmohi Akhara.

The disputed structure was attached in 1949. After 1949, a law suit was instituted in the civil Court, Faizabad on behalf of Nirmohi Akhara. I have no idea as to how many days after the attachment, the suit was filed in the Court. I can roughly say that this suit would have been filed two-four days after attachment. It is wrong to say that I am telling a lie on this point.

(Cross-examination by Sh. Vireshwar Dwivedi, Advocate, on behalf of Defendant No.22 and 17 in suit No.4/89 concludes)

(Cross-examination by Shri Ajay Kumar Pandey, Advocate, on behalf of Plaintiffs in other original suit No. 5/89)

X X X X X X X X X X

The village named Unwal is situated in Gorakhpur Tehsil. My house is not located in Unwal. I am a teacher, there. Recently, a month ago I had gone to my village. It is correct to say that name of Tehsil of Unwal village has now been changed to Khajni. My village Rainpur falls under Sahjanvan Tehsil. I have cultivation. I have a house also in the said village. I am the owner of my house and field. In the village my brothers look after my house and cultivation.

One, who manages the temple, is called the manager. The equivalent word of Manager (Vyavsthapak) is 'Sarvrahkar'. One, who is the owner of the temple, is Sarvrahkar also. It is correct to say that Ram Janam Bhoomi is a place of worship for the Hindus. I have been visiting Ram Janam Bhoomi for having 'Darshan' since 1930. I have been taking revolution (Parikrama) of Ram Janam Bhoomi regularly. It is true that the idol of Lord Warah was Kept in a niche (takha) on the right hand side of the wall of Hanumal Dwar. The niche was in the Eastern wall towards Southern side.

The name of Akhara in Ayodhya are Nirmohi Akhara, Nirwani, Santoshi,, Khaki, Ranopali Akhara etc. The religious discuses of the Saint, devotional singing and Ramayan recitation had been started at the Disputed site in 1949. Recitation of Ramayan went on for many days. Baba Raghav Das, karpatri ji and Digvijay Nath and Other saints had come there to deliver religious discourses. These saints had a view of Ram Janam Bhoomi and also took its 'Parikrama'. It is true that the people belonging to Hindu society used to visit Ram Janam Bhoomi Mandir for 'Darshan' and worships etc. as a matter of right. To have 'Darshan' they were not required to obtain permission from any body. This Ram Janam Bhoomi was not a public place. By 'public' I mean government property.

Certified after reading the Statement

Sd/- Raja Ram Pandey

22-09-2003

Typed by the Stenographer in the open Court on dictated by us. In Continuation hereof, the case be submitted for further Cross-examination on 23-9-2003. The witnesses are present.

Dated 23-9-2003

D.W. 3/2 Sh. Raja

Ram Pandey

(In continuation of 22-9-2203, cross-examination of D.W.-3/2 Raja Ram Pandey on oath before the Hon'ble Full Bench by Ajay Kumar Pandey, Advocate, on behalf of the Plaintiffs of other Original suit No. 5/89 continues).

I don't remember whether or not Dr. Ram Manohar Lohia had ever come here when the saints and Mahatmas used to come here to deliver religious discourses in the year 1949. In the building with three pinnacles, Lord Ram was seated in the middle pinnacle and that was called the 'Grab Grah' and the Hindus consider 'Grab Grah' as Ram Janam Bhoomi. In 1934, no harm was done to the disputed building and none of its part was broken.

The learned cross-examination Advocate drew the attention of the witness to the Plan Paper No. 136/6 enclose with the Report of Shiv Shanker Lal Pleader Commissioner, filed in an other original suit No.1/89 and asked whether the position of the disputed building exhibited in it was correct or not, upon seeing which the witness said that it is correct. The suit in which I have come to give evidence, the parties involved therein are Gopal Singh Visharad, Vishwa Hindu Prashad and others, but I don't remember the names of other parties. As per my knowledge the government is not party to this suit.

(The cross-examination by Ajay Kumar Pandey, Advocate, on behalf of Plaintiffs Suit No. 5/89 concludes).

(Cross-examination by Kum. Ranjna Agnihotri, Advocate, on behalf of Ram Janam Bhoomi Punrudhar Samiti Defendant No. 20)

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While residing in Ayodhya, I have studied upon Madhyama. Before that, I studied upto Primary while staying at my home. Besides Sanskrit, I have knowledge in Hindi also. I know Hindi, the commonly spoken language. I don't know Awadhi. I recite Ram Charit Manas regularly. The learned cross-examiner Advocate drew attention of the witness towards the meter (chhand) below Doha No.197 of 'Bal Kand' in Ramcharitmanas and asked its summary. After reading that, the witness replied its abstract is that God appearing in the form of man is kind and considerate to the poor. He appeared in accordance with the boons bestowed after hearing the Call of the poor. God had the supernatural appearance. In Para 3 my Affidavit, I have written that Ram Janam Bhoomi is within the radius of 400 yards of my Unwal Mandir, where I reside. As such, I used to have a glimpse of Shri Ram Lalla. It does not mean that I used to have His glimpse out of reverence and devotion.

Question:- Whether the importance of Shri Ram Janam Bhoomi is due to Nirmohi Akhara or The Nirmohi Akhara assumes importance due to Ram Janam Bhoomi?

Reply- Ram Janam Bhoomi is under Nirmohi Akhara again said that the importance of Ram Janam Bhoomi is supreme. Nirmohi Akhara also enjoys importance on account of being its organizer (Vyavsthapak).

Aarti is performed duly at Chhathi Poojan Sthal. Some times I go there at the time of Aarti, otherwise I go to have the view daily. I have taken revolution (Parikrama) of Shri Ram Janam Bhoomi thousands of times. I have

also take revolution of Chaudah Kosi. I used to complete this revolution of Chaudah Kosi in three hours because I was quite young at that time and my age was about 20 years, but now I can't do that.

(Cross-examination by Kum. Ranjana Agnihotri, Advocate on behalf of Ram Janam Bhoomi. Punrodhar Samiti-Defendant no.20 concludes)

(Shri Puttu Lal Misra, the Advocate in Plaintiff suit No.1/89, was afforded an opportunity to examine the witness, but he said that he done not want to cross-examine the witness).

(Cross-examination by Shri Abdul Mannan, Advocate, on behalf of Defendant No.11)

X X X X X

I have been living in Ayodhya for 73 years. I know very well the history of Ayodhya. Babri Masjid is not located in my located and as such I have no knowledge about this mosque. I know only about Ram Janam Bhoomi. It would be wrong to say that Babri Masjid was built in 1528. I don't know whether this mosque was got built by Mir Baki. I also don't know that Mri Baki was the Governor. I have no Knowledge about this subject. In this connection, I have also not heard from any one else as to when the Babri masjid was built. I also don't know as to where the Babri Masjid was and the period or the place of its existence. I am Hindi-knowing person.

The witness was shown by the learned cross-examination Advocate the paper No. S.O. Ayodhya wrote A-193 of the report Filed under 145 of Code of Criminal Procedure, upon seeing which the witness said that this is the Report. In this F.I.R. it is written that an idol was placed in the

mosque. I have no knowledge on this subject whether or not the S.O. had got written this Report. As such I can't reply any question on this subject. I have no knowledge about the fact that an idol was kept in was the so called mosque on the night of 22/23 December 1949 and the fact whether any report was written or not at 7 A.M. about the incident of keeping the said idol.

It is wrong to say that Namaz was continuously performed in Babri Masjid disputed structure up to the evening of 22<sup>nd</sup>, December 1949. I have already told that god was worshipped there. The question of keeping an idol in the disputed structure dose not arises at all because the idol was already there. I don't treat it as an idol, but God. It is also wrong to say that the idol God was kept on 22/23 December 1949. On this subject, I also don't know whether the S.O. Ayodhya had gone there or not after keeping the idol there. I was not present in the disputed structure on the night of 22/23 December 1949. I had gone to the disputed structure on the morning of 23<sup>rd</sup> December 1949 to have Darshan. When I went to the disputed structure on 23<sup>rd</sup> December 1949 the Lord was swatted in the disputed structure as before, as I had been viewing earlier, but on that day there was heavy rush of people there. The rush of people had increased there even two-three days before 22/23<sup>rd</sup> December 1949 and this rush of people continued for many mouths. Even two-three days before 22/23<sup>rd</sup> December 1949 the people used to go to the disputed building for having a glimpse of Lord Ram. Even before that, thousands of people used to go to the disputed structure regularly for 'Darshan' I neither saw any one reciting Namaaz nor heard anyone making 'Azaan' (making call) at the disputed premises. The idol is seated in the disputed structure ever since I have been going there to have its view, but I don't know since when since it



has been seated there. When I went to the disputed structure for the first time in 1939, Lord Ram was seated there and I had come back after having his view. I have been viewing the Lord/idol seated in the disputed structure since after 1930.

(The cross-examination by Shri Abdul Mannan, Advocate on behalf of Defendant No. 11 concludes).

(Cross-examination by Sh. Zaffaryab Geelani, Advocate, on behalf of Defendant No.9 begins).

X

X

X

The incident that I have described in Para 11 of my affidavit relates to the late night of 22/23<sup>rd</sup> December 1949. As written by me in this Para, the incident of uproar created by the Muslims and the gathering of crowd occurred on the morning of 22/23<sup>rd</sup> December 1949. By morning I mean after the Sun rise. Since I did not recognize any one from amongst the crowd, I can't tell whether those people belonged to Ayodhya or were the residents of Faizabad or had come there from outer. The number of the Muslims among the crowd would have been around one Hundred. The people were not carrying any arms, rather they were bare-handed. This crowd had gathered on the road going from Dorahi Kuan to Janam Bhoomi Mandir at a distance of a one furlong the disputed structure and were creating an uproar. These people had stopped at a distance of one Furlong due to fear and no one had stopped them. They feared the common Hindus of Ayodhya. At that time about 7-8 A.M. Some people from the Muslim crowd were saying some thing very loudly, but I could not hear what they were speaking. That Muslim crowd remained at that spot for one hour. Thereafter, I came from my temple back to Ram Janam Bhoomi Mandir

complex from where the scene of Muslim crowd became out of sight because I had come back from my temple to Ram Janam Bhoomi premises from where the scene of the Muslim crowd was not visible. I came from my temple to the disputed site from behind my temple through Dorahi Kuan side taking a short cut. At that time I had seen 8-10 policemen at the disputed structure. There may be some policemen outside also. The P.A.C. Jawans were not present at that time, Prior to that day; The P.A.C. Jawans were not deployed at the disputed site. I had seen the deployment of police personnel at the disputed at the disputed since one month before that day. I used to see them when I went there to have Darshan. On 23<sup>rd</sup> December 1949, when I went to the disputed structure, I did not see any altercation-disturbance taking place. Neither did I see any altercation-taking place between the Hindu and the Muslims nor did I hear any such voice, which could suggest that there had been any altercation between them. When I reached the disputed site the voices of making uproar from the Muslim crowd had stopped. When I reached the disputed site on 23<sup>rd</sup> December 1949, Bhaskar Das, Ram Bubhag Das ji, Sita Ram Das ji, Vishweshwar Das ji, a Tiwari Baba, whose full name I don't know, a Pahaari Baba, whose name is also present there. I don't remember whether or not Baldev Das ji of Nirmohi Akhara was also present there at that time. During my talk with the above-said persons Nirmohi Akhara, they told that the Mohammedans are creating uproar to reap the political advantage and it appears that they would create disturbance. I don't know whether any of the above said persons of Nirmohi Akhara present at the disputed site sent any information to the Police or not because after having a view, I came back to my temple. I stayed at the disputed site only for half an hour and there after I came back to my Unwal temple. And again, while

coming back, I had come to my temple via the temple of Fakire Ram and Ved Mandir. When I came back the Muslims, who were creating uproar, had left the scene. From that day till today, I have not able to know whether the people gathered in that Muslim crowd were the residents of Ayodhya or those of Faziabad or they belong to another place and moreover I had also no interest in this matter.

Question:- You have stated in Para 11 of your affidavit that due to this reason, Grab Grah and the wall with window bars was attached in 1945. Whether you have written this fact seeing some Police Report or some other paper or on being informed by some one?

Reply- I have written the above said fact being informed by other and not by seeing papers. When I went to have 'Darshan' 5-6 days after 23<sup>rd</sup> December 1949, I was not allowed to go inside and the people told me that this place i.e. the wall with windows bars has been attached. When I went to the disputed site 5-6 days after that incident, the strength of the Police personnel was much more then that of 23<sup>rd</sup> December 1949.

After 5-6 days when I went to the disputed site, even then the P.A.C. Jawans were not present there. After 5-6 days I had gone to the disputed site after 4 P.M. , again said that I had gone there before sun-set. Even on that day 200-300 persons were present there having Darshan and the people were moving in and out. The view I had after the incident of 23<sup>rd</sup> December 1949 was the view of Ram Lalla seated under the middle pinnacle, in the inner part of the wall with window bars from outside the wall with window-bars. The staircase typed place was covered by a cloth and above that was seated the God. By the side of staircase throne, there was another swinging type throne that was empty. When I had 'Darshan' at that time,

God was not seated there but God frequented that swing quite often.

The witness was shown by the learned Advocate the paper number photograph 154/13, upon seeing which the witness said that the staircase appearing therein had the 'God' seated thereupon in December, 1949. Before and after attachment, Lord Ram was seated at this very place. In this photograph three steps are appearing and on this very portion of the staircase was seated Lord Ram. On this staircase were seated Ram lalla, Lakhan Lal Ji, Hanumanji and Lord Salig Ram. On the lower two steps, God was not seated anywhere. On the lower two steps were kept Garud-bell, a water pot and some utensils etc. were kept. The idol that was seated on the upper staircase would have been having the height of one hand span. This idol was made of eight metals. The idol of Lakhan Lal was a little smaller than that of Ram Lalla and the idol of Hanuman had the height of about one and a half feet. The idol of Lakhan Lal was also made of eight-metals.

Many idols of Salig Ram were kept in the temple and each idol had a size of one to half an inch.

On seeing the photograph No. 152 on page 200 C-1 of the colored album, the witness said that this throne was in existence at the time of attachment and had been already kept there. An idol is also seated on this throne. This throne had been kept to the South of the staircase and I have referred to this throne above as a swing.

Certified after reading the Statement

Sd/Raja Ram Pandey

23.9.2003

On being dictated by us, this was typed by the stenographer in the open Court. In continuation here of the case by submitted for further cross-examination on 24.9.2003.

**Dated: 24.9.2003**

**D.W. – 3/2 Sh. Raja**

**Ram Pandey**

(In continuation of 23.9.2003, cross-examination of D.W.-3/2 Raja Ram Pandey on oath before Hon'ble Full Bench by Shri Zaffar Yab Geelani, Advocate, continues)

The witness was shown the photograph No. 152 on paper No. 200C-1 of the coloured album, on seeing which the witness said the wooden throne I have referred to in para6 of my Affidavit, the same throne is appearing in photograph No. 152 at page No. 200C of the coloured album. The same crown appearing in photograph No. 153,154 and 155 also. This throne is different from the one that was placed on the upper stairs. We feel that Ram Lalla used to first adorns the upper throne on the staircase and after that He adorned the throne kept in the swing. The photographs of both the thrones were taken at different times when Ram Lallaji was seated there in. In paper No.-154/13, there appears to a cloth spread over the stairs. I can't say that the stairs are made of Brock and morale and not made of wood. It is not correct to say that the throne appearing in 155 attached to photograph No. 152 at paper No. 200 C-I of the album would not have existed in 1950. It is also not correct to say that the idol of Ram Lalla and the other idols were placed in the same position as is visible in paper No. 154/13. The wooden throne that I have mentioned in para-6 of my Affidavit that refers to photograph No.-155 attached with 152.

The railing attached to the wooden frame out side the courtyard that I have described in Para 6 of my Affidavit refers to the wall with window bars right out side the building with dome. That is visible in photograph No. 64,65,66 and 68 of the coloured album. The status of wall with windows bars in 1934 was not the same as is visible in their photographs. As that time the railing were installed in the wooden doorframe. When the wooden doorframe got

weakened, an iron doorframe replaced that. This wooden doorframe was replaced in 1949 after attachment. It is wrong to say that the status of the railing appearing in the above said photograph was the same in 1934 and even before that. I don't know as to whom got the wooden doorframe fixed before attachment. I also don't know as to who got the iron bars installed after the attachment. After attachment both the gates in the wall with windows bars were got locked. I don't remember the date of attachment. As such I can't say whether attachment was made on 29<sup>th</sup> December 1949 or not. In the Affidavit, I have not mentioned the date of attachment but I have stated the attachment was made after 6 days. After reading Para 11 of his Affidavit he said yes, the date has been written herein but I forgot about it due to my old age. The two gates in the wall with window bars were in the same position on the day of attachment as they are appearing in photograph No. 77 and 201. The gate with touch-stone pillars that I have mentioned in Para 6 of my Affidavit is not the one appearing in photograph No. 201. The gate with touchstone pillar is not that gate which is visible in photograph No.68. The gate appearing in photographs No.67. Is also not the same gate having two-touchstone pillar and which I have mentioned in Para 6 of my Affidavit. The gates appearing in photograph No. 67 and 78 were installed in the outer portion of the dome.

Certified after reading the statement

Sd/ Raja Ram Pandey

24.9.2003

Typed by the statement in the open Court on being dictated by us. In continuation hereof the case be submitted on 25.9.2003 for further cross-examination. Witnesses are present.

Date 25.09.2003

D.W. 3/2 Sh. Raja

Ram Pandey

(In continuation of 24.9.03 cross-examination of D.W. 3/2 Sh. Raja Ram Pandey on oath before the Hon'ble Full Bench by Zaffaryab Geelani, Advocate, on behalf of Defendant No.9 continues).

The Eastern gate mentioned by me in Para 6 of my Affidavit has been shown in photograph No. 9 at page – 200C-1 of the coloured album and those two pillars are also visible in this photograph which have been referred to in the said Para. The idol of Hanumanji is visible in the pillar of the door shown in this photograph. This idol is at the place where vermilion has been applied to the pillar shown in this photograph. (On seeing photograph No.47 at paper No. 200C-1 of the coloured album) he told that the photograph contains the same idol of Hanumanji which has been shown in photograph No.9 (The witness, on seeing, on seeing photograph No. 48 of the said album told). In this photograph also the said idol of Hanumanji has been shown that exist in photograph 47. Out of these, the pillar shown in photograph 47 is the Southern pillar of the gate whereas the pillar shown in photograph No. 48 is the Northern pillar of the gate. Near both these pillar shown in photograph No.47 and 48 some thing appears to written in Hindi on the marble stone. I have been viewing this writing in Hindi since 1940 and have been noticing it continuously upto 6<sup>th</sup> December 1992. In these stones is written about the name of some devotee who got these stones installed. It is wrong to say that these marble stone engraved with Hindi writing, were installed after 1950. In the lower-most portion of the upper marble stone shown in photograph No.47 of the said coloured album, No. 1974 written after the word Bihar is visible. (After seeing

photograph No.44 of 200C-1 of this very coloured album, the witness stated). The pillar shown in this photograph is not the same that has been shown in photograph no. 47 or 48 of this very coloured album. I am unable to guess of the dispute premises or not, but this pillar is of touchstone. Since twelve similar type of pillars were installed in the disputed premises, I by seeing this photograph can't say with certainly as to which of those pillars, this pillar is and where it was installed. (After seeing photograph No.46 at 200-1 of this coloured photograph the witness said). The gate shown in this photograph is the Eastern gate of the disputed premises.

The shops appearing in photograph No. 43 were located on the right hand in the North of the Eastern gate and 'Parsad' etc. Was sold in these shops. In this very photograph the stone fixed in the wall of Northern gate is also visible on the left hand side. This stone was installed on the left hand side of the Eastern or to the South. 11/4 ft. wide and 3 ft. high slab stone referred to by me in Para 6 of my Affidavit, is the same that is visible in photograph No.43. The same stone is appearing in photograph 44 also. I am unable to read what is written on this stone. I, otherwise, verbally remember that 'Ram Janam Bhoomi' Nitya Yatra was written on this stone and above that was written figure 1. This writing was written in Hindi as well as in English language. Beside Hindi, I can also read English alphabet to some extent. I had got written the above said facts i.e. regarding writings engraved in the stone in Para 6 of any Affidavit on the basis of my memory. As per my memory, I could read only Janam Bhoomi written in English and I had got written only that much in my Affidavit. I don't know when and by whom this stone was got instated. I have seen this stone installed outside Hundreds of religious place and the 'ghats'



(banks).a similar atone with the writing Janam Sthan Mandir is also installed at the temple across the road to the North of the disputed site. That stone is about as large as this one. I had seen a similar stone installed outside Sumitra Bhavan exactly to the South of the disputed structure. I have been seeing that stone since 1930. During the regime of Kalyan Singh ji, the government acquired Sumitra Bhawan etc. in 1990 or 1991, where after that building and the temple were demolished. Till the demolition of Sumitra Bhavan, I had seen that stone installed outside. I have not seen such stone installed outside Kauhalya Bhawan. Such stone is definitely installed outside Ved Bhavan and on that stone Kakai Bhavan is written. The distance of Kakai Bhavan to the disputed structure is about 200 yards. The distance to Kaushalya Bhavan is as long as that to Kakai Bhavan. Kaushalya Bhavan would be at a distance of about 50 yards from Manas Bhavan. A similar type of stone is installed outside Bada Sthan Mandir on which is written Dashrath Bhavan. The distance from Dasharth Mahal to the disputed structure would be about half a kiometer. One similar stone is installed outside Hanuman Garhi Mandir also, on which is written 'Hanumangrahi'. In photograph No.49 to photograph No.54, the touch-stone pillars of the disputed structure are visible in photographs of all these pillars. In photo No.49, flowers petals are visible but idol is not appearing. In photo No.50, no picture of god-godess is visible. In photo No. 51, there appear to be the pictures of the goddesses in the middle. In photo No. 52, there is no picture of god-godess. In photo No. 53, the picture of Garudji is appearing in the lower portion. In photo No. 54 also, there is no picture of any god-godess. I, myself, have told that the lotus flower is appearing in it. It is wrong to say that the pillars appearing in six pictures in photograph No. 49 to 54 were not installed in the portion

with domes and it is also wrong to say that these are the pictures of those pillars which were installed at the outer Eastern gate. It is also wrong to say that there is no picture of any god and goddess in photograph No.49. to 54. It is wrong to say that there is no idol of Hnaumanji in photograph No.9 and photograph No.44 to 48. Jay Vijay, were the Gate Keepers of Vishunji, and they were not the gods. I don't remember whether or not the pillars in portion below the dome contained the idol of any god or goddess because period of more than ten years has elapsed since the demolition of the structure and after that I have not seen those pillars. It is not that I don't remember the fact of idol being present in the pillars on account of their being too small. I have gone to the portion below the dome to have a view thousands of times. I have gone to the portion below all the three domes. From 8 Am to 5p.m. there was such flood of light in the portion below the dome that every thing was clearly visible from the wall with window-bars. This was the natural light. I don't remember whether disputed structure was electrified before or after attachment and when it got electricity. I do remember that the disputed structure was electrified before its demolition. Sitting below the dome in the dispute structure with dome, I have recited Ramayan and performed "Havan" and I have had the common feast (Bhandara) under the Northern dome. I have also participated in devotional singing under the central dome before 1949 and even thereafter. Before attachment, I had performed Ram-Kirtan (devotional songs of Lord Ram) while sitting under the central dome from half an hour to one hour thousands of times. But after attachment, no one was allowed to go inside and as such the question of remembering God while sitting there does not arise. After attachment till the opening of lock in 1986, I never went to the inner building (with dome) of the disputed structure.

During this period, I performed 'Bhajan-Kirtan' by sitting outside the domed portion i.e. the wall with windows-bars. During 1949 and 1986, I had had performed 'Bhajan-Kirtan' by sitting in the South of the gate facing the central dome i.e. by sitting at distance of 20 feet from Ram Chabootra. I have performed "Bhajan-Kirtan" thousands of times at this place. I would go to have a view daily and performed 'Bhajan- Kirtan'. By sitting in South of this gate I have performed 'Bajan –Kirtan only after the attachment and not before that. The distance from the gate appearing in photograph No.201 to Ram Chabootra would have been about 20 feet. Sitting in between this gate and Ram Chabootra, I used to recite religious texts etc. all alone and with any one else. Otherwise, other persons, sitting by my side, also used to remember God and showed their devotion in other ways. Whenever I had the view and performed recitation etc. I went there only in the morning and evening. I never went there in the noon for 'Darshan' or recitation because at the time the temple remained closed. I performed devotional singing daily and made recitation rarely. From 1930 to 1992, I have made recitation and participated in devotional singing, but when I was out of Ayodhya, I did not do so. The place between the outside of the gate and Ram Chabootra, where I performed recitation and devotional singing, had no roof of thatch, tent, tinshed etc. There was a raised plate form of six inches below. This situation remained from 1950 to 1992 i.e. during this period, there was no thatched roof, tent or tin shed over the place where I sat and used to make recitation. In photograph No. 56, there appears a tinshed and a thatch. Both these things were located to the South of that gate, that is appearing a photograph No. 201. This tin shed was laid on the same Chabootra (raised platform) but it was not upon the whole portion, rather on a part-thereof.

The length and breadth of this Chabootra would have been 60ft. and four or five ft. respectively. The length of the Chabootra that I have mentioned, extended on either side of the gate appearing in photograph No. 201. The length of the 'Chabootra' to the South of this gate would be about 30ft. and the tin shed was laid on portion of about eight or none feet portion, The 30 feet Chabootra appearing in photograph No.201 extended upto the Southern wall of the disputed structure.

Certified after hearing the statement

Sd/- Raja Ram Pandey

25.9.2003

Typed by the stenographer in open Court on being dictated by us. In continuation hereof, the case be submitted on 26.9.2003 for further cross-examination. The witnesses be present.

Dated -26.09.2003

D.W. - 3/2 Sh. Raja Ram

Pandey

(In continuation of 25.9.2003, cross-examination of D.W.- 3/2 Raja Ram Panday on oath before the Hon'ble Full Bench by Sh. Zaffaryab Geelani, Advocate, on behalf of Defendant No. 9 Continues)

The witness was shown by the learned cross-examiner Advocate photograph No. 64 at page No. 200C- I of the coloured album, on seeing which the witness said that- southern part of wall with crating is visible in this photograph and the southern floor touching the same wall is appearing. To the East of this very wall, the thatch of Ram Chabootra is appearing and some thing formed is also visible behind that, but what is that is not clearly visible. After attachment of the disputed structure, the place where I used to sit and perform 'Bhajan-Kirtan' is also visible in photograph No. 64. The courtyard in between the thatch and the wall with windows bars appearing in photograph No. 64 is appearing raised. After attachment of the disputed structure, I used to perform "Bhajan-Kirtan by sitting on somewhat raised place to the West of Ram Chabootra. The courtyard touching the wall with windows-bars is visible in photograph No. 65 and here also extension of the same Chabootra is appearing. The entire Chabootra that is appearing in photograph No. 68 and that was touching the wall with windows-bars, I used to perform 'Bhajan-Kirtan' by sitting there. A tree is visible in this photograph and to the West of it the iron gate fixed in the wall with windows-bars is also visible. I, myself, have said that the wall with grating in the disputed structure has been referred to as the wall with window bars in my Affidavit. The tree appearing in photograph No. 68 is 'ninsop dengi' (Maulsiri) tree. I would not be able to

tell whether this tree is still there or not, because now, when I go to have a view, I have to go there via Kathghara (wooden enclosure) from where this tree is not visible. It is possible that this tree may still exist to the East of the route that I adopt while going to have the view, but I have not seen. This iron gate in the wall with grating appearing in photograph No.68 remained locked after attachment and before attachment, whenever I went there, I found it open and saw the people going in and out. Again said that the people went to have the view of 'God' from the middle door and came out from Northern door. Going 3-4 ft. towards North from the door fixed in the wall with grating appearing in photograph No. 68, and on turning to the West, one would find 'Chathi Poojan Site' as Sita Rasoi because it contained 'Chauka' (kitchen), Belan (rollar) and 'Chulha' (hearth). Some people called it Kushalya Rasoi also. On seeing photograph No. 71 and 72 of this album, the witness said that Chathi Poojan Sthal is visible in it. There appears to be kept a throne on this Chabootra (raised platform form). Something is written on the throne, but I am unable to read that. May be written Kushlya Rasoi thereon. The type of Chabootra that is visible in photograph No.71 and 72, I had been seeing in the same condition since 1930. The length and Breadth of this Chabootra' would have been 10x8ft. On this 'Chabootra', something written on the marble, is visible. In photograph No. 71 & 72, something written in black is appearing on the white stone. Such stones were installed after 1930, but I will not be able to tell they stated to be installed. The 8 by 10 feet Chabootra appearing in photograph No.71 & 72 was not extended after 1950 and its size remained the same till 1992. This Chabootra appearing in photograph No 71 & 72 was in between the Northern wall with wooden enclosure and the Northern gate and its level was a little less higher than one foot from the ground level. The tin-

shed appearing in Photograph No. 70 does not belong to Chhathi Poojan Sthal, but it is the photo of Store-house /Sant-Niwas built at Chhathi Poojan Sthal. No tin-shed was built at Chhathi Poojan Sthal. The distance of the Northern gate of the disputed structure from the Chhathi Poojan Sthal would have been four-five feet. This Chhathi Poojan Sthal was not in alignment with the Northern gate, but was sidelined to the West.

The learned cross-examination Advocate drew attention of the witness to photograph No. 38 at page 201C-I of Black and White album, upon seeing which the witness said that –Two Chabootras are not visible in this photograph, rather only one Chabootra is visible. I would not be tell the place to which this photograph belongs because nothing is visible on seeing this photograph. On seeing Photo No. 39 of this album, the witness said that –Chhathi Poojan Sthal is visible in it and Kaushalya Rasoi is written above the throne kept in it. I have been seeing this writing ‘Kaushlya Rasoi’ on it since 1930. Again said –at that time I did not give much attention to it. In photograph No. 39 is appearing the Northern wall of the disputed structure. I have seen this wall with the same height. The height of this wall would be eight or nine feet. Such type of wall existed on three sides of the disputed structure. Except Western side, such wall existed on all the remaining three sides. North-South length of the structure with three domes was about 60 feet. The same distance would have been between the Northern and Southern wall of the disputed structure. The Northern and the Southern wall of the disputed structures were built by leaving some land after the structure. I think that those walls would have been at a distance of 10 or 15 feet from the part with domes on both the Northern and Southern side. These very walls are the outer walls of the disputed structure.

Sant Niwas and Store-house (Bhandar-Grah) that I have referred to in my statement would fall in between the boundary wall of the disputed structure and the wall with window bars. The courtyard referred on by me in Para 9 of my Affidavit of main examination is the same courtyard on which the Chabutra and a 'ninsop dengi' tree (Maulsiri) have been shown in a photograph. On entering from the Eastern gate, the Northern side that would fall out side the gate, in that very side. I have mentioned the existence of store and Sant Niwas in Para 9 of my Affidavit.

The witness was shown by the learned cross-examiner Advocate photograph No.37 on page No. 201 C-1 of Black and white album, on seeing which the witness said that the same courtyard has been shown in this photograph that I have mentioned in Para-9 of my Affidavit. And the appearing in this photograph to the North i.e. behind the tree has been described as stone house and Sant Niwas in Para-9 of my Affidavit. If the structure appearing in this photograph through the branches of the tree is to the North of the road, it would be the wall of the Janam Sthan Mandir. The Bhandar Grah (store house) and Sant Niwas were not built adjacent to the Eastern and Western wall of the disputed structure, built was built to the West adjacent to the wall outside the courtyard.

Q:- What do you mean by the disputed structure?

Reply- By disputed structure I meant the domes and Eastern wall with windows only.

Q:- Whether you don't consider that part of the premises, that was situated outside the wall with window bars and inside its Northern wall and out Eastern wall having gates, as disputed premises?



Reply: We don't consider that as disputed.

On entering through the gate fixed in the Eastern wall of the disputed structure the Northern wall falls at the distance of about 40 feet. Again told the Northern wall would fall at a distance of 50 feet. From this very gate, the storehouse and Sant Niwas were located at the distance of about 10 feet. On the Northern side. From this Sant Niwas and storehouse would have been 30 feet and East-West breadth would have been 10 or 12 feet. This Sant Niwas and the storehouse remained in the same condition. The roof of this storehouse and Sant Niwas was made of tin. This tin remained in the same position from 1930 to 1992. It is possible that it might have been replaced due to its deterioration but as per my knowledge it was not replaced. I have been seeing the same tin upto December, 1992 as it was laid in 1930. The walls of this storehouse and Sant Niwas were made of wood. The storehouse and Sant Niwas were adjacent to each other but they were separate. I think that 8-9 ft. area was used for the storehouse and the remaining one was used for Sant Niwas.

Ever since I came of my age, I have seeing that the storehouse and Sant Niwas were being used by the Nirmohi Akhara. It is wrong to say that both these sites would not have been used by Nirmohi Akhara till 1950. it is wrong to say that both these places were for the elders of the mosque and for keeping the articles of the mosque till 1949.

I have stated above that the Muslims behind the disputed structure were creating an uproar on 23<sup>rd</sup> December, 1949 and I had seen them from Unwal temple. In between the said Unwal Mandir and the site where uproar was being

created there existed about ten households. I had seen the crowd creating an uproar from the Chabutra built in the West of the said Unwal Mandir. The height of the Chabutra outside the temple was about four feet-the height from which I had the view. Out of the ten houses that existed in between my temple and the place, where an uproar was created, some of the houses had the height of ten feet and some of them would be having the height of twenty feet. The place where uproar was created, was at a distance of two hundred yards from the disputed structure. From my temple, this place was at a distance of about two hundred and twenty five yards. Only houses were located on the sides of path coming from Tedhi Bazar to Dorahi Kuan from there onwards, there were fields or vacant land upto the disputed structures. The distance between the Western wall of the disputed structure and the houses built at Dorahi Kuan crossing was about 200 yards. Out of those houses, two houses belonged to Muslim Chikwas. There was no other house except these two houses, rather there was a Mali Mandir. On the way going to the Western side from this crossing, there was a house that belonged to Hazi Bakridi; it was on the extreme corner and a mosque was located in that. The real name of Bakridi is Hafil Sayyad Ikhlāq Ahmed. In the courtyards of his house, there is a very old mosque and there a graveyard also. His ancestors have also been in this house since the olden times. On the way going towards Western side from this crossing, there is a house belonging to Hazi Mehboob, in which lived his father Hazi Feku. Earlier, Hazi Feku lived in the house where Hazi Abdul Ahad, the elder brother of Hazi Mehboob, is living at present. That house is a little away from the road and it is the ancestral house of Hazi Abdul Ahad. Hazi Feku had considerable influence on society. He was the lessee (Pattedar) of Nazul (Improvement Trust). Due to his tobacco cultivation,

hundreds of laborers were working with him. He was the member of Municipal Board of Faizabad. This Municipal Board also included Ayodhya. I had good relation with Hazi Feku. I had good relations with Hazi Abdul Ahad and Hazi Mahboob also. I have good relations with Hafiz Iklaq Sahib. I know Hafiz Aklaq Sahab.

I know Hashim Ansari Sahab, who is a witness in this case, since long time. I also know his brother Qasim and I have good relation with him also. I know very well Zahoor Sahab and his son Faruq. Zahoor Sahab has died and Faruq Sahab is still alive. His ancestral home is to the North of old Police Station, which has become Kotwali (City's main Police Station) now and Faruq Sahib resides there.

Certified after reading the statement

Sd/Raja Ram Pandey

26.09.03

Typed by the stenographer in the open court on being dictated by us. In continuation hereof, the case be submitted before Commissioner on 29.09.2003 for further cross-examination. Witnesses be present.

**Dated:- 29.09.2003**

**D.W.-3/2 Raja Ram**

**Pandey**

Before: Commissioner Shri Narendra Prasad, Additional Distt. Magistrate / officer on Special Duty, Hon'ble High Court, Lacknow Bench, Lacknow.

(The Commissioner appointed vide orders dated 26.09.2003 passed in other original suit No.3/89 (Original Suit No.26/59) Nirmohi Akhara and other vs Baboo Dutt Ram and other).

(In continuation of 26.09.2003 the cross-examination of D.W.-3/2 Shri Raja Ram Pandey on oath by Shri Zaffaryab Geelani, advocate, on behalf of Defendant no. 9 Sunni Board of Wakf, U.P. starts).

The name of the Locality (Mohala) in which Unwal Mandir is situated, is Kaushalya Ghat Mohala. In the year 1945-46 the Saryu River flowed at a distance of one furlong to the West of Unwal Mandir, but it has been named as Kaushalya Ghat long before that. The Saryu river flower at the place that I have stated above. The Saryu River never flowed in front of Unwal Mandir. In 1945, Kaushalya Ghat was situated on the bank of Saryu River, but the Saryu River is not flower there, rather the Saryu River is flowing at distance of 2 kilometers from that place to the North.

The witness was shown by the learned cross-examination Advocate, page No.289C-1/202 of the book exhibit O.O.S-5-3 and was asked whether you consider the place bearing the writing 'Kaushalya Teerth' and show in the map drawn on this paper as the same place which you are telling as Kaushalya. Ghat?

(On this question, Shri R.L. Verma, the learned Advocate of the Plaintiffs raised objection the details of the Paper can't be asked from the witness because the said been has not been written by him)

(In reply to this objection the learned cross-examiner Advocate stated that in case the witness is mis-stating the fact he could be confronted with any paper on the record)

Reply:- On seeing the above said paper, the witness replied that we are telling the place with 'Kaushlya Tirath' writing as Kaushlya Ghat.

On seeing the map on the same page No. 289C -1/202, the witness said that the place which has been shown as Swargdhara, is called Swargdwar by us and at present the flow of Saryu is from this part. The same place is called Swargdhara and Swargdwar. Some people call it Swargdhara and some call the same place as Swargdwara. No other place is known as Swargdwar but that whole locality is called Swargdwar.

Question:- Whether the two places shown by the name of Swargdwar in the above-said paper No. 289C-1/202 have been shown incorrectly?

Reply:- on seeing the above said paper the witness said that both these Swargdwar have not been shown incorrectly.

Question:- What would be the distance between both these places, that is the two places which have been marked as Swargdwar in the above said paper No. 289C-1/202?

Reply:- The distance between the above said two places would be around 200 yards.

In between these two places, one place has been shown by the name of Chandrahari. That is a temple in which are seated idols of Shankerji and it has also the idol of Lord Ram and that of Ram-Lakhman-Janki. This Chandrahari Mandir is a very old temple. I have been seeing this temple ever since we went to Ayodhya. The people say that it is a very old temple but I can't tell whether that temple is hundreds of years old or thousands of year old. Aurangzeb Masjid that is shown in this map below Swargdwar, is a fallen mosque and is in on a higher platform in between the way to Swrgdwar, but it is in a dilapidated condition. I don't know at what distance is the house of any Muslim from this mosque. This Aurangzeb Masjid is in Swargdwar Mohalla itself. To the South of Swargdwar mohalla, there is Mohalla Adgada, where there is a famous mosque. Namaz is performed in this mosque of Mohalla Adgada. To the East of Adgada Mohalla, there are Nayaghat and Ramghat localities. Mughalpura Mohalla would fall at a distance of about half a kilometer from Mohalla Adgada in the South-West corner. The distance between Auranzeb Masjid and Nageshwar Nath Mandir would be about 400 yards. Nageshwar Nath Mandir is also very old. It has an idol of Shankerji and it is the temple of Shankerji. This temple does not contain any of Ram Chandraji. Nageshwar Nath Mandir is located to the West of Aurangzeb Masjid. I have seen no tomb (Mazaar) near Nageshwar Nath temple and I have not heard the name of Mazaar-Zuranshah in Ayodhya. Mohalla Begampura is to the South-West of Nageshwar Nath temple. This Mohalla would be at a distance of about half a kilometer from Nageshwar Nath temple. I know that shia people live in this Bhampura Mohall, but I am not familiar with the

names of Kamal Haider Sahab or his father Shri Hasan Ali Sahab. I have heard the name of Samad Ullah, a resident of this Mohalla. He was a tailor and I have got shirt stitched at his shop, but he is no more now. I don't know the name of any other Muslim of this Begampura Mohalla. I don't know exactly whether only Shia people or the Sunni people also resided in Begampura Mohalla. There are only three Muslim houses in Begampura mohalla and the Muslims who lived here earlier have now gone to Arab Countries. The distance between Begampura Mohalla and Miranpur Bulandi Mohalla is about one kilometer. To the West the South of Begampura Mohalla is the Miranpur Bulandi Mohalla. Miranpur Bulandi Mohalla would also be at a distance of about one kilometer from Unwal Mandir. This Miranpur Bulandi Mohalla is located to the North of Unwal Mandir.

Certified after reading the statement

Sd/Raja Ram Pandey

29.09.2003

On being dictated by me, the stenographer typed it in the open Court. In continuation hereof, The case be submitted for further cross-examination on 30.9.2003. Witness be present.

Dated 30.09.2003

D.W.3/2 Raja Ram

Pandey

Before: Commissioner Shri Narendra Prasad, Additional Distt. Magistrate / officer on Special Duty, Hon'ble High Court, Lacknow Bench, Lacknow.

(The Commissioner appointed vide orders dated 26.09.2003 passed in another original suit No.3/89 (Original Suit No.26/59) Nirmohi Akhara and other Versus Baboo Dutt Ram and other).

(In continuation of 26.09.2003 the cross-examination of D.W.-3/2 Shri Raja Ram Pandey on oath by Shri Zaffaryab Geelani, advocate, on behalf of Defendant no. 9 Sunni Board of Wakf, U.P. starts).

A Quern (Chakki) is installed in Unwal Mandir and only a balance is installed outside where the measurement is taken. This chakki is meant for grinding the flour and it belongs to my nephew (son of my younger brother). This chakki has installed in Unwal Mandir since 1960. Till 1970. I also used to give loan to the people. Many person among the people to whom I gave loan, were Mohammedains also. At present there is no one who own money to me or who is my debtor. I used to charge two percent interest per mouth from my debtors.

It is possible that the Muslim population might have increased during this period and would have increased to 50-60; that is the number of Muslims was not as much in Begampura at present. At present, the muslim population in Miranpur Bulandi Mohalla is nil. At present no Muslim resides in that locality. Bechu S/o Bhadai, aged about 60 years resides in Rajghat Mohalla and not in Miranpur



Bulandi Mohalla. I can't tell whether the said Bechu is a Shia or Sunni Muslim. Rajjan, the younger brother of Bechu, also deals in cycles and lives in that very Raj Ghat Mohalla and their homes are adjacent to each other. Hasanna S/o Nabi Haider also lived in that very Rajghat Mohalla and his house was also by the side of Bechu and Rajjan's house. Tazias etc. are kept with them and they have the Imambara also, but I can't say whether they are the Shia or Sunni muslim. He, that is Hasanua, was killed in the incident of 6<sup>th</sup> December 1992. His brother susai also lived in that Mohalla in 1992, but I don't know where he is living at present. Ali Bakar, another brother of Hasanna, also lived in Ayodhya, but now he lived in Faizabad. Shrimati Aafia belongs to his Hasanna family and she is a social worker. She does not live in Ayodhya but she frequents this city quite often and I see her after every two or three days. Ramzan Ali alias Ramzu also five opposite Hasanna's house and is running a cycle shop. I know Miranpur Bulandi Mohalla by the name of Mirapur Bulandi and mirapur Bulandi Mohalla is to the East of the road and Rajghat Mohalla is to the West of the road. As per my information, the house of the above said persons are located in Rajghat Mohalla. But I can't say that their houses were called to be situated in Mirapur Bulandi Mohalla. It is wrong to say the Muslim population in Mirapu Bulandi Mohalla is about 50-60. I have heard the name of Mohalla Shekhana of Ayodhya. In that Mohalla is situated the house of Achhan Mian, who has already expired and his younger brother's son Sultan Azhar lived there. Imran is Sultan Azhar's brother and Mohammed Irshad's house is also located there who is his lessee. The name of Azhar's father was Tahir who was killed in the incident of 6<sup>th</sup> December 1992. It is wrong to say that the Muslim population in Mohalla Shekhana would be around 100. as a matter of fact there live 10 Muslims to the

maximum. I have no knowledge whether all of them are Sunni or not.

There are four-five houses belonging to the Muslims in Mohalla Sayyabdara. The muslim population would not be 250-300. Sayyad Farzand Hussaain's house is located in that Mohalla. In that very Mohalla is located the house of Azadar alias Munne, who deals in tents. I have no knowledge about the names of Akbar, Murtaza Hussain and Ashfaq Hussain. I don't know whether Murtaza deals in gas or not. This Sayyabadara Mohalla is at a distance of one and half k.m. To the North of my Mohalla Katra. Shekhana Mohalla is at a distance of about half a kilometer to the west corner from my Mohalla.

I have heard the name of Baksaria Tola Mohalla in Ayodhya. I don't know the name of any person of this Mohalla because this Mohalla is quite away from my Mohalla. The Muslim population of this Mohalla would not be 100-150, but there are only 4-5 houses belonging to the Muslims. By the side of my Mohalla, there is Suthatti Mohalla. I know the names of almost all the muslims of this Mohalla. There would be about 100 Muslims in this Suthatti Mohalla. There are six houses of the Muslims in this Mohalla. There are 5-6 Muslim houses in Katra Mohalla also. The muslim population of Katra Mohalla is not 100 it would be around 50 In Sathatti Mohalla there are houses of Zakir S/o Mallu, Farukh alias Mallu, Binna S/o Slar etc. and in Katra Mohalla there are houses of Zumman S/o Zan Mohammed, Salamat S/o Immamudin etc. To the South of Our Mohalla, where we live, there is Dorahi Kuan Mohalla. This Mohalla would be approximately at a distance of one furlong from my Mohalla although I do not know the measure of furlong. There are only three houses of the Muslims in Dorahi

Kuan Mohalla. One of these houses belong to Hafiz Ekhlaiq Sahab, one houses belong to Budhu alias Wafati, whose Mohalla is called Mohalla Kothi Ghat and his lesse is Raffi Alias Gulle, who drivers a Tinga and his house is also in Kothighat. There is some distance between Kothighat and Dorahi Kuan Mohalla. There is a house of Baboo Tailor in Dorahi Kuan. I have no knowledge whether Baboo tailor is Shia of Sunni Muslim. There is one house of Amir Chikwa in Dorahi Kuan and adjacent to his house are the house of 3-4 lessees. They all are also Chilwas. Lala tailor's house is also in Dorahi Kuan Mohalla. Beside these, there is no other house belonging to the Muslims in Dorahi Kuan Mohalla. The fact regarding three Muslims houses told by my relates back to 1949 and now their member has increased.

There is a locality in Ayodhya by the name of Mughalpura, which is at a distance of more than about half a k.m. I fail to recollect whether there is any mosque in Mughalpura Mohalla or not. I fail to remember whether or not there is any old mosque near Moh. Farukh Shab's house in Moghulpur Mohalla because I visit that Mohalla very rarely. There is a graveyard in Moghulpur Mohalla. The Muslim population in Maghulpur Mohalla, at present, would not be 200-250, but much lesser. At present, there are 5-6 houses in Moghulpura Mohalla that belong that belong to the Muslims. In 1950. There would have been about 10 houses belonging to the Muslims in Moghulpur Mohalla. I have heard the name of Faqir Mohammed; his house was in Moghulpur Mohalla. I have heard the name of Mohammed Farukh. He does not live in Moghulpura Mohalla but he lived in Suthati Mohalla. There lived one Maulvi Sahab in Moghulpura Mohalla who has since expired, but I don't remember his name. I have heard the names of Abdul Sattar and Moh. Yaseen; they lived in

Moghunnlpura Mohalla. By name, I would not be able to tell whether Mirza Iqbal and Mohammed Ameen live in Moghulpura Mohalla or not, but I can recognize on seeing them. Gariwan tola is a little ahead of Moghulpura Mohalla to the North. The Muslim population in Gariwan Tola would not be 100, but there are 3-4 houses belonging to the Muslims in that Mohalla, and the people living in these houses are engaged in the profession of mistrigiri (work as mechanics/artisans/craftsmen etc.). I don't know the name of any Mohammedan of Gariwan Tola.

On the morning of 23<sup>rd</sup> December 1949 the Muslims who were creating an uproar, were at a distance of 200-250 yards from our Unwal Mandir. Due to this reason, I could not recognize any of them. On that day the above said people were standing to the North of the road i.e. towards the disputed structure from Dorahi Kuan crossing. Out of there people, I could see 20-25 persons from the Chabutra of Unwal Mandir, but the people passing by that way, were saying that hundreds of Muslims are standing there. At that time, Shri K.K. Nayyar was the District Magistrate, but I don't whether he went to persuade those people. I have no information as to whether or not any officers of the Administration had gone there to persuade the Muslims. When I went towards the disputed structure by coming out of my temple from backside. I saw on the way Hundred of Muslims present at the above said site. The house of Amir Chikwa was at a distance of about two Hundred yard from the Western wall of the disputed structure. on reaching the disputed structure, I had come to know that 200-250 Hindu were present there. Before reaching the disputed structure I didn't know that two three Hundred people had gathered there. The inner part of the disputed structure was not visible from the door of my Unwal Mandir.

The learned cross-examination Advocate drew attention of the witness to the portion "I had seen the crowd of both the places through the door of my temple" of his statement on page 27 and asked him whether your above said statement has been rendered as incorrect. Seeing the above said portion the witness said that in this portion the word 'both' has stated by mistake. The above said word 'both' should be read as it and by that I mean the place where the Muslims were standing.

Q:- A little before, you have stated that you could see only twenty-twenty five persons out of the Muslim crowd through your door and the place, where hundreds of the people were standing to the East of the road, was not visible from the Chabutra or your temple. Then how you can say that you had seen the whole crowd through your temple gate?

Reply- The people, who were passing by that way, were telling me that hundreds of Muslims were standing there.

On seeing his above said statement at page 27 the witness said that – in this statement by the words 'had seen' I only meant 20-25 persons whom I had seen from the Chabootra, and about hundreds of people I was told by the people passing by that way.

While going out and coming back, I had seen that Muslims reciting Namaz in the mosque near the house of Hazi Mahboob Sahab in Ayodhya. I know that the Muslim on 'Zumma' day (Friday) recite a particular Namaaz that is called the 'Zumma Namaaz'. I also know that the Muslim generally recite Namaaz five times a day. The Zumma Namaaz in Ayodhya in 1949 was recited in the mosque near Hazi Mahboob Sahab's house, in the mosque near

Moh. Hashim Sahab's house, in the mosque in the Courtyard of Hafiz Ekhlaiq, in Dorahi Katra in Khatra-mosque and in the mosque near 'Naukazi Tomb' behind kotwali. I have not heard about any mosque by the name of Kewre Wali Masjid in Ayodhya.

I have been hearing the name of Babri Masjid since after 1949 and I had not heard the name of Babri Masjid before that. The Babri Masjid, about which I have been hearing since 1949, I don't know where that mosque is or was situated in Ayodhya. But I know that litigation in this connection is going on. On coming here for giving evidence in this suit, I came to know that this suit relates to that very Babri Masjid about which I had heard. Before coming for evidence, I had no knowledge whether or not the suit in respect of Babri Masjid about which I had heard, was under consideration of the court. On cross-examination made by Mannan Sahab, I had come to know that the building that I call Janam Bhoomi Mandir is called Babri Masjid by the Muslims.

I had stated reading Hindi newspaper in 1934. From 1934 to 1950, I used to read "Aaj" newspaper. At that time, this newspaper was published from Varanasi. These days I read 'Dainik Jagran' newspaper and some times I read 'Jan Morcha' newspaper which is published from Faizabad. I don't know which News-paper I used to read in 1986. I am not fond of newspaper and I don't requisition the newspaper. When some one keeps a newspaper before me I read that. When Rajiv Gandhi was the Prime Minister and Sh.Narayan Dutt. Jiwari was the Chief Minister, foundation-stone was laid in between the disputed structure and Manas Bhavan. The stones were being carried from in front of my house, from which I came of know that the foundation was being laid. On the day

when the lock of disputed structure was opened, on the same day I read about it in the newspaper and I also went there to have the view. I don't remember which newspaper I read on that day. On that day, I had not read the name of Babri Masjid in those newspaper.

In December, 1949, I was studying Sanskrit and I was focusing my attention on that subject only and I paid lesser attention to newspaper. I had read about attachment of the disputed structure in 1949-50. The name of Babri Masjid had not appeared in those newspaper also.

Certified after reading the statement

Sd/Raja Ram Pandey

30.9.2003

Typed by the stenographer in open Court on being dictated by me. In continuation hereof, the case be submitted on 1.10.2003 for further cross-examination. The witness be present.

(Narendra Prasad)

Commissioner

30.9.2003

Dated 30.09.2003

D.W.3/2 Raja Ram Pandey

Before: Commissioner Shri Narendra Prasad, Additional Distt. Magistrate / officer on Special Duty, Hon'ble High Court, Lacknow Bench, Lacknow.

(The Commissioner appointed vide orders dated 26.09.2003 passed in another original suit No.3/89 (Original Suit No.26/59) Nirmohi Akhara and other Versus Baboo Dutt Ram and other).

(In continuation of 26.09.2003 the cross-examination of D.W.-3/2 Shri Raja Ram Pandey on oath by Shri Zaffaryab Geelani, advocate, on behalf of Defendant no. 9 Sunni Board of Wakf, U.P. continues)

From 23<sup>rd</sup> December, 1949, both the doors in the wall (with windows bars) of the disputed structure were locked. The lock was applied by the Police. I don't know under whose orders it was locked. A movement was launched in 1983 to get this lock opened. I know this fact that in that movement a 'yatra' was taken from Ayodhya to Lucknow. I have no knowledge that the people participating in this Yatra had taken an oath at the Saryu river that they would get constructed Ram Mandir at the site of disputed structure. This Yatra had come from Ayodhya to Lucknow and it was preparing to proceed to Delhi, but it could not happen due to Indira Gandhi's death. I have no information as to who were the main leaders of this movement. I have no knowledge whether or not Paramhans Ramchandra Das ; had announced that he would commit self-immolation if the lock of the disputed structure was not opened. I don't know whether or not A vaidyanath of Gorakhpur was the main leader of this movement. On 1<sup>st</sup> February, 1986 the lock in this disputed



structure was opened under the orders of District Judge, Faizabad. I had got this information at 4 P.M. on that very day that the order to open the lock of the disputed structure has been issued. On that very day, I had to the disputed structure at about 6 P.M. to have the view. On that day I had gone inside the disputed structure upto its domed-portion. On 1<sup>st</sup> February, 1986, when I reached the disputed structure at 6 p.m., there were 200-250 people in the disputed structure at that time. At that time i.e. at 6p.m., I had the view of 'God' under the dome, but I don't remember what was the source of light there at that time. On that day when I had gone to the disputed structure at 6 P.M. there would have been 30-40 persons in between the space from the disputed structure to the wall with windows bars.

The witness was shown by the learned cross-examiner Advocate photograph No. 81 and 82 of paper No. 201 C-I of Black-white album, on seeing which the witness said the throne appearing in these photographs existed there when I went to have a view under the middle dome on 1<sup>st</sup> February, 1986 at 6P.M. The witness was shown by the learned cross-examiner Advocate photograph No. 107 of the same album, on seeing which the witness said that only one gate is visible in this photograph, but I fail to understand whether this is inner gate of the disputed structure or the outer gate of the disputed premises. I don't remember whether or not I had gone inside the disputed structure in the evening of 1<sup>st</sup> February, 1986 through the gate appearing in photograph No. 107.

The witness was shown by the learned cross-examiner Advocate photograph Paper No. 154/13 filed in another original suit No. 1/89, on seeing which said that the stairs and the idols kept thereupon that appear in this

photograph, I viewed them under the middle dome at 6 p.m. on 1<sup>st</sup> February, 1986 also. The witness was shown by the learned cross-examiner Advocate photograph No. 154/12 filed the same other original suit No. 1/89, on seeing which the witness said that – I had viewed the 'God' at that time i.e. on 1<sup>st</sup> February, 1986 and did not pay attention to the walls etc.

On the day of opening of Lock of the disputed structure, I had gone there at 6p.m. and came back after half an hour. On 1<sup>st</sup> February, 1986, I had gone to the disputed structure to have a view at about 9 A.M. On that day, when I had gone there in the morning, I came back from there after half an hour. On the morning of 1<sup>st</sup> February, 1986, when I had gone to the disputed structure, I had seen there on Ram Chabutra the Mahants of Nirmohi Akhara. At that time, only the priest of Nirmohi Akhara were getting 'Darshan-Pooja' (view and worship) performed of Sita Rasoi, Ram Chabutra and Shanker Darbar. At that time, Mahant Bhasker Dasji was present there. At present Mahant Bhasker Das ji sitting in the Court. I am told that Mahant Bhaskar Dasji is the Mahant of Nirmohi Akhara. Mahant Bhasker Dasji is the pleader of Nirmohi Akhara in this case, in which I am giving evidence. I have come to give evidence in the Court at the instance of Mahant Bhaskar Dasji because he had said to me that you have the knowledge about 'Darshan' etc. So you should give the evidence. Mahant Bhaskar Das ji had asked me to give evidence about two months ago from this day. It is correct to say that Ram Chabutra was attached in 1982 due to mutual dispute and at that time worship etc. was performed through the Receiver. The arrangement for worship at Ram Chabootra, Shankar Darbar and Sita Rasoi continued to be made through the Receiver from 1982 to the 5<sup>th</sup> December, 1992. It is wrong

to say that in 1986 when the lock of the disputed structure was opened, no priest exited at Ram Chabootra, Sita Rasoi and Shanker Darber, again said that Siyaraghav Saran remained below out side the Chabutra for offering 'Charanamrit'. I will not be able to tell whether Siyaraghav Saran was kept there on behalf of the Receiver or Nirmohi Akhara. I had been hearing that the Priest appointed by the Receiver remained present at Ram Chabootra Shanker Darbar and Sita Rasoi. I don't remember whether or not Chet Ramji and Tiwari Baba were the Priest appointed by the Receiver and I had not enquired from anyone in this regard. From 1982 when Ram Chabootra was attached, to 1986 till the opening of lock of the disputed structure, I used to go to the disputed structure almost daily. I did not go there when I was out of Ayodhya.

Q - According to your statement, you would have visited the disputed structure about more than one thousand times during these three four years. Could you not come to know even after so many days as to who was the Priest appointed by the Receiver at the above-said Ram Chabutra for getting worship and Dashan performed?

Reply- I was seeing that Siyarafhav Saran was performing worship, but I don't know by whom he was appointed.

On 1<sup>st</sup> February, 1986, I had not read the news of opening of lock of the disputed structure under the orders of Distt. Judge, Faizabad in any newspaper. I don't have radio. I don't listen radio daily. I listen it, if it is switched on somewhere. I had not read in the newspaper about the foundation-stone that was laid in 1989 because curfew was clamped and neither any could come to deliver the newspaper nor any one could go out to obtain it. I don't remember whether or not I had got the news regarding the

event of demolition of the disputed structure on 6<sup>th</sup> December, 1992 in newspaper even after the lifting of curfew. One month after the event of demolition of the disputed structure, the Government acquired the disputed structure and their possessions was taken over by them and from that time till today, it is in the supervision and possession of Central Government. I had read the news regarding this acquisition in newspaper. In those newspapers the word 'Structure' had appeared and not 'Babri Masjid'.

The witness was shown by the learned cross-examiner Advocate the portion "the day on which the lock of the disputed structure was opened, I had read about it in the newspapers on the same day" at page 63 of his statement and the portion "I did not read in any paper the news of opening of lock of the disputed structure on 1<sup>st</sup> February, 1986 under the orders of Distt. Judge, Faizabad" of his today's statement and was asked which of your two above-said statements is correct. On seeing the above said portion, the witness said- I have attained the age of 87 years and due to this reason my reasoning power does not work properly. So I am unable to remember what I said at what time. Out of my two above statement, today's statement has been made by mistake.

I don't know, whether or not any attempt was made by the Muslims to offer Namaaz by going inside the disputed structure during the period after the disputed structure was locked and 10 years thereafter and whether or not the Muslims were arrested in this regard and whether or not they were sued for that. I also don't know whether or not Hashim Ansari Sahab and some other Muslims of Ayodhya – Faizabad were also awarded sentence in this connection. One or half a month after

opening of lock of the disputed structure, the Muslims did observed the Black day, I do not know in what connection this Black Day was observed. I don't know whether or not protest was made by the Muslims at the time on laying of foundation stone and I also don't know whether or not the Muslims got themselves arrested outside Tat Shah ki Masjid, Faizabad. Neither I got something to read nor did I hear about the fact that Pt. Kamalapati Tripathji, at the time of laying of foundation stone, had announced that if anyone strikes a spade on Babri Masjid it would hit his body and he would stop that.

On 6<sup>th</sup> December 1992. I had not gone the disputed site. On that day, I stayed at my home in Unwal Mandir throughout the day. At the time when the disputed structure was being demolished, the noise being made by the people was being heard upto my house. About 3-4 lac people from many states had gathered there. One could not understand what was being said by whom, I could not understand any slogan. I did understand that some slogans were being made, but I was unable to understand what slogans were being made. Out of the crowd assembled at the disputed structure some people were on the road also near my Unwal Mandir. I have no information as why the crowd had gathered there. At that time there was no fair in Ayodhya but discussion about Poojan were going on and it was said that the worship would be made. Worship was, perhaps, banned there at that time. After opening of the lock on 1<sup>st</sup> February 1992, the common man was to worship and have a view (Daeshan) in the disputed structure i.e. talks some other worship were being held on 6<sup>th</sup> December 1992. This other worship was desired by the people who had gathered there. These people wanted to perform 'Pooja' (worship) in the courtyard of the disputed structure. On 6<sup>th</sup> December 1992, I had not gone to the

disputed structure for worship, rather I had not been going there for two days even before 6<sup>th</sup> December 1992 due to fear because too much crowd had gathered from different states and I did not understand their language. Therefore, I was fearing what these people would do. Whether the people gathered there were the Hindus or Muslims I was unable to reorganize them, but the people were telling them to be the Hindu. I was unable to have discussion with these people and for this reason I was fearing them. Crowd was, perhaps, called by Vishwa Hindu Parishad people. I had heard that these people had called them for Kar Seva. This very gathered crowd had demolished the disputed structure. This gathered crowd was not anti-Ram Mandir, but the structure had become old. Therefore they wanted to demolish it and build another temple in its place. I had not heard that this structure existed since the rule of Babar and therefore the people wanted to demolish it. I considered that disputed structure as temple and when that structure was demolished, I felt very sad because now the 'God' is under a Tat (a sack cloth) and at that time. He was inside the structure. I had thought the people, who demolished the disputed structure, have committed a bad deed. I have no information as to whether the Muslims had protested against the demolition of the disputed structure or had liked this act because curfew was clamped and the people could not go out. When the Muslims of Ayodhya met us, they were unhappy over the demolition of the disputed structure. I don't know the reason why they unhappy over the demolition of disputed structure. I had been meeting the Muslims and I had been meeting them in 1992-93 also. But none of them told me that Babri Masjid had been demolished on 6<sup>th</sup> December 1992. On 6<sup>th</sup> December 1992, alongside the disputed structure the houses of hundreds of Muslims were demolished, set on fire and Hundred of Muslims were killed also. The act of

demolished, and burning the houses of the Muslims and killing and them was also committed by the gathered crowd. I can't say whether the people in the gathered crowd, who demolished, burnt the houses of the Muslim or who killed them, were Hindus or the Muslims because they were from different states and because they could not be recognized by their dresses. Since I was not in a position to go out of my house, I can't say whether or not the gathered crowd, which had demolished the disputed structure, had brought the idol of Ram Chandraji back again and kept that at the disputed site and I don't know what happened in this regard. I don't know anything about the fact whether on that day, when the disputed structure was demolished the idol kept therein had broken or someone had taken them out. I had gone to the disputed structure about 15 days after its demolition when the curfew was lifted in 1992. Shri Satyendra Das ji was the Priest (Pujari) appointed by the Receiver of the disputed site and today he is the Chief Priest. He has another four five Assistants. In this connection, I did not have any talk with Satyendra Das Ji also. During the period from 6<sup>th</sup> December 1992 to 22<sup>nd</sup> September 2003 I have read newspapers occasionally. During this period I have read Dainik Jagran, Jan Morcha newspapers. I have no such cognition that I have ever read the name of Babri Masjid in these newspapers. When the name of Babri Masjid cropped up in the cross-examination of Shri Abdul Mannan Sahab, then I understood that it is related to that very disputed structure which I consider as Ram Janam Bhoomi.

After Babu Priya Dutt Ram Sahab, Shri K.K. Verma had become the Receiver of the disputed structure, but I have no information as to when K.K. Verma became the Receiver of the disputed structure. In which year did I

read this newspaper and what was the name if that newspaper-I don't remember both these things. It was during the Receivership of K.K. Ram Verma that the Ram Chabutra was attached. Even after attachment of Ram Chabutra in 1982, the people of Nirmohi Akhara used to live in Bhandar Grah (storehouse) and Sant Niwas, who continued to live there till 1992. During this period, the people living in the storehouse and Sant Niwas performed their own worship recitations and did not perform worship-adoration before "God". Upto 1992 i.e. till the day when the disputed structure was not demolished, the storehouse and Sant Niwas remained in the same condition as they were in 1950.

The witness was shown by the learned cross-examiner Advocate photograph No.37 of page 201C-1 of Black-White album, on seeing which the witness said that in this photograph I am seeing a "Maulsiri" tree and a police man standing in front of that and to the East of that was the storehouse. In this photograph storehouse and Sant Niwas are visible to the Eastern side of their tree. Again said, by seeing the picture, I fail to understand in which said the storehouse and Sant Niwas are. It is wrong to say that I am unable to see these things in this photograph because the places like storehouse Sant Niwas etc. were removed before 1990.

The witness was shown by the learned cross-examiner, Advocate, photograph No.73 of paper No.200C-1 of the coloured album on seeing which the witness said that tinshed appearing in this photograph was laid in the disputed structure where was Sita Rasoi Or Kaushalya Rasoi.

The fish etc. made on the Northern gate of the disputed structure were made of lime and brick-dust. By seeing



from below, I had guessed that they were made of time and brick-dust and I had not seen them by climbing up through a ladder. I don't know since when this Northern gate has been made, but I had been seeing it ever since I started going there. I would not be able to tell whether this Northern Gate was when the disputed structure was built or it was made after that. I have no knowledge as to when the outer walls of the disputed structure i.e. the Northern, Eastern and Southern walls built I also don't know whether these walls were built alongside the disputed structure or later on. I also don't know as to when the disputed structure with three domes was built and who got it built. I have no knowledge as to when and who got the idols kept in the disputed structure but I have been viewing them ever since I started going there. The Northern gate opened only during the festival, this gate remained open for about 38 days in an year. When this gate remained open during that period, it remained open from morning till evening. The gate opened in the morning at about 6.30 O'clock. I could not guess at what time this gate was opened during different weathers. Sometime the said gate was opened after my arrival there and sometimes it was already open when I reached there. Approximately that gate would have been opened in my presence about 20 times. I had seen the gate being opened before 1950 and even after 1950. Before 1950, I had seen Raghu Nath ji and Sita Ram ji opening the said gate and after 1950, I have seen Baldev Das ji Ram Subhag Das and Bhaskar Das ji opening the said gate. This was the Exit gate and not the Entrance gate.

The witness was shown by the learned cross-examination Advocate the portion "I know that seen it from Chaitra-1930 till demolition of the disputed structure" of Para 15 of the Affidavit of his main examination and was asked at

which place the recitation of Nawah, that you have mentioned, took place. Seeing the above said portion, the witness replied that this Nawah recitation was made below the Southern dome. This Nawah recitation came to an end when the disputed structure was attached. In this very portion, it has been mentioned that small 'Bhandara' (a common feast for all). Was organized that too was organized at the place with Southern dome. In this 'Bhandara' the people were given a common feast and I have seen to the maximum, one Hundred people having this feast. The common feast was given in the noon and not at night. After attachment of the disputed structure 'Bhandara' was organized near Ram Chabutra and at the most one Hundred people were given the common feast in my presence.

Before attachment, Baldev Das ji was the Chief Priest (Pujari) of both the disputed structure and Ram Chabutra. Even after attachment of the disputed structure Baldev Das ji had been Chief Priest of both these places, but I don't know up to which date he served in this capacity. Baldev Das ji was assisted by the Assistant Priests Ram Subhag Das ji, Bhaskar Das ji and Rameshwar Das ji. One or two other Assistant Priests remained with him, but I don't know their names. There people were the priests in the disputed structure till the attachment of Ram Chabootra. From 1950 onwards, the Recriver made the appointment of the Priest of the disputed structure. After 1949, Baldev Das ji Ram Subhag Das ji, Bhasker Das ji and Rameshwar Das ji were not priests of the disputed structure. After 1950, Chet Ram Das ji and Lal Das ji remained the Priest of the disputed structure for some days, but Lal Das ji had two-three other Assistant Priests. Lal Das ji was assassinated in 1992. Lal Das ji remained

the Chief Priest of the disputed structure throughout his lifetime i.e. till the date of the assassination.

Certified after reading the statement

Sd/Raja Ram Pandey

Typed by the stenographer in open Court on being dictated by me. In continuation hereof, the case be submitted before the Hon'ble Full Bench on 10.10.2003 for further cross-examination. The witness be present.

S/d

*www.vadaprativada.in*

Dated 13.10.2003

D.W.3/2 Raja Ram

Pandey

Before: Commissioner Shri Narendra Prasad, Additional Distt. Magistrate / officer on Special Duty, Hon'ble High Court, Lacknow Bench, Lacknow.

(The Commissioner appointed vide orders passed on 10.10.2003 in another original suit No.3/89 (Original Suit No.26/59) Nirmohi Akhara and other Versus Baboo Priya Dutt Ram and other).

(In continuation of 1.10.2003 the cross-examination of D.W.-3/2 Shri Raja Ram Pandey on oath by Shri Yaffaryab Geelani, advocate, on behalf of Defendant no. 9 Sunni Board of Wakf, U.P. continues).

The witness was shown by the learned cross-examination the portion "My father was already the Priest (Pujari) and he lived there" of Paragraph-1 of his Affidavit of his main examination and was asked who had appointed your father as the Priest. Seeing the above said portion, the witness replied that Rani Yaduraj Kunwari made him the Priest. She was the queen of Unwal state. That queen was all in all (Sarvorahkar) of this Unwal Mandir. I was born in Gorakhpur and when I came to Ayodhya, my mother also came here me. 10 years before my arrival in Ayodhya, my father was made the priest in Unwal Mandir. This temple was founded by Rani Sahiba of Unwal state. No stone pertaining to foundation of the temple is installed in Unwal Mandir. This temple is at least 110 years old, but this temple no special importance. About 110 years ago, idol was installed in this Unwal Mandir. At that time the idols of Ram, Lakhshamman, Janski, Hanumanji and Lord Saligram were installed and those idols are still there. The

idol of Ram in this temple is made of eight metals and its height is about one and a half feet. This idol of Ram Chandraji in Unwal Mandir is the idol of Dhanurdhari (carrying bow) Ram Chandraji. The idols of Lakhshamanji and Janski ji in this temple have a little lesser height than that of Shri Ram Chandraji. The idols of Haunumanji in this temple is also about one and a half feet and is equal to that of Ram Chandra ji 8-10 round shaped idols of Saligram Bhagwan are installed in Unwal Mandir. These idol of Saligram Bhagwan are made of stone, again said that these idols of Saligram Bhagwan are round shaped and four cornered also. The size of some of these idols of Saligram Bhagwan is of one inch and some of them have the size of even less an inch. Due to my faith, I can't tell the idols of Saligram Bhagwan as stone-idol. The idols of Janakiji, Lakhshman ji and Hanuman ji are also made of eight metals.

My appointment as the Priest of this Unwal Mandir was made by Bhagwati Dyal Singh S/o Rani Yaduraj Kunwari. My this appointment as a Priest was made Verbally. After the death of Rani Sahiba, Lal Bhagwati Dyal Singh S/o Rani Sahiba became all-in-all (Sarvrahkar) of this temple. Lal Bhagwati Dyal has expired and his son Raghu Raj Pratap has also died and no member his family is now Sarvarhkar (All-in-all) of this temple. Raghu Raj Partap Singh died in about 1970. After abolition of Zamindari system, Raghu Raj Pratap Singh had told me that now I can't manage this temple you might manage it now.

The witness was shown by the learned cross-examination Advocate Para 4 of his Affidavit of his examination, on seeing the witness said that the statement contained in this paragraph of Affidavit is based on my personal knowledge. Out of the graveyards damaged in this riot of

1934, one graveyard was in Mohalla Kothighat opposite Wafati's house. Second graveyard was in Suthati Mohalla and was known by the name of Nawabu shah. Third graveyards was known by the name of Chira-e-Imlia which was situated in Mohalla Ramkot. Fourth graveyards by the name of Khajatti was situated in Katra Mohalla. At present, I don't remember the name of the remaining graveyards which were damaged in the riot. Besides the above said four graveyards more graveyards were damaged in that riot, but I don't remember their names at present. Kothighat and Dorahi Kuan are two separate places, there are fields in between them and there is a distance of 2-3 bighas between them. The graveyard of the Muslims living in Mohalla Tedhi Bazar is at Ranopali Mani Parvat. I don't know whether or not any damage was caused to this graveyard in the riot of 1934 because this graveyards is situated at a distance of three-four kilometers from my place. The Muslim population in Tedhi Bazar Mohalla would be 50-60. I am telling this number as per my estimate. It is possible that there might be 100 houses belonging to the Muslims in that Mohalla. Kaziana Mohalla is at a distance of about half of Kilometer to the East of this Tedhi Bazar Mohalla. The graveyard of the Muslims of Kaziana Mohalla is also at Ranopal Mani Parvat. At present, there are five six houses of the Muslims in Kaziana Mohalla and their number including children would be around 100. I have no knowledge as to whether or not any person by the name of Sabir Ali lived in this Kaziana Mohalla. It is possible that I may not be knowing hi by name, but would recognize him by face. Maulvi Abdul Gaffar Sahab's house was located in Tedhi Bazar Mohalla but his Saw mill was in Kaziana Mohalla. I am not familiar with the names of sons of Maulavi Abdul Gaffar Sahab, though he was having sons. One son of Abdul Gaffar Sahab is still alive. On 6<sup>th</sup> December, 1992,

Maulvi Gaffar Sahab has the saw mill in Kaziana Mohalla and at that time that saw machine was run and looked after by his sons. On 6<sup>th</sup> December 1992, Maulvi Gaffar Sahab's one son was killed on that very saw machine. As per my knowledge only one son of Maulvi Abdul Gaffar Sahab was killed on that day. I have no knowledge as to whether or not his second son was killed on that day.

I have no information whether Maulvi Abdul Gaffar Sahab taught the children or not. I also have no information about the fact whether or not he performed 'Imamat' (religious duty) in some mosque. It is wrong to say that Maulavi Abdul Gaffar Sahab taught Namaz in Babri Masjid in the capacity of an Imam. On the 6<sup>th</sup> day of December 1992, one son of Maulavi Abdul Gaffar Sahab was killed in Kaziana Mohalla and I have no information as to whether or not other men and women were also killed in addition to him. The population of Kaziana Mohalla and Tedhi bazaar Mohalla in 1949 was much lesser than the present population of these Mohallas. In 1949, there would have been 15-20 Muslims in Tedhi Bazar Mohalla. In 1949, there were only 10 houses of the Muslims in Kaziana Mohalla and the total number of the Muslims would have been 25-30. Panji Tola Mohalla is quite near to Kaziana Mohalla. I think, no Muslim lived in Panji Tola Mohalla. As per my knowledge, no Muslim lived in Panji Tola Mohalla in 1949. It is wrong to say that more than one hundred Muslims lived in Panji Tola Mohalla. It is also wrong to say that more than one hundred Muslims lived in Panji Tola Mohalla in 1949. It is wrong to say that Ahmed Ali s/o Karim, Noor Mohammed S/o Abdul Haq, Moh. Ishaq alias Munai S/o Pir Mohammed, Sagir Ahmed S/o Ibrahim and Abdul Khaliq S/o Latif live in Panji Tola Mohalla. Out of them, I know Sagir Ahmed S/o Karia by name, who lives in Kaziana Mohalla. Kaziana Mohalla and Panji Tola

Mohalla both are located on the same side Faizabad – Gorakhpur Main Road i.e. to the Northern side. Kutiya Mohalla is to the East of same Faizabad- Gorakhpur road. To the North-West corner of Gorakhpur-Faizabad main road is Panji Tola Mohalla. The distance between Kutiya Mohalla and Panji Tola Mohalla would be about one furlong. It is wrong to say that Kutiya Mohalla and Panji Tola Mohalla are contiguous. I have no information whether or not Kutiya Mohalla is known by the name of Bari Kutiya Mohalla and Chhoti Kutiya Mohalla. Hashim Sahab and Qasim Sahab etc live in Kutiya Mohalla. The law suits in which I am giving evidence, Hashim Sahab is also involved in them. I have no information about other Muslims having houses in Kutiya Mohalla in addition to the houses belonging to Hashim Sahab and Qasim Sahab in this Mohalla. I have never gone inside Kutiya Mohalla. Whenever I go for Raj Ganj Railway Station, I see Hashim Sahab's and Qasim Sahab's houses which are located in the corner of the Road. I have no knowledge whether or not any other Muslim has houses in this Mohalla. I know Abdul Razaq alias Chhedi, Rahmat Ullah s/o Jhullan, Lal Mohammed S/o Karim ullah by name. So I can't say whether these people live in Bari Kutiya Mohalla or not. I also don't know whether Hidayat Ulla s/o Ahmed Ali Sahab lives near the house of Hashim Sahab. There is no graveyard in Kutiya Mohalla. If any Muslim dies in that Mohalla, he is taken only to graveyard at Mani Parvat. Raiganj Guriyana is a Mohalla and RaiGanj Railway colony is another Mohalla and both the Mohallas are interconnected. I don't go to both these localities. For this reason, I can't say whether Muslims live in these Mohallas or not, but most of the people in these Mohallas are confectioners (Halwai). All the confectioners of these Mohallas are Hindus. I don't know whether or not the Muslims population of both these localities is 100-150.



There is an locality in Ayodhya by the name of Mohalla jai Singh Pur. As per my knowledge, there are three Muslims houses in this jai Singh Pur Mohalla. The total number of the Muslims in this Mohalla would be 10-12. I know Shami tailor by name. So due to this reason, I can't tell whether or not he lives in this jai Singh Pal Mohalla. I know Mehmood Mistri s/o Abdul Latif. He lives in this very Jai Singh Pur Mohalla. I don't know Sharif s/o Hafeez and for that reason I would not be able to tell whether he lives in this jai Singh Mohalla or not. It is wrong to say that Muslims population in Jai Singh Mohalla is 60-70. Mohalla Bargdahiya is near Tulsi Chaura. In Bargdahiya Mohalla, the Majority of the people living here are Hindus. I don't whether Abdul Latif lives there or not. The graveyard of the people of Jai Singh Pur is near Mani Parvat. No Muslim lives in Babu Bazar Mohalla. However, there are two-three shops of the Muslims in this Babu Bazar Mohalla. The house of Faruq s/o Zahur is in Singer Hat Mohalla and not in Babu Bazar Mohalla. I don't know Umed S/o Yusuf, so I can't tell whether he lived in Babu Bazar Mohalla or not. Bashir alias Yusuf's shop, (tent etc) is located in Babu Bazar Mohalla, but he does not live there. He lives in Saidwara Mohalla. Faruq's Family resides in Singer Hat Mohalla. Faruq has sons also, but I don't know their names. Except Faruq no other Muslim has a house in Singer Hat Mohalla. The houses of Khalic Din, Abdul Hakim and Shahid are not in Singer Hat Mohalla. I have no information as where is the graveyard of people living in Singer hat Mohalla.

There are dozens of graveyards in Ayodhya. Earlier, hundreds of graves were made with concrete in those graveyards, but in 1992, those were broken and now there is no grave made with concrete. These graves made with concrete were demolished by the outsiders and not by the people of Ayodhya.

I can't say that many graves out of these graves made with concrete were hundreds of year old or not. I have no knowledge as to when the Muslims started living in Ayodhya. I have heard the name of Sayyad Salar Masood Gazir. He is the man whose Dargah is in Bahraich. I have no information as to whom Sayyad Salar Massood Gazi breathed his last. I have also no information as to whether or not the graves of his era still exist in Ayodhya. I have not seen the above-said concrete graves but I have only heard about them. I have not heard about any Ganj-e-Shaheedan named graveyard. I have not heard about any graveyard by the name of Ganj-e-Shaheedan that would be located in Ayodhya. I have heard about Naugazi grave which is situated behind or to the East of Ayodhya Kotwali. As far as my memory goes, I have seen this Naugazi grave as it is, but I have not information as to how old this Naugazi grave is. I have no information about any Alamgiri Masjid of Ayodhya. Nor have I ever heard the name of this mosque. I have heard the name of Ibrahiem Shah ki Mazar in Ayodhya, but don't know where it is situated. A place is Ayodhya is famous by the name of Sheesh Paigambar, about which I have heard that it is Adgada Wali Masjid. Adgada Wali Masjid is situated in Swargdwar Mohalla.

The witness was shown by the learned cross-examiner Advocate para 4 of affidavit of his main examination, on seeing which the witness said that in this paragraph the portion written as – "As per my information there are..... four houses in Ayodhya out of them there are some Shias also" that is related to the year 1949. It is wrong to say that the Muslim population in 1949 was much more than that described in the above-said portion. It is also wrong to say that at this point I am mis-stating the facts.

The witness was shown by the Learned cross-examiner Advocate Para 5 of the affidavit of his main examination and was asked whether the portion "But Shri Ram Janam bhoomi..... was damaged" written by you in it, is written on the basis of your personal knowledge or on the basis of being heard by some one? Seeing the above said portion, the witness said I have written the above said fact on the basis of my personal knowledge. In the above said portion the outer wall that I have described to have been damaged, was the wall of eastern side. This was the wall which contained the window bars. This was the wall in which wooden grating were installed. The wall with wooden gratings which I was describing, is that wall in which widow bars were fixed before 1949. The iron bars have been fixed in this wall in 1949. Before that wooden bars were fixed since 1930; again said the wooden gratings were installed before 1930. Slight damage was caused to this wall in 1934. Except this wall, I did not see any other part of the disputed structure damaged in 1934. No Muslims was killed near the disputed structure in 1934 riot, 8-10 Muslims were killed in Ayodhya. I have no knowledge whether the wall of the disputed structure that was damaged, was got repaired or not. I continued to see that wall in damaged condition till 1949. It is wrong to say that I am misstating the facts on this point. It is wrong to say that damage was done to the top, western wall and floor etc. of the disputed structure.

Question:- I mean to say that repair of all these damaged parts was got made by the distt. Officers with Government money. What you have to say in this regard.

(On this question Shri Ranjit Lal Verma, the Learned Advocate of the plaintiffs raised this objection that in its previous sentence, the whole fact about the complete

details of the places suggested to have been damaged, have been denied by the witness. As such this question does not arise at all and is imaginary)

Reply:- It is wrong to say.

It is also wrong to say that the wall which, I have stated containing wooden gratings, never had the wooden gratings. It is also wrong to say that iron bars window bars were already installed in the said wall before 1930.

Question:- I want to say that it has never happened that the Muslims would have stopped going towards the disputed structure?

Reply:- The Muslims never went towards the disputed structure, they used to go by road. By this road I mean that road which goes from Dorahi Knan to Hanumangarhi.

The witness was shown by the Learned cross-examines Advocate Para 5 of the affidavit of his main examination containing the portion that 'after this riot, in the Muslims..... did not go t at all" and was asked whether do you mean by it that the Muslims used to go towards the disputed structure before this riot and they did not use to go there after that?

On seeing the above said the witness replied that ever since I have been seeing from 1930, no Muslims used to go towards the disputed structure.

Question:- Then why did you used in the above portion of your affidavit the words, "After this riot,"?

Reply:- When some accident takes place, its mention is specially made and due to this reason I have used these words. The outer wall to the East of wall with window bars is called by us Hate Wali Diwar (The wall of courtyard) and not as outer wall.

The witness was shown by the Learned cross-examiner Advocate the portion "In the outer part the wall of courtyard (Hata)..... gate remains open" of para 6 of the affidavit of his main examination and was asked what do you mean by the entrance and exist gates installed there in? seeing the above said portion the witness said by this I mean that way from where this way has come to Janam Bhoomi via Sakhshi Gopal Mandir and has touched the gate and one way goes towards the northern side which joins Dorahi Knan road and one way goes towards Sita Koop. Thinking about all these ways I have written the above said 'to and for ways were made.' The witness was shown by the Learned cross-examiner Advocate the portion "On that pillar was engraved an idol which is reported to be the idol of Hanumanji" of para 6 of the affidavit of his main examination and was asked from which date of which date you have been seeing on the said two pillars the so called engraved idols. Seeing the above said portion, the witness replied that the above said idols have been seen from 1930 to 1992. Vermilion was applied to thee idols ever since I started viewing them, I myself, have said that those idols were smeared with vermilion because vermilion was offered at the idols of Hanumanji.

Question:- In the above said portion of your affidavit, you have written that these so called idols are "reported to be the idol of hanjuamji" by which it appears you mean

that other people report it as the idol of Hanumaji; what you have to say in this regard?

(On this question Shri Ranjit Lal Verma, the Learned Advocate of the plaintiffs raised this objection that in the portion of the statement that is being referred to, the so-called words do not exist in that statement. As such it can't be added to the question because a portion of statement of the witness is being referred to.)

Reply:- The idol had become too old, I was feeling difficult to recognize it, but the description of the idol of Hanumanji contained in the religious texts, that form was made therein. As such even other people as well I said that it was the idol of Hanumanji.

There is description about the size of hanumanji in the Ramayan written by Balmiki and the one written by Tulsi Das.

Question:- In your above-said statement you have said that "There is description of idol of Hanmanji in the Religious texts, and that appearance was made there in". Will you please tell at which place tell at which place in the Ramayan written by Balmiki and in Ramcharitmanas written by Tulis Das, mention has been made about the idol of Hanumanji?

(On this question Shri Ranjit Lal Verma, the Learned Advocate of the plaintiffs objected that this fact should not be asked as a question for cross-examination. The witness should be first asked that in which 'Khand', in which 'Sarg' and in which context this description has been made. As such this question as a fact should not be asked from the witness)

Reply:- In Sunder Kand.

The witness was shown by the Learned cross-examiner Advocate the page no.258 C/2 of the original text 'Ram Charitmanas' written couplet (doha) of Ramcharitmanas" such reference is found? On seeing the above said the witness replied that such reference is there a the end of "Kishkindha Kand" which is contained in Chaupai no.29.

Certified after hearing the statement

Sd/Raja Ram Pandey

13.10.2003

Typed by the stenographer in open Court on being dictated by me. In continuation there of the case be submitted on 14.10.2003 for further cross-examination.

Dated 14.10.2003

D.W.3/2 Raja Ram

Pandey

Before: Commissioner Shri Narendra Prasad, Additional Distt. Magistrate / officer on Special Duty, Hon'ble High Court, Lacknow Bench, Lacknow.

(Commissioner appointed under orders of 10.10.2003 passed in other original suit No.3/89 (Original Suit No.26/59) Nirmohi Akhara and other Versus Baboo Priya Dutt Ram and others).

(In continuation of 13.10.2003, cross-examination of Shri Raja Ram Pandey on oath by Shri Zaffaryab Geelani, advocate, on behalf of Defendant no. 9 Sunni Board of Wakf, U.P. continues).

On seeing the original text Ramcharitmanas written by Tulsidas paper no.258 C-1/2, the witness said that – there is the description of idol and appearance of idol of Hanmanji in 'Chaupai' below 'Doha' No.29 of Kishkinda Kand of the Ramcharitmanas.

Question:- Then please tell in which 'chaupai' below the above-said Doha no.29 is given the description of his form and size?

Reply:- In 6<sup>th</sup> line of the 'chaupai' below Doha No.29 is written –

Ram Kaj Lagi Tab Avtara

Sunathi Bhayo Parbatakara

Ram and appearance are inter-related. If one quotes the name of a person, the person having recognition power will imagine the appearance of that man and if he is



shown the appearance of a person, he remember his name.

Question:- In the 6<sup>th</sup> line of the above-said 'chaupai' quoted by you one finds the description of Hanumanji in mountain form. Then please tell whether mountain form of Hanumanji was engraved in the pillars of Eastern gate of the disputed structure?

Reply:- No. 'Ati laghu roop dhrehu Hanumana" this form was engraved.

Question:- In which Chaupai or Doha, the above said tiny form of hanumanji told by you is mentioned?

Reply:- Such reference is contained in Doha No.3 of 'Sunder kand'. This Doha No.3 reads as under  
Pur rakhware dekhi bahu Kapi man Keenhi vichar,  
Ati laghu roop dharon nisi nagar karaun paisar.

This Doha No.3 means that – seeing the gaurds of the city in heavy numbers, Hanumanji thought of attaining the miny form and enter the city at night time. This description relates to the period when Hanumanji according to description given in Ramcharitmanas, went to Lanka to find out whether Sita was there or not. I have said personally that it means that Hanumanji used to assume mini form and the idol that was engraved on the pillars was of that mini form.

Question:- Whether the same form of Hanumanji that has been mentioned in the above-said Doha No.3 of Sunder kand, was engraved on those pillars which were installed at the Eastern gate of the disputed structure?

Reply:- Hanumanji used to assume tiny forms. Thus their tiny form was installed.

Question:- This tiny form of Hanumaji is described as tiny as a mosquito in Chaupai No.1 written below Doha No.3 of Sunder kand. Then, whether this tiny form of Hanmanji like a mosquito was engraved on the above-said pillars?

On seeing Chaupai No.1 written below Doha No.3, the witness replied that –

Reply:- It is not like this.

Question:- Then, which other tiny form of Hanumanji was engraved on the above-said pillars and in which Doha or Chaupai of which 'Kand' of this Ramcharitmanas it is described?

Reply:- Doha No.187 in 'Balkand' is as under:-  
Nij Lokahi biranchi ge devanh ihi sikhai,  
Banar tanu dhari dhari mahi Hari pad sevhu jae.

The form of Hanumanji described in this very Doha was engraved on the said pillars.

Question:- In Doha No.187 of the above-said Balkand, there is no mention about Hanumanji, but it describes that order of Brahmaji, which he had given to the gods that they should go to the earth in the form of monkeys and serve God. What you have to say in this regard?

Reply:- It is correct to say but in that very reference "Shanker Swayam which means that Shankar, himself, assumed the form of Hanumanji and came to serve God.

Question:- My question was that there is no mention of Hanumanji in the above-said Doha No.187 which you have treated as correct, but you have not told that in which Doha of which Kand of Ramcharitmanas the description regarding Hanumanji assuming form of a monkey is contained. Please tell where is the description of Hanumanji assuming the form of a monkey?

Reply:- In Doha No.17 of Sunder Kand, when Ravan's messenger of Ashok Vatika went to Ravana, he said that:-

“Nath ek Awa Kapi Bhari, Tehi Ashok Vatika Ujari.”  
Kapi means a monkey, so the ‘monkey’ word is there I have said myself, it is written in the Chaupai below Doha No.5 that –

Vipra roop dhari kapi tehu gayu,  
Math naye poochhat asi bhayu.

Kapi word has been mentioned here also and kapi means a monkey.

Question:- No such Chaupai is written after Doha No.5 of Sunder kand of the above-said Ramcharitmanas paper No-258 C-1/2 as you have mentioned above. What you have to say in this regard?

Reply - Due to mistake I have quoted it to be the chaupai of Sunderkand. In fact this chaupai is as under:  
Vipra roop dhari vachan sunaye,  
Sunat Vibhishan uthi Tahu Aye.

The chaupai that I have got written above, is of Kishkindha Kand. The said Chaupai is of line No.6 after shaloke N. 1-2 after Sortha of Kishkindha Kand which is as under –

Vipra roop dhari kapi tahu gayu, Math mai poochat as bhayu.

Here also 'kapi' word has been mentioned and the kapi means monkey.

Question:- The Chaupai after Doha No.17 of Sunder Kand just quoted above, in which in have mentioned above the entry of a monkey in Ashok Vatika, that Chaupai contains description of giant sized monkey and not that of a mini sized one. What you have to say in this regard?

Reply:- It is true that this Chaupai contains the description of giant sized monkey.

Question:- Then, whether a giant sized form of monkey was engraved on both the pillars of Eastern gate of the disputed structure?

Reply:- I have already said that short-sized monkey was engraved on the above-said pillars.

Question:- According to the Chaupai after Doha No.5 of Sunder kand that you have described above, Hanumanji had recited the discourse (vachan) after assuming the form of a Brahmin and the same Brahmin form of Hanumanji is referred to in the above-said Chaupai after the second Shaloke of Kishkindha kand as told by you. Thus, no portion of Ramcharitmanas has been pointed out by you so far which describes the mini form of Hanumanji as monkey, which is reported by you to be engraved on both the pillars of Eastern gate of the disputed structure. What you have to say in this regard?

Reply:- What I stated in Kishkindha kand, that relates to the period when in dialogue with lord Ram, Sugriv sends Hanumanji and what I have told in Sunder Kand, that is the word 'vipra' according to the dialogue of Vibhishan.

Question:- My question was that the idol of Hanumanji in the form and size you have stated to have been engraved on the above-said pillars of eastern gate of the disputed structure, in which kand or in which Doha or Chaupai of Ramcharitmanas it is contained. But you have not told so far any 'Doha' or any 'Chaupai' or 'Shloke' in which there is a reference to the idol of Hanumanji or the description of his form of size about which you have described in the last lines of page-91 and the first two lines of page No.92. What you have to say in this regard?

On seeing the portion "The idol has become too old, was finding very difficult to recognize it..... description about size of Hanuman is found" at page 91 and 92 of his statement, the witness replied that the description of mini form of Hanumanji is given in the 4<sup>th</sup> chaupai below 4<sup>th</sup> Doha of Sunder Kand, which is as under  
Ati Laghu roop dhreyu Hanumana,  
Paitha nagar Sumiri Bhagwana.

Question:- The mini form that I described by you in the fourth Chaupai after 4<sup>th</sup> Doha, is the tiny form of Hanumanji like a mosquito described in Chaupai after third Doha of this very Sunder kand, and not any of his monkey-form. What you have to say in this regard?

Reply:- The learned cross-examiner Advocate is misinterpreting the meaning of "Masak Samaan roop kapi dhari, Lankhi chaleu sumiri narhari". The actual meaning

of this chaupai is that he entered Lanka assuming the form of mosquito-sized monkey while remembering Lord Narhari.

Question:- Then should I understand that the idols of Hanumanji that you have stated to have been engraved on the two pillars of Eastern gate of the disputed structure, had the size or measure of a mosquito?

Reply:- It is wrong to say. I have personally said that we reap the fruit according to our faith in our religious scripts, in mantra, in pilgrimage, in Brahmana, in Astrology, in Vaidya, in our Guru. I treat him as Hanumanji and Hanumanji blesses me.

Question:- Then should I treat that you saw the idol of Hanumanji even in the size and measure of a mosquito because you had faith that the idol of Hanumanji is engraved on the above-said pillars of the disputed structure?

Reply:- I had faith in Hanumanji. I was viewing only Hanumanji on those pillars and nothing else was visible to me.

Question:- Whether Hanumanji visible to you on the above-said pillars according to your faith, had the mini form, according to you, as described in fourth chapai after 4<sup>th</sup> Doha of Sunder Kand in Ramcharitmanas?

Reply:- Yes sir, I have personally said that Hanuman Chalisa contains "Ram duare tum rakhware, hot na agya bin paisare" which means that Hanumanji is the watchman at the gate of Lord Ram and no body can enter without his permission.

Question:- Then, whether it is wrong to say that Jai-Vijay named gate keepers have been shown on both the above-said pillars, as has been said by some persons in this suit?

Reply:- Satyug, Treta, Dwapar and Kalyug are the four ages. In Satyug, Jai-Vijay were the Gate Keepers (Dwarpals). When Sanak, Sanandan, Sanatan, Sanat Kumar – the four maharishies went to have a view of Vishnu, The gatekeepers Jai-Vijay stopped all of them. On this account these Maharishies cursed Jai-Vijay that you are not worthy of living in the royal court and you would remain as demons in your three births. In this context, Jai-Vijay first took birth as demons in the form of Hirnyakhsh and Hirnakashyap in Satyug. In Tretayug, jai-Vijay were born as Ravana and Kumbhkaran. In Dwapar Yuga, the birth of these very Jai-Vijay as Shashipal and Dadhivakra and in some religious texts as Kans is described.

Question:- Whether these Jai-Vijay are treated to have taken birth in any other form in Kalyug after Dwaparyug?

Reply:- No, Sir,

The idols of Jai-Vijay that are reported to be engraved on both the pillars of Eastern Gate of the disputed structure, are the idols of Jai-Vijay in the form before the said curse, but I did not see that form of Jai-Vijay, but I only saw the form of Hanumanji.

Question:- The idols of Hanumanji that you have, in your statement, stated to be engraved on the above-said pillars, in which kand and in which Sarg their description about the form and size is contained?

The witness, after seeing Valmiki Ramayan first part, paper No.261 C-1/1 and second part paper No.261 C-1/2, replied that,

Reply:- There is description about form of Hanumanji in Valmiki Ramayan. There is a reference about Hanumanji in Sarg 41 to 55 and in third Sarg of Kishkindha kand. In Valmiki Ramayan, there is no reference about the form of idols engraved in the pillars, but it contains the reference about form of Hanumanji. I have said personally that description about birth of Hanumanji is contained in 35<sup>th</sup> Sarg of Uttra Kand and about the boon (vardan) of Hanumanji in 36<sup>th</sup> Sarg.

Question:- Whether you consider the Uttra Kand of Valmiki Ramayan totally correct?

Reply:- Yes Sir, I consider it fully correct.

Question:- In which shlok of 35<sup>th</sup> Sarg of Uttra Kand in Valmiki Ramayan, that you have described about the birth of Hanumanji, is contained?

On seeing the second part of Valmiki Ramayan paper No.261 C-1/2, the witness replied that,

Reply:- There is a reference about birth of Hanumanji in the second and third 'Shlok' of 35<sup>th</sup> Sarg.

Question:- In the above-said second-third shlok, there is no description about the birth of Hanumanji, but only his power and other characteristics are mentioned. What you have to say in this regard?

Reply:- There is no mention about Hanumanji's birth in both the above-said shlokes and there is only description



of his powers etc. Description about his birth is given in Shloke No.20.

Question:- In the above-said shlok No.20, there is mention about the birth of illustrious son of Vayudev from the pregnancy of Anjana, a famous woman. Whether you take it as birth of Hanumanji?

Reply:- Yes sir.

Question:- In the shlok above the said Shloke No.20, there is mention of Keshri, father of Hanumanji. Whether you have told about the birth of Hanumanji in the above-said shlok No.20 as his son?

Reply:- Yes, Sir.

The witness was shown by the Learned cross-examiner Advocate Shlok No.8 of 35<sup>th</sup> Sarg of Vlamiki Ramayan, 2<sup>nd</sup> volume paper No.261 C-1/2 and was asked whether it is written in this Shlok that one does not hear of even Lord Vishnu performing more valourus deeds than those performed by Hanumanji? Seeing the above-said, the witness replied that it is correct, it is written in the Shlok and I consider it true. I also believe that Lord Ram was the incarnation of Lord Vishnu.

Question:- Then, whether it should be taken that power possessed by Hanumanji was more than that of Lord Shri Ramachandraji?

Reply:- In some cases, the bravery of Hanumanji was more than that of Shri Ramachandraji.

On seeing Shlok No.26 of the same Sarg, the witness said that in this Shlok is written about the speed of hanumanji that he possessed while traveling in the space. That speed was more than that of air, Garud and mind. He had this speed even in his children which is described in Shlok No.27 also. The age of childhood of Hanumanji, was Tretayug. The age falls after the age of Ram Chandra's birth but I don't know after how many years it was. There may be some reference about it in Valmiki Ramayan or Ramcharitmanas, but I have no knowledge about it. The age of Shri Ramachandraji was 27 years at the time of his marriage but I can't tell his age when he was exiled. I also don't have an idea as how many years after his marriage i.e. two-four years or ten-twenty years he was exiled. I also don't know was the age of Bharat ji and Lakshman Ji when Shri Ram Chander was sent for exile.

Certified after hearing the statement  
Sd/Raja Ram Pandey

Typed by the stenographer in open Court on being dictated by me. In continuation hereof the case be submitted for further cross-examination on 15.10.2003. The witness be present.

Dated 15.10.2003

D.W.3/2 Raja Ram

Pandey

Before: Commissioner Shri Narendra Prasad, Additional Distt. Magistrate / officer on Special Duty, Hon'ble High Court, Lacknow Bench, Lacknow.

(Commissioner appointed under orders of 10.10.2003 passed in other original suit No.3/89 (Original Suit No.26/59) Nirmohi Akhara and other Versus Baboo Priya Dutt Ram and others).

(In continuation of 14.10.2003, cross-examination of Shri Raja Ram Pandey on oath by Shri Zaffaryab Geelani, advocate, on behalf of Defendant no. 9 Sunni Board of Wakf, U.P. continues).

I don't have much information. Therefore, I can't tell in which Par and in which Kand of Valmiki Ramayan details about the birth of Shri Ramachandraji are given. I have studied Valmiki Ramayan, but due to my ill health, I will not be able to tell that at present. The witness was shown by the Learned cross-examiner Advocate, Valmiki Ramayan, part one and part two paper No.261 C-1/1 and 261 C-1/2 respectively, on seeing which the witness said, I have studied this very Valmiki Ramayan. I am unable to remember what is the total number of Shlokes in both these parts of Valmiki Ramayan. The witness was shown by the learned cross-examiner Advocate Shloke No.26 of Sarg No.94 of Uttar kand of Valmiki Ramayan – Part II and was asked what is meant by this Shlok. Seeing the above-said, the witness replied that this Shlok means that Valmiki has described 24 thousand Shlokes in Valmiki Ramayan. Both the parts paper No.261 C-1/1 and 261 C-1/2 of Valmiki Ramayan respectively, which are before me

at present, contain 24 thousand Shlokes. The uttar kand of this Valmiki Ramayan is written by Valmiki. Seeing the 5<sup>th</sup> and 6<sup>th</sup> Shlok of Sarg of Sarg No. 108 of Uttar kand in part II of Valmiki Ramayan, the witness said that the meaning of 5<sup>th</sup> Shlok in it is – that bestowing the royal throne to his son, Shravasti Nagri was handed over to him and the sixth Shloke means – while proceeding for heaven, Shatrugan was called for. I have no knowledge as to where Shravasti Nagri is situated. This Shravasti Nagri was already inhabited. Its reign was assigned to Lav, the son of Ramachandraji. The reign of Ayodhya was given to Kush, the son of Ramachandraji. After Ramachandraji, his son Kush became the king of Ayodhya. It has been described no where for how many years Kush ruled over Ayodhya. But this description about Ramachandraji is found that he ruled over Ayodhya for 11 thousand years.

Sd/Raja Ram Pandey

Certified after reading the statement

Typed by the stenographer in open Court on being dictated by me. In continuation hereof the case be submitted on 20.10.2003 for further cross-examination.

**Dated 20.10.2003**

**D.W.3/2 Raja Ram**

**Pandey**

Before: Commissioner Shri Narendra Prasad, Additional Distt. Magistrate / officer on Special Duty, Hon'ble High Court, Lacknow Bench, Lacknow.

(Commissioner appointed under orders of 10.10.2003 passed in other original suit No.3/89 (Original Suit No.26/59) Nirmohi Akhara and other Versus Baboo Priya Dutt Ram and others).

(In continuation of 15.10.2003, cross-examination of D.W. – 3/2 Shri Raja Ram Pandey on oath by Shri Zaffaryab Geelani, advocate, on behalf of Defendant no. 9 Sunni Board of Wakf, U.P. continues).

The foot prints that existed at Chhathi Poojan Sthal were that of stone, but how old they were I don't know. These foot prints were there ever since I have been viewing them, but I don't know since when they have been there prior to that. There were four pairs of foot prints at Chhathi Poojan Sthal and all of them were of almost same size. There may be slight difference in their size. The hearth (Chulha) existing at Chhathi Poojan Sthal was also made of stone. I can't say how old that hearth was and since when that had been kept there. There were "Chauka" (Kitchen) - 'Belana' (roller) also at the Chhathi Poojan Sthal and those were also made of stone. I can't say how old these Chauka-belana were and since when they had been kept there. I don't remember whether any other thing was kept there or not in addition to the above-said four things i.e. four pairs of foot prints, chauka-belana and hearth. All the four pairs of foot-prints were of the size of child's foot.

After the birth of a child, Chhathi Poojan is performed on the sixth day and that is called Chhathi Poojan. The place where the Chhathi Poojan is performed, is called Chhathi Poojan Sthal. My belief is that the place where the above-said foot prints etc. were kept, is that very place where Chhathi Poojan of Shri Ramachandraji was performed. I also believe that Chhathi Poojan of Bharatji, Lakhshman Ji and Shatrugan Ji was also performed at the same site. All the Hindus have this belief. I don't have the belief that the site that I have told as Chhathi Poojan Sthal would also have been the 'Sitaji Ki Rasoi' (Kitchen of Sitaji). That site could be 'Kaushalya Ji ki Rasoi'. Chhathi Poojan is performed outside the kitchen and my belief is that Chhathi Poojan is performed at pious place outside the kitchen.

Question:- Then, whether kitchen could exist and Chhathi Poojan Programme could be organized at same site?

Reply:- This could be possible, if necessary.

This necessity could also arise due to paucity of space. I will not be able to tell the other reasons due to which such necessity could arise. There was no shortage of place in king Dashrath's place, but the place that is called as Garb Garh that space was only that much which has been shown in at Janam Bhoomi. We call that place as Garb Grah which was under the middle dome of the disputed structure and we don't term Chhathi Poojan Sthal as Garb Grah.

Question:- According to your faith, whether 'Kaushalya ji ki Rasoi' would have been situated inside or outside their palace?

Reply:- According to my faith, it would have been outside the place, that is it would have been outside her place of residence.

Palace means the whole building. Besides residence, there are built separate enclaves for other things. Because of importance of Chhathi Poojan, Chhathi Poojan was performed there. Food was not cooked there daily.

Question:- Then, whether the kitchen used to be outside the enclaves situated inside the building/palace?

Reply:- No, Sir, that was within the enclave.

Question:- Then, according to you faith, Kaushalya Rasoi, Similarly, would have been situated within the 'Kaushalya Bhawan'?

Reply:- Yes Sir, I assume so.

As far as I think. 'big place' is called Dashrath Mahat (place), as big as 'Ramkot Mohalla' starting from there. The building of Kaushalya Bhavan/Palace, including Kaushalya Rasoi, would have been of the same big size. I can't tell by assumption upto what place to the west-south Kaushalya Bhavan would have been because this fact pertains to Treta Yuga, that you are asking here.

Question:- Sir, should I take that you have no assumption about the things of Treta Yuga?

(On this question, Shri R.L. Verma, the Learned Advocate of the plaintiffs, raised objection that this question is comprehensive and all the things can't be

combined. Due to this reason, it is not proper to ask this question).

Reply:- I have found no description in the books about the site and size of Kaushalya bhavan. Again that in the books i.e. in Valmiki Ramayan and Ramcharitmanas it is mentioned that when Darshrath was lying on death bed, he shifted from Kekai's palace to Kashalya's palace and it is also mentioned that Kekai palace and Kaushalya palace were separate from each other.

Question:- Whether in the above-said books one finds the reference about the location and size i.e. length and breadth of the above-said buildings i.e. Kaushalya palace, Kekai palace, Sumitra palace and Dashrath palace?

Reply:- As far as my knowledge goes, I have not found such description in the books, but if such description exists in the books, other people would be knowing about that.

I have not heard of such reference even from my ancestors or saints. I also don't know what would have been the length and breadth of Kaushalya Rasoi. According to my belief, Ramachandraji had a separate palace. The palace of Sita would also have been the same that was of Shri Ramachandraji, i.e. Ramachandraji and Sita Ji would be having one palace. At the time of proceeding for exile, he got removed all the things from his palace and gave them in donation, but I have no idea whether or not there would have been Sita's Kitchen in that palace because this thing pertains to Treta Yuga. Neither I have the knowledge nor have I read in any book as to where was located the above-said palace of Ramachandraji and Sitaji and what was its length and breadth. I have found no such evidence in the books



whether or not Bharat Ji, Lakshman Ji and Shatrughan Ji had separate palaces like that the Ramachandraji. I don't remember which books I have studied in this regard. I have read Valmiki Ramayan and Ramcharitmanas, but in these books I don't find about the palaces of Bharatji, Lakshman and Shatrughan ji being separate. Except Sita Rasoi of the disputed structure in Ayodhya and the Sita Rasoi of Janamsthan, no other place is known by the name of Sita Rasoi. As per my knowledge, only 'Bada Sthan' place is called Dashrath Mahal and no other place/building in Ayodhya is called by the name of Dashrath Mahal as per my information. This disputed building was the part of Kaushalay Bhawan ecen in Treta Yug. As per my belief, the place of middle dome of the disputed structure was the Gaub Grah in Kaushalya Mahal and Garb Grah is called the Maternity Home.

Question:- Whether there is any place in the palace by the name of Garb Grah?

Reply:- When the palace is got built, no place is fixed for Garb Grah but the, Garb Grah or the Materity Home is built when necessary.

Question:- According to you faith, whether there was any place by the name of Garb Grah in Kaushalya Mahal in Treta Yuga that you have mentioned?

Reply:- Yes Sir, I assume so.

I have not found description of this Garb Grah in books, but I have heard so from my ancestors and Gurus.

Question:- Whether or not you have heard from your ancestors or Gurus that the place of the above-said Garb Grah told by you was situated in which side of Kaushalya Mahal?

Reply:- No such mention was made to me either by my ancestors or by my Gurus, but as seen today it is in the Western Side.

Question:- Whether the Kaushalya Bhavan situated in Ayodhya at present includes the part of middle dome of the disputed structure, that you are telling as Garb Grah?

Reply:- No, Sir, it is not included at present.

Question:- Whether the location of Kaushalya Bhavan at present is different from that as described by you in Treta Yuga?

Reply:- Yes sir.

Even since I have come of my age, I have been seeing Ayodhya Bhavan situated in Ayodhya, but I have no knowledge since when it is situated. Dashrath Mahal and Kekai Bhavan, which are at present situated in Ayodhya, their situation is different from that of Dashrath Mahal and Kekai Mahal of Treta Yuga. At present I have not found description about situation of these buildings in any book, but by seeing the stone-slab installed, it transpires that these are the very buildings of Dashrath Mahal and Kekai Bhawan. One finds in the books, description about Dashrath Mahal and Kakai Bhavan of Treta Yuga, but I don't remember it at present, but I do remember that I have read it somewhere. In books, I have read about the situation of Kekai Bhawan in Valmiki Ramayan and Ramcharitmanas written by Tulsi Das also.

Certified after reading the statement

Sd/Raja Ram Pandey

20.10.2003

Typed by the stenographer in open Court on being dictated by me. In continuation hereof, be submitted on 21.10.2003 for further cross-examination.

**Dated 21.10.2003**

**D.W.3/2 Raja Ram**

**Pandey**

Before: Commissioner Shri Narendra Prasad, Additional Distt. Magistrate / officer on Special Duty, Hon'ble High Court, Lacknow Bench, Lacknow.

(Commissioner appointed under orders of 10.10.2003 passed in other original suit No.3/89 (Original Suit No.26/59) Nirmohi Akhara and other Versus Baboo Priya Dutt Ram and others).

(In continuation of 20.10.2003, cross-examination of D.W. – 3/2 Shri Raja Ram Pandey on oath by Shri Zaffaryab Geelani, advocate, on behalf of Defendant no. 9 Sunni Board of Wakf, U.P. continues).

The witness was shown Ramcharitmanas written by Tulsi Das original text paper No.258 C-1/2 and was asked at which place in this book you find description about situation of Kaushalya Bhawan. On seeing the above-said Ramcharitmanas, the witness replied that there is third Chaupai under Doha No.147 of Ayodhya Kand –  
Dasinh deekh sachiv biklai, Kaushalya grahn gai lavai.

In the above-said Chaupai, it is written that when Sumant Ji has returned after leaving Ramachandraji in forest and has gone to the palace, then the mid-servants took Samant to Kaushalya's house. Besides third chaupai below Doha No.147 of Ayodhya Kand of Ramcharitmanas, I have no knowledge whether or not description about situation of Kaushalya Mahal/Building is given at some other place in Ramcharitmanas written by Tulsi Das.

Question:- Whether third Chaupai below the above-said Doha No.147 gives any indication as to in which side or direction of Dashrath Mahal on Kekai Mahal, Kaushalya Mahal was situated and at what distance it was from the above-said buildings?

Reply:- No, Sir. No such information is revealed from the above-said Chaupai, on does not find information about Ayodhya Bhawan or its distance. I have no knowledge as to whether or not there is any description about the situation of Kaushalya Bhawan in in Valmiki Ramayan.

Question:- When you have not read any description about situation of Dashrath mahal, Kekai Bhawan or Kaushalya Bhawan in any book, particularly in Ramcharitmanas and Valmiki Ramayan, on what basis you say that situation of Dashrath mahal, Kekai Bhawan or Kaushalya Bhawan situated in Ayodhya at present is different form the situation of those buildings of Treta Yug with similar names?

Reply:- One finds a reference of Kaushalya ji's house in Ramcharitmanas and as I have stated above, this is the one basis of this fact and the second basis is that Kot Ramachandra comes under revenue record of Ayodhya and Dashrath was the guardian of Ramachandra. Thus it transpires form these records that this structure is built in Kot Ramachandra. It has been mentioned in Ayodhya Mahatamya that Ayodhya city was built by Vikramaditya and he got the different places built by purifying every site which is also evidenced by many books and by the views of many scholars. On the very basis, I have heard from my ancestors and Gurus and that is what I am saying.

Question:- About the revenue records of Ayodhya that you have just described, whether your belief about these records is that they are based on the situation in Treta Yug?

Reply:- I have stated just now that Ayodhya of Treta Yug is no longer there. The present Ayodhya is of the Vikramaditya era.

I don't know whether or not the above-said revenue records are based upon the situation existing in Vikramaditya's ear. I have also no knowledge as to how many lakhs year before, the Treta Yug was. I also don't know as to how many thousands years ago, Vikramaditya ear was.

Question:- Treating the revenue records of Ayodhya as basis, you have said in your statement that the Kaushalya's house was situated in Kot Ram Chandra. Then places tell that on what basis you treat these revenue records to have been prepared?

Reply:- I have said these things on the basis of my imagination and assumptions.

Question:- since you have accepted in your statement that there is no description about length and breadth of Kaushalya bhawan in any book, on what basis you say that the site of the middle dome of the disputed structure was situated in Kaushalya Mahal?

Reply:- This point has already been covered in my yesterday's statement that I have stated on the basis of what I have heard from my ancestors and Gurus.

Question:- Whether any reference of Ram Janam bhoomi Mandir or its Garb Grah is found at any place in Ramcharitmanas or Valmiki Ramayan?

Reply:- On seeing Ramcharitmanas, original text paper No.258 C-1/2, the witness replied that such reference is found in the fifth Chaupai below Uttar Kand Doha No.3 "C"

Janam Bhoomi mam puri Suhavni, Uttar disi bah Sarjoo pavni.

Ja majjan temple binhin prayasa, mum sameep na pavihn basa.

Ati priya mohi ihan ke basi, mam dhamda puri such raasi.  
Harshe sub kapi suni prabh bani, dhanya Avadh ji Ram bakhani.

Question:- Whether I want to say is that in the chaupai you have stated, "Suhavni puri" i.e. Ayodhya has been stated as Janam Bhoomi and there is no mention of any other special place of Ayodhya in this chaupai. What you have to say in this regard?

Reply:- This Chaupai means that Mam Puri is for Ayodhya Puri and the place where Ram Janam bhoomi is situated therein, has been written as has also been given here and the residents of this place are very loving ones.

Question:- Whether the saryu river does not flow to the North of the whole Ayodhya?

Reply:- The river Saryu flows to the North of the whole Ayodhya.

Question:- You have just stated that the residents of this place have been stated in this chaupai to be very loving ones. Then, whether these residents can be termed as the residents of a particular place rather than that of the whole Ayodhya?

Reply:- These residents could be called the residents of whole Ayodhya.

Question:- Besides this Chaupai, whether any other reference about Janam Bhoomi is found at any other place in Ramcharitmanas?

Reply:- In Doha No.297 of Bal Kand in Ramcharitmanas written by Tulsi Das, the following description is found –

Sobha Dasrath bhavan kai ko kabi barnai paan,  
Jahan sakal sur sis mani Ram leenh avtaar.

This means that Tulsi Das ji is telling that the grandeur of Dashrath Bhawan is so intense that no poet finds it possible to describe it. Hence I, a man with little intelligence, am unable to describe the beauty of these buildings or reply such intricate matters.

Question:- According to above-said Doha No.297, Ramachandraji had incarnated in Dashrath Mahal, whereas you, in your yesterday's statement, have told that according to our belief the place of middle dome of the disputed structure was the Garb Grah in Kaushalya Bhawan and Garb Grah is called the maternity home." Then please tell whether the fact written in above-said statement is correct or that of Dashrath Mahal written in Doha No.297 is correct?

Reply:- Dashrathji has mutual relationship with Mata Kaushalya ji and all those three mothers have their buildings within Dashrath palace which the king Dashrath has, himself, divided among his queens. Thus, the owner is Dashrath only, but due to residing there, Kashalya is the owner of her building. Thus Ramachandraji incarnated in Kaushalya's building and therefore I have stated the incarnation of Shri Ramachandraji in Kaushalya Bhawan.

Question:- According to location of the above-said Dashrath Mahal, Kaushalya Bhawan and kekai Bhawan and as per your belief, whether any reference about the place where Ramachandraji was born, is found in Valmiki Ramayan?

Reply:- It is found. Such reference is found in Bal Kand of Valmiki Ramayan.

Even after seeing Valmiki Ramayan, I can't tell where such reference is there in the Bal Kand of Valmiki Ramayan. I have read Valmiki Ramayan and I have not forgotten that.

Question:- Then why can't you tell where description regarding Ram Janam bhoomi is found in Valmiki Ramayan?

Reply:- Because I consider it meaningless.

The witness was shown by the Learned cross-examiner Advocate paper No.261 C-1/1 and 261 C-1/2 of part I and Part II of Valmiki Ramayan respectively and was asked that Hindi translation of Valmiki Ramayan in both these parts is also given and can't you reply my question even after reading this translation?



Reply:- I can reply the question after reading the related Shlok if that is shown to me.

Question:- The description about birth of Shri Ramachandraji does exists in 18<sup>th</sup> Sarg of Bal Kand in Valmiki Ramayan but there is no mention of his birth-place i.e. Janam Bhoomi being at a particular place. What you have to say this regard?

Seeing the above-said, the witness replied that –

Reply:- In this Sarg, no reference is found of birth place of Janam Bhoomi of Ramachandraji being at a particular place. In these Shlokas only this description is found that in which month, in which “Nakhshatra” and which ‘Grah’ and in which ‘Lagna’ Lord Ram was born.

Question:- In the 5<sup>th</sup> ‘Sarg’ of this very Bal Kand description about Ayodhya puri is found, but it also does not contains description of a particular place for the birth place of Janam Bhoomi of Ramachandraji. What you have to say in this regard?

On seeing the above-said fifth Sarg, the witness replied that-

Reply:- Description of Ayodhya puri appears at many places in these Shlokas, but no description about existence of any particular place of birth place of Janam Bhoomi of Ramachandraji is found.

In 10<sup>th</sup> Shlok of 20<sup>th</sup> Sarg of Bal Kand of Valmiki Ramayan, it is written that when Dashrath attained the age of 60 thousand years, Ramachandraji was born. I agree

with the above said fact written in this shlok, but there are innumerable ancient commentaries (Teekas) on Valmiki Ramayan, such as Katak Teeka, Nago Bhatt Teeka, Govind Raj Bhooshan Teeka, Shiv Sahay Vyakhya etc. This description may be available in any of them. Again said, there may be the description of Ram Janam bhoomi in some commentary (Teeka).

Question:- Whether the third, fourth, eighth and ninth Shlok of 4<sup>th</sup> Sarg of Ayodhya Kand of Valmiki Ramayan do not indicate that the palace in which Ramachandraji lived, was separate any away from the palace of Dashrath Ji?

Seeing the above-said shlokas, the witness replied that –

Reply:- Third Shloke means that Ramachandraji's palace was separate from Dashrath's palace. Fourth, eighth and ninth shlok also indicate that Ramachandraji's palace was separate and away from Dashrath palace. I have personally said that this context relates to the time of Ramachandraji's exile.

At that time Kaushalya's palace was separate from that of Dashrath Ji and Ramachandraji and Kakai's palace was also separate from the palaces of all these three persons. The witness was shown by the Learned cross-examiner Advocate the third and fourth Shlok of 6<sup>th</sup> Sarg (Ayodhya Kand) of first part of Valmiki Ramayan Paper No.261 C-1/1, on seeing which the witness said that the temple of Lord Vishnu mentioned therein was located within the palace of Ramachandraji itself. In this, Narayan Dev Means Lord Vishnu. Seeing 33<sup>rd</sup> Shlok of fourth Sarg of this very Kand the witness said that – the mention of Param Purush Narayan also means Lord Vishnu.

Question:- The way, there is reference about temple of Vishnuji in the above-said Shlok, whether any similar type of reference is contained in Valmiki Ramayan about Ram Janam bhoomi Mandir?

Reply:- I can't say.

The witness was shown by the Learned cross-examiner Advocate paper No.136/6 filed in another original suit No.1/89 and was asked at what distance was the 'Shankar Chabutara' that has been shown to the East of the disputed structure from the eastern Gate of the disputed structure. On seeing the above-said, the witness replied that this Shankar Chabootra was at a distance of about 30 ft from the Eastern gate of the disputed structure. There was a tree of 'Neem' and 'Pipal'. This Chabootra was built adjacent there to in a triangular form and the tree was surrounded by a wall. On this Chabutara was the "Shatmurti" of Shankarji and there were idols of Ganesh Ji, Parvati Ji and some other idols also, but I am unable to recollect them. In this map, there is a way to the North of Shankar Chabutara and Poorab Parti is written. To the west of this Shankar Chabutara is written Hanumat Dwar and Bhandar (store). In this map, Shankar Chabutara has been shown outside the disputed structure, whereas the Shankar Chabutara about which I have given the statement, was to the south of Ram Chabutara when I entered through hanumat Dwar and the Shankar Chabutara has been shown in this map at the same place.

Question:- Then, whether Shankar Chabutara in this map paper No.136/6 has been shown at two places?

Reply:- Yes, sir.

Question:- Where shankar Chabutara is written on the above-said map inside the disputed structure?

Reply:- In this map, Shankar Chabutara is written in the South Corner, but what is written I am unable to read; Neem, Pipal is written.

Question:- I mean to say that Shankar Chabutara is written no where to the South of Ram Chabutara in the above-said map paper No.136/6.

Reply:- Shankar Chabutara has been shown herein and Shankar ji is seated. That is why I am saying so.

Question:- In the above-said map, neither Shankar Ji has been shown seated nor 'Shankar Chabutara' words have been written to the south of Ram Chabutara'.

Reply:- It is wrong to say.

Question:- In the above-said map, only two things have been shown, out of which warah Bhagwan is written against one of them and Neem, Pipal is written against the other. No third thing has been shown. What you have to say in this regard?

Reply:- Varah Bhagwan has been shown outside the wall of the disputed structure and that was actually there at the disputed site.

In this map, a place has been shown to the south of Ram Chabutara before which Neem, Pipal has been written and no other place in this map has been shown to the south of Ram Chabutara inside the disputed structure. In this map, Shankar Chabutara written outside the premises to the east of Hanumat Dwar of the disputed

structure also existed at the site. This Shankar Chabutara was there on the spot till 1991 and when acquired by the Govt., it was also demolished alongwith other temples. It is wrong to say that there was no place inside the disputed structure by the name of Shankar Chabutara till 1950. It is also wrong to say that Shankar Chabutara inside the disputed structure about which I am telling was built after attachment of the disputed structure. It is also wrong to say that the places which have been shown as 'Samadhis' in map paper No.136/6, were the graves of the Muslims. "Lomush Chaura" shown in this map is 6 ft long and 6 ft wide Chabutara on the spot. This Chabutara was at the height of 2-3 ft from ground level. The pilgrims who went to this Lomash Chaura for having view etc. and doing Parikrama, they offered flowers, performed Aarti and worship there. I have not seen anyone worshipping or performing Aarti there. This Lomash Chaura was almost 15 ft inside from the Southern wall of the disputed structure. Tulsi Chaura Shown in this map, was also a Chabutara and its length and breadth was the same that of Lomash Chaura. It is wrong to say that the places which have been shown in this map by the name of Lomash Chaura and Tulsi Chaura were the graves of the Muslims.

The witness was shown by the Learned cross-examiner Advocate para-26 of the affidavit of his main examination, on seeing which the witness said that the persons described in this para have expired.

The witness was shown para 17 of the affidavit of his main examination, on seeing which the witness said that Ram Mahal Mandir mentioned herein is at a distance of half a kilometer from my Umwal Mandir. The age of Ram Subhag Das mentioned in this paragraph No.17 would be 88-90 years.

The witness was shown by the Learned cross-examiner Advocate para-22 of the affidavit of his main examination and was asked whether the idols like 'Dev Kanyas' and 'Yakhsha' mentioned on the stone pillars, are nowhere Visible to you in photograph No.136 attached to 147 of Coloured album paper No.200 C-1. On seeing the above-said, the witness replied that on these pillars I am seeing the idols like those of 'Dev Kanyas' and 'Yakhsha'. There is an idol in the lower side of the pillar appearing in photograph No.136. This idol is of Hanumanji. Both the pillars appearing in Photograph No.137 contain the idols of Hanumanji. These are also on the lower side. In the pillar appearing in Photograph No.138, there is an idol in the middle portion, it is not clear whether it is of a 'Dev Kanya' or 'Yakhsha'. In the pillar appearing in photograph no.139, there is appearing on the upper side Lotus like flower and some idols in the middle portion. It is not clear as to whose idols these are. The place where red colour is smeared in the pillar appearing in photograph no.140, is appearing an idol but I fail to understand as to whose idol it is. At the place where red colour is smeared on the pillars appearing in photograph no.141, I am seeing the idol of Brahma Ji. An idol is made under the pillar appearing in photograph no.142, but is not clear as to whose idol it is. This idol in this photograph is made on that place where red colour is smeared. In the pillar appearing in photograph no.143 an idol is visible at the place where red colour is smeared, but is not clear as to whose idol it is. In the lower side of the pillar appearing in photograph no.144, a flower and a picture is drawn in the middle portion and some picture is also drawn on the upper portion, but I fail to assume as to whose idol it is. In the pillar appearing in photograph No.145, there is an idol made in the upper as well as lower side, but it is not clear

as whose idols these are. In the pillar appearing in photograph no.146, some idols is made on the lower side and in the middle portion some 'Kalash' like is formed and on the pillar appearing in photograph no.147 also, there may be an idol in the lower portion, a pitcher like thing in the middle portion and a flower or a conch in the upper portion.

Question:- Can you define Hanumanji and Brahmaji as Dev-Kanya?

Reply:- No, sir.

The witness was shown by the Learned cross-examiner Advocate the photograph No.157 attached with 167 of paper no.200 of the same colour Album and was asked whether you are seeing the idols of 'Dev Kanyas' and 'Yakhshas' in these pillars?

On seeing the above-said, the witness replied that an idol of a 'Devkanya' is clearly visible in Photograph No.159. This idol is on the upper side. The idols of Dev Kanyas or of Yakhshas are not clearly visible in the pillars appearing in any other photograph. Similarly, on seeing photograph no.176 attached with 200 of the same album, the witness replied that I am seeing the idol of Yakhsha in the middle of the pillar appearing in photograph No.181. This idol is visible at the place where red colour is smeared. Some tree has been shown on the upper side of the pillar appearing in photograph No.184. There appears to be a flower in the middle of the pillar appearing in photograph No.185 and an idol is also made by its side, which is not clearly visible. A throne is made on the lower side in the pillar appearing in photograph No.186. In photograph No.187, Something like flower and pitcher is appearing. The place, where red colour is smeared on the

pillar appearing in photograph No.190, there also appears to be an idol of Dev Kanyas and Yakhshas. The place where colour is smeared in the pillar appearing in photograph No. 190, there also appears to be an idol, but it is not clear as to whose idol it is. On the upper side of the pillar appearing in photograph No.192 also, image of dancing 'Devangnas' (nymphs) have been engraved in the middle part of the pillars and on the upper portion some flower has been shown. In the upper portion of the pillar appearing in photograph No.193, as per any assumption, the idol of Lord Vishnu is visible in the upper portion at the place where colour is smeared and that very idol is also visible in the pillar appearing in photograph No.194 also. There is an idol in the lower part of the pillar appearing in photograph No.195, where colour is smeared, and it appears to be the idol of Saraswati Ji. At the place where colour is smeared on the pillar appearing in photograph No.196, some idol has also been shown and as per my assumption, it is the idol of Ganesh Ji. In the pillar appearing in photograph No.197, only flowers petal have been formed and no idol is visible and on the pillar appearing in photograph No.198 also, something like a pitcher and some thing else also have been formed in the lower, middle, and upper portion, which are not clearly visible. In the middle portion of the pillar appearing in photograph No.199, where red colour is smeared, there appear to be an idol Hanumanji and the idol visible in the pillar appearing in photograph No.200 appears to be the similar one. In the lower part of the pillar appearing in photograph No.176 and 177, an idol has been engraved where colour is smeared, but it is not clear as to which idol it is. In the upper part of the pillar appearing in photograph No.178, a pitcher like picture is marked and some flowers appear to be scattered over there. As per my assumption, in the upper part of the pillar appearing in



photograph No.179, a swan in water has been shown. In the middle of the pillar appearing in photograph No.180, where colour is smeared, there is an idol and I assume that it is the idol of Durga ji. The pillar appearing in photograph No.182, appears to be installed in some wall and only half idol is visible herein. So, I am unable to assume as to whose it is. This idols at the place where colour is smeared.

Question:- You have mentioned about the idols of 'Dev Kanyas' and 'Yakhshas' in the pillars after seeing photograph No. 176 attached with 200. apart from these idols, where no other engraved idols of Dev Kanyas or Yakhshas is clearly visible to you in the pillars appear in other photographs? (upto photograph no.176 enclosure 200)?

Reply:- The idols of Dev Kanyas and Yakhshas in other photograph are not clearly visible to me

Certified after reading the statement

Sd/Raja Ram Pandey

21.10.2003

Typed by the stenographer in open Court on being dictated by me. In continuation hereof, the case be submitted on 22.10.2003 for further cross-examination.

Dated 22.10.2003

D.W.3/2 Raja Ram

Pandey

Before: Commissioner Shri Narendra Prasad, Additional Distt. Magistrate / officer on Special Duty, Hon'ble High Court, Lucknow Bench, Lucknow.

(Commissioner appointed under orders of 10.10.2003 passed in other original suit No.3/89 (Original Suit No.26/59) Nirmohi Akhara and other Versus Baboo Priya Dutt Ram and others).

(In continuation of 21.10.2003, cross-examination of D.W. – 3/2 Shri Raja Ram Pandey on oath by Shri Zaffaryab Geelani, advocate, on behalf of Defendant no. 9 Sunni Board of Wakf, U.P. continues).

The witness was shown by the Learned cross-examiner Advocate photograph No.104 of paper No.200 C-1 of coloured album, on seeing which the witness said that there is some idol on the lower side of the pillar appearing in the Photograph but it is not clear so to whose idol is that. It is visible below the place where colour is smeared. Seeing Photograph No.105, the witness said – the outline of the pillar appearing in the Photograph is the same as that appearing in Photograph No.104. The witness was shown by the learned cross-examiner Advocate photograph No.106 attached with 127 of the same coloured album and was asked whether you are seeing the idol of any Devkanyas or yakhsha in these Photographs. Seeing the above-said the witness replied that the idol of a Dev Kanya is visible in the middle portion of the pillar appearing in Photograph also 106 and 107. As per my knowledge, the idol of jai-Vijay has been engraved in Photograph No.108. In the lower portion of the pillar

appearing in Photograph No.109, there appears to the idol of Ganeshji and there also appears to be an idol at the place where colour is smeared, but it is not clear as to whose idol it is. I am not seeing any idol in Photograph in Photograph No.110, but flowers etc are formed on the pillar. In the lower part of the pillar appearing in Photograph No.111, as per my assumption, there appears to be the idol of Lakshmi Ji. In the lower and upper portion of the pillar appearing in Photograph no.112, a Throne-like picture is engraved and in the middle portion some idol is installed, but it is not clear as to whose idol it is. In the lower portion in Photograph No.113, some pitcher like idol is installed, and all the painting has been made of flowers and some picture is drawn in the upper portion, but it is not clear to me as to whose idol it is. In the middle portion in Photograph No.114, where colour is smeared, some idol has been engraved there also and as per my understanding, it is the idol of Dev Kanya. In Photograph No.115, an idol has been made where color is smeared and it appear to be the idol of some Dev Kanya. On the lower side of the pillar appearing in Photograph no.116, where colour is smeared, perhaps the idol of Krishna ji has been made. In the lower part of the pillar appearing in Photograph No.117, where colour is smeared, there is some idol, but it is not clear as to whose idol it is and an idol has been drawn in the upper portion as well which, probably, appears to be that of some Dev Kanya. In the middle of the pillar appearing in Photograph No.118, Lotus flower and idols by its sides have been formed. But it is not clear as to whose idol has been formed. In the middle portion of the pillar appearing in Photograph No.119, an idol is formed and on its upper and lower part flowers and Shivala type dome has been formed in which some idol is bulging out, but it is not clear as to whose idol it is. In the pillar of Photograph No.120, something vise-like has been

formed in the lower side and on the upper part, where colour is smeared, the form of some idol is appearing at the top, but it is not known as to whose idol it is. In the middle portion of the pillar appearing in Photograph No.121, something like a pitcher is formed and by its side, where colour is smeared, an idol is installed, but the image has been erased. So it is not clear as to whose idol it is. In the lower part of the pillar appearing in Photograph No.122 also, some idol is formed. But it is not known as to which idol it is and similar is the position of pillar appearing in the Photograph No.123. In the lower part of the pillar appearing in Photograph No.124, a throne like picture is formed and on its upper side, there is a picture, but it has turned white, so the idol is not appearing. In the upper portion of the pillar appearing in Photograph No.125, some tree has been formed in the pillar and there is an idol in the middle portion, but it is not clear as to whose idol it is. In the lower portion of the pillar appearing in Photograph No.126, a throne has been formed and in the middle portion, where colour is smeared, some picture has been drawn and probably, it appears to be the idol of Saraswati ji. In the middle portion of the pillar appearing in Photograph No.127 a picture of some dancing Dev Kanya. This picture is besides the place. Where colour is smeared.

On seeing Photograph No.47 attached with 54 of the same coloured album the witness said – In the lower part of the pillar appearing in Photograph No.47, where red colour is smeared, an idol has been formed and it is that of Hanumanji. In the lower portion of the pillar appearing in Photograph No.48, where red colour is smeared, some idol is formed but it is not clear as to whose idol it is. In the pillar appearing in Photograph No.49, no idol is appearing, only flower etc. are raised. In the pillar appearing in

Photograph No.50, some throne-like picture has been drawn in which all flowers-petal have been drawn and on the upper side, where red colour is smeared, there appears to be some figure but it is not clear what figure that is. In the middle portion of the pillar appearing in Photograph No.51, some idol has been formed over the lotus flower and it is painted with red colour. But it is not known as to whose idol it is. In the pillar appearing in Photograph No.52, in the middle portion above the throne, where colour is smeared, something like a throne is installed and a pinnacle is also formed. Probably, Ram Darbar has been shown herein. In the pillar appearing in Photograph No.53, only flowers etc. have been drawn and no idol has been formed. In the pillar appearing in Photograph No.54, by forming a throne from the lower side, some Dev Murti (idol) has been installed and on its upper part, the shape of a throne has been formed.

The witness was shown by the Learned cross-examiner Advocate Photographs No.26 and 27 on paper No.201 C-1 of Black-White album, on seeing which the witness said that flowers petals are formed in Photograph No.26 and something has been formed in the middle portion, but it is not visible clearly because of a black spot. In the lower portion of the pillar appearing in Photograph No.27, an idol is formed, which has been garlanded and perhaps, that appears to be the idol of Krishna ji.

The witness was shown Photograph No.55 to 66 of this very Black-White album and was asked whether you are seeing any idol in the pillars appearing in this Photographs. Seeing the above-said, the witness replied that in the lower part of the pillar appearing in Photograph No.55 an idol has been bulged out over a pitcher which appear to be of some Dev Kanya. In the pillar appearing in

Photograph No.56, no idol is visible, but flowers etc. are formed in the middle portion. In the lower portion of the pillar appearing in Photograph No.57, some idol has been projected by forming a throne in the middle portion, but it is not clear. In the lower portion of the pillar appearing in Photograph No.58, flower etc are drawn and in a little lower portion from the above, there is an idol, but it is not clear as to which idol it is. In the middle portion of the pillar appearing in Photograph No.59, Ganeshji has been formed by drawing a pitcher and above that there is a picture in Photograph No.60, flowers petals have been drawn and lotus-leaves like things are appearing. In the pillar appearing in Photograph No.61, some idol is formed in the upper portion but due to erasing of shape it has been rendered flat. So the things are not getting clear and hoisting of flag etc is appearing in its upper part. In the middle portion of the pillar appearing in Photograph No.62, there is some idol, which is in dancing pose and in the upper part, pitcher-flag etc have been shown. It is not clear as to whose idol it is. In the pillar appearing in Photograph No.63, I am not seeing any idol, only flowers-petals are visible. In the pillar appearing in Photograph NO.64, I feel that some idol is formed, but I am unable to guess as to whose idol it is. In the pillar appearing in Photograph No.65, some idol has been shown over the flowers formed in the middle portion. Probably this idol above the lotus flowers appears to be that of Lakshmi ji. In the pillar appearing in Photograph No.66, I see no idol, but the form of flowers-petals and lotus leaves appears to have been formed.

Seeing Photograph no.71 alongwith 76 of the same album, the witness said that – in the upper part of the pillar appearing in Photograph no.71, some idol is formed, but it is not clear as to whose idol it is. In the middle portion of

the pillar appearing in Photograph No.72, Ram Darbar has been shown in the throne. In the pillar appearing in Photograph No.73, no idol is visible. There is some idol in the pillar appearing in Photograph No.74, but because of a dark spit it is not clearly visible as to whose idol it is. In the upper part of the pillar appearing in Photograph No.75, some umbrella appear to be installed over the throne and some idol is seated on the throne, but it is clear as to whose idol it is. No idol is visible in the pillar appearing in Photograph No.76, and only flowers-petals are drawn.

On seeing Photograph No.86 alongwith 91 of this very black white album, the witness said that In the lower portion of the pillar appearing in Photograph No.86, an idol is formed, but it has become too white. Hence, size of the idol is not clear and there is something in the upper part also, but it is so white that no size is visible. In the pillar appearing in Photograph No.87, I am seeing flowers, petals and throne and I don't see any idol. In the pillar appearing in Photograph No.88 also throne, flowers-petals are appearing and on idol is visible. In the lower portion of the pillar appearing in Photograph No.89, some idol is formed at the white space over the pitcher drawn. Perhaps, this idol is of Krishna ji adorned with Chandrika. In the middle portion of the pillar appearing in Photograph No.90, there is some idol but due to a dark spot, it is not clear as to which idol it is. In the pillar appearing in Photograph No.91 also, I don't see any idol and only 'Sudarshan tree' is visible.

On seeing Photograph No.95 alongwith 016 on paper No.201 C-1 of this very album, the witness said that, in the middle-portion of the pillar appearing in Photograph No.95, there is some idol of Dev Kanya and on the upper portion also there is an idol of some god. But it is not clear as to which god this idol belongs. In Photograph no.96,

the pillar appearing has gone so dark that no shape is clear. In the middle portion of the pillar appearing in Photograph No.97, The idol of Lakshmi Ji is appearing. In the pillar appearing in Photograph No.98, flowers-petals, pylon-flag etc are appearing, but no idol is visible. In the pillar appearing in photograph No.99, two idols have been shown side by side which appear to be of some goddess, but it is not clear as to whose god and goddess these are. In the pillar appearing in Photograph No.100, throne-type flowers-petals are appearing and over that flower-petals, perhaps a small idol of Shankar ji is made. In the pillar appearing in Photograph No.101, some idol is formed, but it has become too white and due to this reason, it is not clear as to whose idol it is. In the pillar appearing in Photograph No.102, two idols have been made, it is not clear but as per my assumption it appears to be the idol of Radha-Krishna. In the lower portion of the pillar appearing in Photograph No.103, a pitcher like throne is formed over which an idol is installed. Two eyes are appearing in it and the remain part does not tell as to whose idol it is. In the upper and lower part of the pillar appearing in Photograph No.104, flowers-petals have been formed. There is some painting in the middle portion, but it is not clear as to whose idol it is or something else. In the middle portion of the pillar appearing in Photograph no.105, some idol is formed and on its upper and lower portion flowers etc have been drawn. Many idols have been shown in that very flower, but it is not clear as to which god this idol represents. In the lower part of the pillar appearing in Photograph No.106, a throne is formed and above that flowers-petals have been drawn by forming a flower. In this Photograph I am not seeing idol of any god.

I have not read 'Ayodhya Mahatmya', but I have hear from other sages that 'Ayodhya Mahatmya' contains the



description of whole Ayodhya and Ram Janam bhoomi. Since I have not read Ayodhya Mahatmya, I can't say what description that is. I have not studied any 'Veda' also. I have read 'Vinay Patrika' written by Tulsi Das ji only once or so, but I don't remember it at present. There is difference between Dev Kanya and Yakhsha kanya. I can't tell the name of any Dev Kanya. I treat the woman performing dance etc, in court of gods as Dev kanyas and Yakhsha Kanyas. I have no knowledge about the name of any Dev Kanya or Yakhsha Kanya. In gods, some people are addressed as Yakhsha and some people are address as gods. I have no information about the name of any Yakhsha, but I know the names of a few gods. I know the names of some gods like Indra, Varun, Kuber etc. Brahmaji is also a god. I treat Hanumanji also as god.

It is wrong to say that Ramachandraji was not born on the disputed site. It is also wrong to say that there has never been a Ram Janam bhoom temple at the disputed site.

Question:- I mean to say that the disputed structure has been used a mosque since 1528. What you have to say in this regard?

Reply:- It has been used as Ram Janam bhoomi ever since I have been seeing it i.e. from 1930, but I have no knowledge about the earlier period. It is wrong to say that Namaaz was performed regularly in the disputed structure till 22<sup>nd</sup> December, 1949. It is also wrong to say that there was no idol in the disputed structure till 22<sup>nd</sup> December, 1949 and is also wrong to say that no Darshan-pooja was performed in the disputed structure till 22<sup>nd</sup> December, 1949. It is wrong to say that the idols that were present there till 6<sup>th</sup> December, 1992 were broken on 6<sup>th</sup> December, 1992 when the structure was demolished and some other idols were kept in the disputed structure after

6<sup>th</sup> December, 1992. It is wrong to say that no idol is Warah Bhagwan ever existed in the outer wall of the disputed structure. It is also wrong to say that there was no 'Sant Niwas' or 'Bhandargrah' (Store-House) in the disputed structure till 1950. It is also wrong to say that some place was built for the residence of 'Muazzin' or for keeping the stores of the mosque.

(Cross-examination by Zaffariyab Geelani, Advocate, on behalf of Defendant No.9 Sunni Central Board of Wakf, Uttar Pradesh Concludes.)

(Cross-examination by Shri Mushtaq Ahmed Siddiqi, Advocate, on behalf of plaintiff No.7 in another original Suit No.4/89 and Defendant No.5 Moh. Hashim in another original suit No.5/89 starts)

X X X X X

I have some information about the idols. I have not studied about sculpture. Until the ceremony of consecrating the idol takes place, it called the idol and after the performance of the said ceremony, it is not called idol, but that is treated a God. There have been 24 incarnation of God from Satyug till date. There are 24 idols of those Lords in the books and religious texts and in the places where they were born, their idols are especially worshipped. They are regarded as incarnations. Out of 24 incarnations, I know about some names, which are Narsingh Bhagwan, Bawan Bhagwan, Warah Bhagwan, Ram-Bhagwan, Krishan Bhagwan etc. All the 24 incarnation are masculine and not feminine. I can recognize all these 24 incarnations by seeing their idols. Durga is a goddess. Lakhsami is the wife of Lord Vishnu. Lakshmi ji is not an incarnation. The discourse of Durgaji is that with the inspiration of supreme God, first Durgaji

incarnation and created the world and ordered Brahma Ji, Vishnuji and Shankar Ji to assist Brahma ji in the creation of world, ordered Lord Vishnu to defend the world and ordered Shankerji to destroy the world. Durga ji is an incarnation. As per my knowledge, there is no other feminine incarnation in the whole world except Durgaji, but Durgaji has many forms. Shlok –

“Pratharnam Shailputri Ch dwitiam Brahmcharini,  
traitya Chandra ghaneteti Kooshmandeti chaturthakam,  
Panchmanskandmateti Shashtam Katyayniti Ch  
Saptam Kalratriti Managauritichashtmam,  
Navam Sidhidatri Ch Nav Durga Prakeertita.

In the above said shloke, Durga ji has been given nine names. 24 incarnations described by me above do not include Durgaji. If accepted, there are 25 incarnations including Durgaji.

Question:- Whether Durga ji, about whom you have described above, is the same Durgaji, whose idols are kept at different places at the time of Dussehra and thereafter they are dispersed.

(On this Question objection was raised by Shri Ajay Kumar Pandey, the Learned Advocate of plaintiffs in case no.5/89 that this question is not related to any point of this case. Hence permission should not be granted to ask such irrelevant questions)

Reply:- The idol of Durga ji is the same but, it is kept during ‘Navratras’ and ‘Navratras’ come twice during an year. One is the Shardiya Navaratra and the other is Basantiya Navaratra. At some places, the idols of Durga ji are decorated on both the Navaratras and at some place

only on one Navratra, such as in Uttar-Pradesh. Her idol is decorated in Shardiya Navratra, the idol of Durgaji that its made, only that one idol of Durgaji is worshipped on separate days by assuming Her different forms. During Navratras decoration of the idol is changed on different days and no change is made in the idol.

There are temples of Durgaji also. The idols of Durgaji are installed as per the devotion of different people, but these idols are from amongst these nine forms. No sacrifice is offered at Vaishnav Devi and there are some people who offer sacrifice on the "Ashthami" day. Thus one worships the idol as per one's devotion and where Sacrifice is offered, these people after sacrifice on the day of Ashtmi and where no sacrifice is offered, the people distribute 'Prasad' after offering it to Durga ji. In Durga ji, most of the idols of Durgaji are in the form of 'Shailputri'. At some places, the Shailputri form of Durga ji has been shown with eight arms and at some other places with four arms and she has been shown riding a lion and killing the demon Mahishasur. This is the form of Shailputri. I am unable to explain the remaining eight forms of Durgaji. I have seen these eight forms of these idols, but I will not be able to explain their forms. I am an old man and my memory is not so sharp. Due to this reason I wouldn't be able to explain these eight forms. There is description about these eight forms in "Devi Bhagwat" and "Durga Saptshati". I have read these books to some extent. I am fail to recollect whether there is any temple in Faizabad or not which has the idol of Durga ji in any one form out of the above said eight forms. In Faizabab, there is a temple of Durga ji in Shailputri form.

I know about Nirmohi Akhara since I started visiting Janam Bhoomi for having a view since 1930. Nirmohi

Akhara is known by the name of a temple. This Akhara is in Ram Ghat, Ayodhya. There are Panch, Sarpanch and Golkis in this Akhara. Five Panchas are elected and these very people look after the affairs of Akhara. The Panchas also appoint Mahant for Nirmohi Akhara. I fail to recollect the name of the present Mahant of Nirmohi Akhara, but he had met me recently. There are many branches and temples of Nirmohi Akhara and the temple of Hanumanji at Naka Muzaffra in Faizabad relating to it, also belongs to Nirmohi Akhara and its Mahant is Bhaskar Das ji. The Mahant of the temple of Nirmohi Akhara of Ram Ghat, is another person. There are three temples of Nirmohi Akhara in Faizabad and Ayodhya city. One Nirmohi Akhara mandir at Ram Ghat, second Ram Janam bhoomi Mandir in Rajkot at Ayodhya, third temple of Hanumanji at Naka Muzaffra in Faizabad and Ayodhya belong to Nirmohi Akhara. I don't know whether or not there is temple of Nirmohi Akhara at Gupta Ghat in Faizabad. At Ram Kot in Ayodhya the disputed structure and the disputed premise, both were the temples of Nirmohi Akhara, which are, at present, under Central Govt. The temple of Janam Bhoomi to the north side of the road to the North of the disputed site have never had Bhaskar Das ji as its Mahant. Bhaskar Das ji had never been the Mahant of that Janam Bhoomi Mandir, but he had been there for some time. He had been in the janam Sthan temple for three-four years. By "had been" I mean that he resided there. In our Sadhu Sampraday no rent etc. is charged from any saint; they live at some special place and they also get 'Prasad' etc from there. In case a priest (pujari) at some place falls ill, the other priest performs worship. As per my knowledge, Bhaskar Das had never been the priest of the above said temple at Janam Bhoomi site.

Ever since I came to Ayodhya, I have been living in Unwal Mandir only. I am a grahsthi (person living family) and I have the family members who are residing with me in the said temple and no other saint lives here. Ever since I have come to Unwal Mandir, the same process is going on. My residential place in Unwal Mandir is outside the courtyard of Unwal Mandir. To the Southern side adjacent to the door of Unwal Mandir is the flour mill belonging to my brother's son. Unwal mandir has a total number of three separate premises. In the one premises there is the temple and outside that very premises is the flour of my brother's son, in the second premises is my residence and Goshala and in the third premises are planted Tulsi plants and flowers and on the outer side I have got built eight rooms by the side of the road, whose rent I am receiving. The flour mill of my brother's son has been existing at the above said place for twenties of years. The property of all the three premises of Unwal Mandir does not belong to me, but it belongs to God and I am its Manager. I am responsible for the income, expenditure and management of Unwal Mandir. In connection with the management of this temple, there is no other person above me who could give me command. I am not all powerful about the property of this temple. I only see that there is no shortage of 'Bhog-rag' etc. and I can't sell this property.

Earlier, I used to lend money. In this connection, I had not got my self registered in any way because I did not enter many transactions. In 1970, I discontinued this business of money lending. Mostly, I lent money by keeping the jewellery. I did not lend money without keeping jewellery. It is possible that the dispute may arise if ornaments are not kept at the time of lending money. Since I lent money by keeping jewellery, I had no dispute with anyone. I did not lend money to the unknown persons.

One anyone came to me for taking loan, I used to seek time and would tell him that first of all I will get the ornament offered by you tested by the goldsmith and then I would give you the loan.

Lakhshmi ji is also worshipped. In the temples, where lord Vishnu is seated, idol of Lakhshmi ji is also installed there. By seeing that idol, I can recognize that it is the idol of Lakhshmiji. The idols of Lakhshmi are of many types and they have many forms, but I will not be able to tell their number. I would not be able to tell because of the reason that I don't remember. About the form of idol of Lakshmiji that I remember, there are two arms of Lakhshmiji and that she is installed over a lotus flower and covered with clothes and She wears a crown Chandrika.

Question:- If idol of an ordinary women is formed, kept over a lotus flower and is covered with clothes and is adorned with Mukut (Crown) Chyandrika, what would be the difference between such an idol and that of Lakhshmi ji and how both of them could be recognized separately.

Reply:- When Lakshmi is in the company of Vishnu ji, only then she is in the form of Lakshmi. If she is shown along with any other person, She would no more remain in the form of Lakshmi. Except this, there is no other difference.

The children of the god would be called 'Dev Balak' and the daughter of the god would be termed as 'Dev Kanyas'. Dev Balak kept sitting in the Court of gods and they carried out the order that was given to them. Dev Balak and Dev Kanya – both are worthy of being worshipped. Yakhshas and Dev Balaks are different from each other. The name of Yakhsha is Yakhsh and the name of god is Devata. As per my knowledge, the difference between a Devata and a Yakhsha is only that of the name. Yakhsha are also worthy of being worshipped and their

idols are also installed. In Hindu religion thirty four thousand gods have been accepted and description about all of them is contained therein. There is no gradation between a Devata and a yakhsha i.e. small or big. The children who sit in my assembly, would not be called Dev Balak. Only those children of the god who sit in the Assembly of gods, would be called Dev Balak. The girls who perform dance in my assembly or in that of other elders like me, would not be called Dev Kanyas. All the Shankracharyas and we people are human beings and we would be called only as human being and not gods. Dev Balak were not human beings, but they were gods, Dev Balaks also live in the form of human beings, but they had the power to assume any form they liked. This pertains to the past period and at present no Dev Kanya, Dev Balak or Devata (god) exists.

There have been Devtas (gods) Dev Kanyas and Dev Balaks only in three Ages of Satyug, Tretayug and Dwapar.

Question:- As per your view, whether there is no god in the present Ago who could lend support to human beings?

Reply:- All the gods are there to support provided I remember them from the core of my heart.

Certified after reading the statement

Sd/Raja Ram Pandey

22.10.2003

Typed by the stenographer in open Court on being dictated by me. In continuation hereof, the case be submitted on 23.10.2003 for further cross-examination. The witnesses be present.



**Dated 23.10.2003**

**D.W.3/2 Raja Ram**

**Pandey**

Before: Commissioner Shri Narendra Prasad, Additional Distt. Magistrate / officer on Special Duty, Hon'ble High Court, Lucknow Bench, Lucknow.

(Commissioner appointed under orders of 10.10.2003 passed in other original suit No.3/89 (Original Suit No.26/59) Nirmohi Akhara and other Versus Baboo Priya Dutt Ram and others).

(In continuation of 22.10.2003, cross-examination of D.W. – 3/2 Shri Raja Ram Pandey on oath by Shri Zaffaryab Geelani, advocate, on behalf of plaintiff no. 7 in another original suit No.4/89 and Defendant No.5 Mohammed Hashim in another original Suit No. 5/89 continues).

The witness was shown by the Learned cross-examiner Advocate the portion "To the North-South of Eastern gate were installed two touch-stone pillars ----- which is reported to be idol of Hanumanji" of para 6 of his affidavit of his own examination and was asked who are the persons in respect where of you have stated the fact regarding 'reported to be'. On seeing the above-said, the witness replied that when my father, on the first-day, took me to the disputed structure for 'Darshan', he told me at the gate, See, an idol of Hanumanji in installed in these pillars and it is called Hanumat Dwar and only on the basis of his telling I have stated this facts.

The witness was shown by the Learned cross-examiner Advocate, portion "Only the followers of Hindu religion were allowed entry from the outer gate" of para 18 of the affidavit of his main examination and was asked whether

the followers of other religions such as Sikhs, Budhish, Muslims and jain people had an other gate for entry. Seeing the above said the witness said that there was no other gate for their entry in side.

I am familiar with the size and form of temple. In the building of the temple, whether God is seated, a throne is built there the God is seated there – at after consecrating the idol. It it's outer part, the space is developed for having parikrama of the temple and jagmohan is made for the people for singing devotional songs, worship and recitation. Besides, accommodation is built for Ware-House, Store-House and for the residence of the priest and the Mahant. The above-said whole construction is called temple premises. The way for Parikrama is made outside the temple premises. The way for Parikrama is made not mad in the part where idol of 'God' is seated. Dome is built in the temple. At some places dome is built, at some places shivalya type structure is made and in some of the temples around structure is formed. No minaret is built in the temple.

The witness was shown by the Learned cross-examiner Advocate the portion "Minaret was built no where in this structure" in the last-line of para 18 of affidavit of his main examination and was asked why did you get written this fact in the construction of a temple.

Seeing the above, the witness replied that I got this fact written because no minaret was built in the structure.

Question:- You have already stated that minaret in never built in a temple, then whether it is not unnecessary to state about non-existence of minaret?

Reply:- When I came to Lucknow High Court on 22<sup>nd</sup> September 2003, I read "Ram Janam bhoomi – Babri Masjid" written on room, I understood that there is some

connection between Ram Janam bhoomi and Babari Masjid. Thus minarets are constructed in the mosques. As such I got it mentioned that there was no minaret built there. I got it mentioned that the disputed structure was not a mosque.

Besides Ayodhya, I have seen temple in Kashi, Gaya, Baijnath Dham and Ganga Sagar. I have visited four Dhams, that is 'teerathas' and have seen temples at all these places. The building in Ayodhya, that is known by the name of Dahrath Mahal, is also a temple. That Dashrath Mahal is also called "Bada Sthan". The Parikrama Marg outside the entire premises of Dashrath Mahal has not been made, but the Parkikrama marg is built outside the premises of Dashrath Mahal mandir. I have gone to Dashrath mahal only for having a view and have come back from the same way. Due to this reason I have no knowledge about other things in addition to the temple in Dashrath mahala. The length, breadth of the premises of temple in Dashrath Mahal would be 100-125 ft., I have seen that area of 100-125 ft thoroughly. In the area where 'God' is installed, the God in Dhanurdhari form is seated and by his side the idols of Sita ji, Lakhan Lal ji and Hanumanji are installed and on the outside is formed Jagmohan, where marble flooring is laid and marble is also laid on the pillars. The room in which 'God' is seated, has the length of about 20ft and breadth about 12 ft. The length of Jagmohan is 7 ft. and the breadth is some what lesser than that. The jagmohan site has a roof above it. When I used to go there to have a view, I used to have parikrama of Jagmohan from outside whenever I got time. I never paid attention to other things adjacent to the Parikrama marg. I have not gone to the temple of Dashrath Mahal thousands of time, but very rarely. The entire premises of Dashrath Mahal is in three parts. All the three

premises have their separate boundary walls and there is a way in between to go to all these three premises. The name of all these three premises is same, whether you may call it as Dashrath Mahal or Bada Sthan. I have never measured the length-breadth of the whole premises by combining all the three premises of Dashrath mahal. Roughly this entire premises would be in an area of one acre. The Parikrama Marg is inside the temple premises.

In Ayodhya there is a temple by the name of Badi Chhawani. The temple of Badi Chhawani falls under Chaudah Kosi and Pach Kosi Parikrama, and when I used to go Chaudah Kosi or Panch Kosi Parikrama, I definitely had the view in temple of that Badi Chhawani because that was adjacent to Parikrama Marg.

In Ayodhya, I have seen the temple of Ranopali and Dev Kali. Both these temples also fall under Panch Kosi Parikrama area. Due to my old age, now I don't go for Panch Kosi Parikrama. 15 years ago, I could walk and covered Panch Kosi on foot. Thereafter, I performed parikrama on cycle for 4-5 years and after that I did not perform Parikrama. While having Parikrama, I did not use to go to have a view in Dev Kali and Ranopali Mandir because they were situated at distance of about one kilometer on the inner side from Parikrama Marg. I have gone to both these temple i.e. Devkali and Ranopali mandir and also had Parikrama of those temple. In those temples too, Parikrama marg is made outside the premises of the temple. I had never Parikrama in badi Chhawani Mandir because I lived in Panch Kosi Parikrama at that time and during the Panch Kosi Parikrama, while halting during that Parikrama hastily, I used to have a view of Badi Chhawani Mandir. Parikrama Marg has been developed in Badi Chhawani Mandir. It is rule of the temple that Parikrama Marg should be provided in the

temple. I have no information whether parikrama marg is Badi Chhawani mandir is outside or inside the temple. It is wrong to say that I am telling a lie that Parikrama marg in Devkali and Ranopali Mandir is made out-side the temple premises. There is no such rule that Parikrama is performed in the temple within the place where Jagmohan is made, but Parikrama is performed according to available space.

In Ayodhya, parikrama is performed within the premises of Kanak Bhavan Mandir and I don't know in which temples in Ayodhya Parikrama is performed with in the premises. As far as I remember, there is no such temple in Ayodhya where Parikrama marg is not made. I have gone inside the Janamsthan Mandir which is located to the North of the road on the Northern side of the disputed site. An idol of 'God' is also installed therein. There is a temple of Ram Darbar there. In one room there is Ram Durbar, and in the second room, there is Dashrath Darbar and by hits side is Sita Rasoi. In that temple there are three rooms of 'God'. In that temple there is Jagmohan as well Parikrama marg also. In that temple, the Parikrama marg is within the temple premises. To the south of temple outside the premises, there is a road. Road to the south of the floor of that temple is about 20-25 below. To the south of the said JanamSthan mandir, where the road is n a lower level, a Pushatwan is made there, pushatwan (black-support) is built so that the wall of the building may not get damaged. I don't remember what would be the width of that Pushatwan because it is at a considerable height. I don't remember whether or not the width of the Pashatwan was four feet. By standing at the mount (Teela) of the disputed structure, the said Pushatwan is visible. In the above said Janamsthan Mandir, Parikrama was performed

inside the premises and Parikrama was not performed on Pushatwan Marg.

To the west of the disputed structure was very deep land. This land would be about 30-35 ft deep. A Pushita or Pushtwan was made to save the disputed structure from being damaged, again said that Pushta was not built to the western side, rather Parikrama Marg was made and a two feet high wall was constructed so that no one may fall. No provision was made on the western side to save the disputed from being damaged, rather it was made on the Northern side. The road falls at 20-25 ft. lower level and in an ascending state it became of even level in front of Sakhshi Gopal Mandir. A pushta was built to the North of the disputed structure. On coming out of Northern gate, there was 10-12 feet land and thereafter a Pushta was built. Pushatwan was built at a distance of 10-12 ft. from the Northern wall of the disputed structure. No Pushatwan was built adjacent to the wall of the premises because land level was even there.

Question:- Whether as per your knowledge, there is any such temple in Ayodhya after whose building there is an inner courtyard and there after an outer courtyards and then after that outer courtyard, there is the Parikrama Marg, as stated by you?

Reply:- Only Ram Janam bhoomi Mandir is so. I don't remember whether or not there is any other temple with such like provision.

A round shaped top was built in the disputed structure and above that was built what may be called dome or a pinnacle. The disputed structure had three domes in all and all the three domes were in North-south alignment. As per my knowledge, all the three domes were of same size.

Question:- As told by you whether any temple out of the thousands of temples in Ayodhya was such in which three domes or pinnacles are built in the same North-South alignment?

Reply:- No such temple is there in which three domes are in the same North-South alignment.

I have seen the mosque also from outside. The Muslims recite Namaz by keeping their face towards West. Since they recite Namaz by turning towards west, the construction of the mosque is made accordingly i.e. it is North-South length. Minarets in the mosque are invariably there and no mosque can be constructed without the minaret. As per the provisions existing at the place, there is only roof over the mosque and at some place a dome is also built. In some mosques minarets are built on all the four corners and in some mosques two minaret-built in small and in the other it is the big one. The minaret is built according to the capacity of the persons concerned. In the mosques that I have seen, I have found all the minarets almost of the same size. I have no knowledge about Begam Barlas Masjid of Ayodhya. I fail to recollect whether or not I have seen the dome in any mosque in Ayodhya. I have paid no attention to the fact whether or not the domes are built in the mosques in Faizabad or at other places situated outside Ayodhya. I have seen the mosque situated in front of clock tower (Ghanta Ghar) at crossing in Faizabad. I have seen the Bus stand of Faizabad. I have not seen the mosque to the East of Bus stand, but I have seen Idgah situated to the South of the road to the Northern side.

When I was dealing in money-lending, I charged interest also. Ordinarily the rate of interest was 2 percent per month.

Idol of Saraswati is not installed in every temple; Mostly, only the students worship Saraswati because She is provider of education and her temple is built elsewhere. Saraswati is also called the godss of education and Lakshmi is regarded as the goddess of wealth. Whether the idol of Saraswati is installed, she would be found carrying a 'Veena'.

Question:- If the idols of different women are kept at the same place, then what would be the peculiar feature in the idol of Saraswati ji by seeing which the viewer would at once recognize the particular idol of Saraswati ji among those idols?

(On this question, Shri Ajay Kumar Pandey, the Learned Advocate of the plaintiff is an other original Suit No.5/89, raised objection that this question is totally irrelevant and reveals disbelief and disrespect for the gods-goddesses of the Hindu religion. Hence permission for asking such questions should not be granted.)

(In reply to the above said objection, it was stated by the cross-examiner Advocate that the witness, in his whole statement, has stated by seeing different Photographs that this is the Photograph of that particular goddess. Hence asking this question that how he recognized the said Photograph is essential and hence the point of religious respect by my Learned friend Advocate is totally wrong.)

Reply:- In the decoration of the idol in which "Veena" is shown, that is compared with the idol of Saraswati Ji.



Thus it is regarded as the idol of Saraswati ji. Apart from this, there is no identity to recognize her.

I have never been to a graveyard at the death of any Muslims. When a Muslim dies, he is buried and the practice of cremation or consigning to the flow of water does not exist among the Muslims. At the death of a Hindu he is cremated, consigned to the flow of water and his Samadhi is also made. Recently, the Samadhi of Ram Kinkar ji Upadhyay, the recipient of Tulsi Das Award, has been built at the place of his residence in Karsewakpuram in Ayodhya. The people of all the religion respect the dead body of a person. If two persons are even at war with each other, even then on the death of one person, the other person prays for providing peace to his soul. The religious texts of the Hindu Religion tell that all the people standing at Rajdwar (Royal gate), where justice is done and those in cremation ground are like brothers. The place where dead bodies are consigned to flames, is called cremation ground. It equivalent is also the place where dead bodies are buried and the Saryu river or any other river where dead body is consigned to the flow of water. That place is called graveyard where dead bodies of our Muslim brothers are buried. There is no particular size of Samadhi. The Samadhi is built according to the body keeping its length and breadth accordingly. Among the Hindus the dead is kept to the south and the feet to the north. In our life time, only one Mahatma took Samadhi at Rin Mochan Ghat and his Samadhi was built at that very place where he had taken Samadhi. That Samadhi has been erased in the erosion of the river Saryu ji and now it is not there. This Samadhi was not in square, but in the North-South length.

The witness was shown by Learned cross-examiner the portion "By the said of Janam Bhoomi Mandir, there are some Samadhies of Rishies and not the graves" of para 20 of the Affidavit of his main examination and was asked where these samadhies were, i.e. inside or the outside of the disputed structure or at both the places. Seeing the above said, the witness replied that in the samadhies described in the above said portion were outside. These samadhies were to North and south side of the disputed premise. These samadhies do not appear at site these days. After 1992, one has to go via surrounded wooden enclosure (Katghara). So I am unable to see those samadhies and other parts. Before 6<sup>th</sup> December, 1992, when I had gone there, the above-said samadhies were visible to me. There were four or five samadhies to the North and samadhies to the South of the disputed premise. As per my knowledge, in the portion of above said para 20 'graves are not there has been written by mistake'. Those samadhies were not graves.

Question:- Please tell what basis you have got to say that these were the samadhies and not the graves?

Reply:- As I have been hearing from the people, on that very basis I am telling them as samadhies.

It is wrong to say that there was Ganje Shaheedan to the east of the disputed premise which was surrounded by boundary wall and there were graves in that.

Question:- Even at present you are telling about the existence of samadhies around the disputed premise and that those were not graves, then why the last three words "were not graves" written in your affidavit, have been stated to be written by mistake?

Reply:- Since the Learned cross-examiner Advocate had asked me, that is why I have told that these were samadhies and not the graves.

Have you read any book regarding history of Ayodhya. I have read only Ramcharitmanas written by Tusli Das and Valmiki Ramayan regarding history of Ayodhya. I fail to recollect as to how many years ago from today, Ramcharitmanas was written by Tulsi Das. The things written in Ramcharitmanas by Tulsi Das pertain to the past and these do not pertain to the period after that. In Ramcharitmanas of Tulsi Das, it is definitely written as to when Ramcharitmanas was written, but I don't remember it as present. The people tell that the place, where tulsi Chaura is built, was that very place where Ramcharitmanas was written by Tulsi Das ji.

The witness was shown by the Learned cross-examiner Advocate the chaupai before the fifth chaupai –

“Naumi bhaum bar madhumasa, Avadhpurin yah charit prakasa” below Doha No.33 of Bal Kand of Ramcharitmanas original text written by Tusli Das paper No.258 C-1/2 and was asked whether Sanwat 1631 written in it is the year in which Ramcharitmanas was written?

Seeing the above said the witness replied – Yes, Sir, it is correct. This mention is about Vikrami Sanwat. Now Sanvat 2060 is running. Again said –

“Kaku Katha Hari Pad Dhari Sisa”  
written herein means I am giving religious discourse keeping Lord's Charanarvind over my head. It does not mean that Ramcharitmanas was written in Sanwat 1631. I have no knowledge as to when Ramcharitmanas was written.

Question:- Whether or not you know the History of Ayodhya of the period after the Ramcharitmanas was written by Tulsi Das?

Reply:- I have the knowledge about History of Ayodhya of my life time and not about the period before that.

I have no knowledge of the events that occurred in Ayodhya before 1930.

There is some village contiguous to Panch Kosi parikrama out side Ayodhya where cow was slaughtered resulting in the 1934 riot. That village is contiguous to Ayodhya and riot erupted in Ayodhya due to cow-slaughter there. I have no information whether or not there was riot in village where cow was slaughtered. I saw the riot from the place where I was living. I had gone on where. Many Hindus came from Kothighat Mohalla, that is situated opposite unwal Mandir and killed the mother of a Muslim named Wafati. Then they reached Suthatti Mohalla via road and killed Nawabu Shah. These two places are located near my house and as such I know about them and from that I came to know that the people are rushing to the places where the Muslims are living and killing them besides demolishing the graves. Among the person's killed, I know the name of both the above said persons. Kothighat Mohalla is situated to the North-west corner of Dorahi Kuan crossing. The house of Wafati was situated to the north of Gurudwara. I came back inside my house due to fear and I don't know whether the Muslims also attacked the Hindus or not. In the riot of 1934, the graves in the graveyard of Suthatti Mohalla and Khajhatti graveyard were demolished. Besides these two graveyards, graves of Chia imliya graveyard were also

demolished. A portion of the front wall of the disputed premise had fallen but I don't know whether it was pulled down in 1934 riot and it had fallen prior to that.

I consider myself as true devotee to Lord Shri Ramachandraji and I have also known about Ramachandraji from Ramcharitmanas written by Tulsi Das. When Ramcharitmanas was written, the description about it is given in Ramcharitmanas itself. If given time, I can tell it by searching the same.

Certified after reading the statement

Sd/Raja Ram Pandey

23.10.2003

On being dictated by me, Typed by the stenographer in open Court. In continuation hereof, the case be presented on 24.10.2003 for further cross-examination. The witnesses be present.

(Narendra Prasad)

Commissioner

23.10.2003

**Dated 24.10.2003**

**D.W.3/2 Raja Ram**

**Pandey**

Before: Commissioner Shri Narendra Prasad, Additional Distt. Magistrate / officer on Special Duty, Hon'ble High Court, Lucknow Bench, Lucknow.

(Commissioner appointed under orders of 10.10.2003 passed in other original suit No.3/89 (Original Suit No.26/59) Nirmohi Akhara and other Versus Babu Priya Dutt Ram and others).

(In continuation of 23.10.2003, cross-examination of D.W. – 3/2 Shri Raja Ram Pandey on oath by Shri Zaffaryab Geelani, advocate, on behalf of plaintiff no. 7 in another original suit No.4/89 and Defendant No.5 Mohammed Hashim in another original Suit No. 5/89 continues).

Question:- Whether there is some description in the book i.e. Ramcharitmanas itself as to when Tulsikrit Ramcharitmanas was written by Tulsi Das?

Reply:- Tulsi Das ji had heard the religious discourse from his Guruji in Sookar area. That discourse was related to Parvati ji by Shankar ji in Treta Yug and that discourse he had written in his mind (Manas). That is why this book has been the title of Ramcharitmanas. Later on, he related this discourse to Hanumanji by assuming the form of Kagbhasundi ji. Yagyavalkya heard this discourse from Kagbhsundi and he narrated it to Bharadwaj ji and Tulsi Das ji had heard that discourse from his Guru ji as well as from the saints in Prayag. Hence, the (Tulsi Das) got inspiration from Shanker ji that he should go to Ayodhya and write the discourse of Ramcharitmanas in his own

language. Tulsi Das ji wrote that very discourse in Sanwat 1631 in Ayodhya in Avadhi language in poetry form.

In Charitmanas on Ramnavami day, the day when Lord Ram was born, that Nakhshatra jog had coincided on that Ram Navami in Treta Yug also. On that very day Tulsi Das ji started writing Ramcharitmanas and he completed the writing of Ram Katha in two years, seven months and twenty six day. After that, under the orders of God, Tulsi Das ji went to Sashi and there he recited Ramcharitmanas to Lord Shiva and mother Annapurna and dedicated that book to Wishva Nath ji. When the door of the temple opened in the morning, "Satyam-Shivam-Sunderam" was written thereon. It has been mentioned in the biography of Tulsi Das ji that it took two years, seven months and twenty six days to write Ramcharitmanas. The whole writing work of Ramcharitmanas was completed in Ayodhya itself.

The witness was shown by the Learned cross-examiner Advocate the portion "It does not mean that Ramcharitmanas was written in Sanwat 1631" of his statement at page 161 and was asked whether your said statement is incorrect. (On this question, Shri R.L. Verma, the Learned Advocate of the plaintiff raised objection that this fact is being asked again and again unnecessarily which is not relevant to any point or any point related to the suit)

Seeing the above said, the witness replied that my above-said statement is not incorrect because whatever has been said in the Chaupai is the description of Ram Katha and not about the writing. In this very Ramcharitmanas, a little ahead Tulsi Das has written that "Bhashabadh Karab mein soi" i.e. Tulsi Das thought that I should write this Ram Katha in poetry form in my own

language i.e. Avadhi Bhasha as per the orders of Shanker ji.

Question:- As per your views, whether there is any reference in Ramcharitmanas as to when i.e. in which Sanvat-month and date Tulsi Das ji started writing Ramcharitmanas?

Reply:- It was Sanwat 1680, when the concept of writing RamKatha developed in his mind. After making preparation, he started writing Ram Katha after some days.

As far as I have heard, a total number of 10-12 people were killed in 1934 riot as a result of which the Muslims living in Ayodhya were frightened. Many Muslims fled from their houses and as and when similar events happened in Ayodhya, many more Muslims fled from their homes. In 1934 riot, the Muslims, who happened to stay back in their houses, remained inside their houses. This process of restricting the Muslims in their homes, continued for six months. After that the situation became normal gradually and the people who had fled their houses also came back and the life become normal and the people started moving at every place as before.

The witness was shown by the Learned cross-examiner Advocate the portion "at the time of attachment Baldev Das ji was the priest, was already the priest three-fours years ago" at the beginning of para 17 of Affidavit of his main examination and was asked whether the fact written about attachment herein pertains to the attachment of 1949. seeing the above said, the witness said that – yes, sir, it is related to that very attachment. After the night of 22/23<sup>rd</sup> December, 1949, when I got up in the



morning, I saw that some Muslims are creating uproar at Dorahi Kuan. It was on account of creating that uproar that the attachment was made. I have no knowledge since when the suit regarding the disputed structure is going on. In connection with the suit I would not be able to tell whether or not any suit was filed at the time of attachment. Before 22<sup>nd</sup> September, 2003, I did not know that any suit between the Hindus and the Muslims regarding Babri Masjid is going on or not. Before 22<sup>nd</sup> September, 2003, I knew that a suit is going on in connection with Ram Janam Bhoomi. I had this information since 1992, but I had no information about the parties involved in this suit. Now I have come to know that the suit was filed against Babau Priya Datt Ram, which is going on. I have come to know only here that it is also related to Babari Masjid. Besides this suit of Nirmohi Akhara, I have no information about any other suit relating to the disputed structure. In 1992, I knew that a suit between Nirmohi Akhara and Babu Priya Datt Ram is going on. When the disputed structure fell down, I thought that God's temple has fallen. I found its reason, and on asking from the people, I came to know that a suit regarding this structure was going on. This suit is related to Babri Masjid also – I came to know about this fact on 22<sup>nd</sup> September, 2003 when I came for evidence in this case. For the first time, I had come for evidence on 22<sup>nd</sup> Sept, 2003. First of all, my affidavit was got prepared and thereafter I came to the court. My affidavit had been prepared on 22<sup>nd</sup> September, 2003. On 22<sup>nd</sup> Sept, 2003, I had come to the court at 10.30 A.M. and only then my affidavit was prepared. I don't remember at what particular hour it was fully prepared or completed. I have no knowledge about the time but my affidavit was verified at 10 to 10.30 A.M.

Question:- Where was your affidavit typed out i.e. in Ayodhya or in Lucknow or in Faizabad?

(On this question, objection was raised by Shri R.L. Verma, the Learned Advocate of the plaintiffs that it is not at all relevant for cross-examination and such questions were being asked unnecessarily just to waste time)

Reply:- I don't remember.

Question:- whether you were present when the affidavit was being typed out.

(On this question, objection was raised by Shri R.L. Verma, the Learned Advocate of the plaintiffs in another Original Suit No.5/89 that by asking repeatedly the questions about the typing, time, place etc. of the affidavit, efforts are being made to surprise, harass and mislead the witness and the time of the court is being wasted. Hence permission should not be granted to ask such questions.)

(On this question, objection was raised by Shri R.L. Verma, the Learned Advocate of the plaintiffs raised objection that in the cross-examination during the last 20 days, this question is being asked again which is not justified for cross-examination according to Evidence act.)

Reply:- I was not present when the affidavit was being typed out because I was unwell.

In my main examination I had written this affidavit myself. I had written this affidavit on 20<sup>th</sup> day i.e. 20<sup>th</sup> September, 2003 in Ayodhya. When I was writing that affidavit, an Advocate was helping me.

Question:- After writing the said Affidavit, to whom did you give it for typing?

(On this question, objection was raised by Shri R.L. Verma, the Learned Advocate of other original suit No.5/89 raised objection that what talks were held between the witness and the Advocate or between the plaintiff and the Advocate and what advice was sought – Questions can't be asked about these things according to law and today all the questions being asked about the affidavit, are just to surprise and harass the witness and to waste time of the court. As such, permission to ask such question should not be granted.)

Reply:- I had given the affidavit to the Driver for typing on 21.9.2003. But I don't know as to where from the Driver got it typed. The driver had given me the affidavit on 22.9.2003 when I came to Lucknow High Court. That very Driver drove me from Faizabad to Lucknow.

Question:- Whether on your arrival in Lucknow High Court, the Driver had at once handed over the affidavit to you on alighting from the car?

(On this question, Shri R. L. Verma is Learned Advocate of plaintiffs raised objection that this question is pedantic. The activates of every second, every minute, every hours, are not justified in this suit, can't be asked)

Reply:- yes, sir.

Question:- Whether you had gone to Oath Commissioner for verification soon after the typed affidavit was given to you by the Driver on alighting from the motor vehicle?

(On this question Shri R.L. Verma, the Learned Advocate of the plaintiffs raised objection that no fact is left with the cross-examiner party in this case and as such activities of every minute are being asked from the witness just to harass him in this context continuously, whereas even the time of verification before the oath Commissioner has also been asked. As such there is no justification for asking such questions again and again)

Reply:- After reading the affidavit I took it for verification.

Question:- After reading the affidavit, had you not made any change therein?

Reply:- Where any improper or wrong word was written, that was definitely, revised.

Question:- After seeing the affidavit, whether you would be able to tell at which places you made amendment in that affidavit?

(On this question also, Shri R.L. Verma, the Learned Advocate of the plaintiffs raised objection that to ask such general questions from the witness at a time regarding any record or document is prohibited by law and it is necessary for the cross-examiner party to ask from a particular time or page on the point of cross-examination. This question can't be asked in a general way like this).

Reply:- On seeing the affidavit of his main examination, the witness replied that in para 5, 6, 7, 10, 16 and 31 wherever I made amendments, I have put my signature thereon. I don't remember that apart from the above-said

amendments, whether or not I have made amendments in this affidavit in Lucknow.

I had said after seeing the photocopy of main examination that amendment was made in para 31 of the affidavit and that I had said because I was unable to read some part below my signature. The witness was shown by the learned cross-examiner Advocate para 9 and 10 of the affidavit of his main examination and was asked whether you had made my amendment in these pages in Lucknow. On seeing the above pages, the witness said that I had not made any amendment in both the above said pages.

I knew Zahur Ahmed since 1932. There had never been any suit between Zahur Ahmed and myself. There is Amrit Surma shop to the Southern part of Zahur Ahmed's house and in the southern part there was the shop of Badkau, where I used to buy the things. From those people I had heard that Zahur Sahab is a big litigator, but I have no information as to where and with whom Zahur Sahab was involved in litigation. Hazi Feku, Hazi Fayak and Achhan Mian have since expired. I knew these people since 1932-33. I was introduced to Abdul Ahmed and Hazi Mahamood in 1940. Zahur Ahmed recited Namaaz at Naugazi Masjid. Hazi Feku, Hazi Fayak, Asad Ahmed and Hazi Mahboob recited Namaz in the mosque that was near to their houses in Tedhi Bazar. Achhan Mian's house is far away from our house on the bank of the river Saryu. I don't know as to where Achhan Mian recited Namaz. The witness was shown by the Learned cross-examiner Advocate para 26 of affidavit of his Main examination and was asked – since when you know Ram Sewek Yadav and Ram Dev Das mentioned herein?

(On this question, Shri R.L. Verma, the Learned Advocate of the plaintiffs objected that two names can't be combined about asking this question because both of them are different persons).

Seeing the above said the witness said that I know Ram Sewak Yadav since 1950 and Shri Ram Dev Das since 1940. I don't see Ram Sewak Yadav these days. I also don't know where Ram Sevak Yadav's house is located. I used to meet him, when I went to have the view. Ram Dev Das ji was, perhaps, the resident of Hanuman Garhi. When I would go to Ram Janam bhoomi to have a view, I would meet him there. I had been meeting Ram Shiromani Das, mentioned in this very para 26 since 1940. he also used to meet me when I went there for 'Darshan'. I don't know where he resided. Sant Sewak Das Ji was residing in Hanuman Garhi. He was a wrestler and I have seen him wrestling in the Akhara and used to come to Ram Janam bhoomi for 'Darshan'. I used to meet him there. His full name was sant Sewak Das. I had been meeting Sant Sewak Das since 1930. He was a sant, lived at Hanuman Garhi, but I don't know the place of his original residence. Mathura Das ji also lived in Hanuman Garhi. I had been meeting Kallu Mahapatra since 1930. There is title 'Mahapattra' in Brahmanas. He was not awarded this title for any specific work, but he had this title since his birth. Kalyug Maharaj lived on the back side of out temple and he was an old man. When I went there for having a view, he would often meet me and gave me good knowledge about various subjects. I had been meeting him since 1932. He is no more now. He has died. Kalyug Maharaj and Kallu Mahapatra were the original residents of Ayodhya. Ram Bharose was also the original resident of Ayodhya. I had introduction with Ram bharose since about 1935. I have no knowledge whether or not the

above said persons mentioned in Para 26 of my affidavit had any connection with the management of Nirmohi Akhara.

I had no discussion with the persons mentioned in para 26 of the affidavit of my main examination about the 1949 – attachment of the disputed structure. Neither they nor I had any discussion in this regard.

The kalash (pitcher) is the pot for Keeping water. The Kalash is made of earth, eight-metals, of copper and of brass also. It is also called 'Ganga' or 'Ghara'. 'Surahi' and 'Jhajhri' do not come under the definition of Kalash. In 1930, Narotam Das was the Mahant of Nirmohi Akhara. Ever since I came to Ayodhya, I had seen him as the Mahant for some time. He remained Mahant throughout his life-time. After him, Ram Charan Das ji became the Mahant of Nirmohi Akhara. Ram Charan Das was the disciple of Narotam Das ji. As per my knowledge, the Akharas that were made, were built to protect the religion. The saints who come for the first time are called Ateet and thereafter when they are given training in arms, they are awarded the title of Naga. I don't know whether Mahant Narotam Das ji was awarded the title of Naga or not. Earlier, Narotam Das ji was 'Ateet'. Ram Charan Das had been given the title of Naga. Ever since Ram Charan Das ji became Mahant, after that he remained Mahant throughout his life and after Ram Charan Das ji, Raghu Nath ji became the Mahant of Nirmohi Akhara. I don't know whether Raghu Nath Das ji was awarded the title of Naga or not. I also can't say as to whose disciple Raghu Nath Das ji was. I also don't know whether Raghu Nath Das ji was the disciple of Dharam Das ji or not. After Raghunath Das ji, Ram Kewal Das ji became the Mahant. As far as my knowledge goes, Hari Das ji had been the priest

(pujari) of Nirmohi Akhara Mandir, but I don't know whether or not he had been the Mahant also. An incident occurred with Mahant Ram Charan Das in which he lost one of his eyes due to a bomb-blast. After that incident, only Ram Charan Das had been the Mahant but Raghunath ji became acting Mahant, As far as I know, no one was killed on that bomb incident. When Lord Ram returned to Ayodhya after killing Ravana, the people of Ayodhya were very happy and they celebrated the festival of happiness which, at present, is celebrated as Deepawali festival. Even from yesterday ie. 23.10.2003, from the day of Dhan Teras, the festivities of Diwali of this year have started. Today is the 'Chhoti Diwali'.

Certified after reading the statement

Sd/Raja Ram Pandey

24.10.2003

On being dictated by me, Typed by the stenographer in open Court. In continuation hereof, the case be presented on 28.10.2003 for further cross-examination. The witnesses be present.



Dated 28.10.2003

D.W.3/2 Raja Ram

Pandey

Before: Commissioner Shri Narendra Prasad, Additional Distt. Magistrate / officer on Special Duty, Hon'ble High Court, Lucknow Bench, Lucknow.

(Commissioner appointed under orders of 10.10.2003 passed in other original suit No.3/89 (Original Suit No.26/59) Nirmohi Akhara and other Versus Babu Priya Dutt Ram and others).

(In continuation of 24.10.2003, cross-examination of D.W. – 3/2 Shri Raja Ram Pandey on oath by Shri Mushtaq Ahmed Siddiqi, advocate, on behalf of plaintiff no. 7 in another original suit No.4/89 and Defendant No.5 Mohammed Hashim in another original Suit No. 5/89 continues).

The Driver who was with me on 20.9.2003, is not with me today. Till yesterday he was with me, and the motor vehicle is the same.

There is a temple of Nageshwar nath on the bank or river in a locality of Ayodhya. Among the temples of Ayodhya, this is not considered as the oldest temple. According to me, Ram Janam bhoomi Mandir is the oldest temple of Ayodhya.

Question:- Whether the disputed structure demolished on 6<sup>th</sup> December, 1992, was the oldest structure in Ayodhya?

(On this question, Shri Ranjit Lal verma, the Learned Advocate of the plaintiffs raised objection that the form in which this question is being asked again, it could be asked only after details of its appellation form comes out and this

question has already been asked if it pertains to the temple.)

Reply:- I have been seeing that since 1930, but I can't say how old it is. It is so heard from the saints that nageshwar Nath Mandir has an idol of Shiva installed by Lav and Kush.

Question:-Do you agree that the disputed structure that was demolished on 6<sup>th</sup> December, 1992 was built in the year 1528?

Reply:- I have been seeing that since 1930 but I can't say when it was built.

Question:-Can you tell when the Janam Sthan temple to the North of the road on Northern side of the disputed structure was built?

(On this question, Shri Ranjit Lal verma, the Learned Advocate of the plaintiffs raised objection that this question is not relevant and such question can't be asked)

Reply:- I will not be able to tell as to when the Janam Sthan mandir to the North of the road on the North of the disputed structure was built.

Question:- Where there is any temple of Nirmohi Akhara in Mohalla Ram Ghat in Ayodhya?

(On this question, Shri Ranjit Lal verma, the Learned Advocate of the plaintiffs objected that in another original Suit No.4/89, which is the leading case, the suit cause of the plaintiffs is the same and claim has been made simultaneously and this question, which is being asked in

the cross-examination has already been asked by the Advocate of the plaintiffs. Thus this question is being repeated time and again and due to this reason it can't be asked).

Reply:- Yes, sir, it is so.

I had been to that temple once or twice. That is a big temple. There are the idols of Ram, lakshman and janakiji in that temple. I went to Ayodhya in 1930 and since then I have been seeing the temple, but I can't say as to when that temple was constructed. I also can't tell what is the area of the above-said Ram Ghat temple. I had gone there only to have a view and came back after meeting Mahantji at Jagmohan. I have no knowledge whether residential rooms are built in that temple or not. There is no temple to the north of Nirmohi Akhara Mandir premises of Ram Ghat Mohalla. In that North side temple, the idols of Ram, Lakhshaman and janaki ji are installed. To the south of above said Ram Ghat Mandir, there is a road going to Ram Ghat. In the Eastern side is the Seedhipur mandir and on the western side of the seat of Ramanandcharya Hariharacharya and thereafter is the road. There is no Parikrama marg outside the temple premises of Mohalla Ram Ghat of Nirmohi Akhara.

The temple in which the idol of Lord Ram Charndra is duly installed is adorable. All the temples in which the idol of Lord Ram Chandra is duly installed, are generally, adorable. The witness was shown by the Learned cross-examiner Advocate the portion 'Since 1930, when I came to Ayodhya, I have a view of the famous temple Ram Janam bhoomi, Hanuman Garhi and Kanak Bhawan daily' at the start of Para 3 of affidavit of his main examination and was asked whether the above said three temples are

very near to your residential place and that is why you have mentioned the fact of having a view daily. Seeing the above said the witness said that these temples are interesting and provide peace of mind, that is why I have been having the view daily. The Janam Sthan Mandir to the North of the road to the North side of the disputed structure, is also interesting. There is not so much time left that the view of all the temples could be had daily. In Mohalla Ram Kot, there is a building by the name of Ichha Bhawan, which is a temple. In this Ichha Bhawan Mandir also the idols of Ram Lakshman and Janaki ji are installed.

Question:- Who looks after the management of this Ichha Bhawan Mandir?

(On this question, Shri Ranjit Lal Verma, the Learned Advocate of the plaintiffs objected that unless and until it is asked as to whether this temple is under a Trust or it is in over-all charge of some Mahant, the question regarding management of the temple can't be asked.)

Reply:- The management of this Ichha Bhawan Mandir is looked after by the Mahant of that temple.

This Ichha Bhawan Mandir has no connection with Nirmohi Akhara. The Learned cross-examiner Advocate drew attention of the witness of Para 2 of affidavit of his main examination and was asked where the Gwallior Pathshala mentioned is situated. Seeing the above said the witness said that it is Purana Thana Mohalla in Ayodhya. I, myself, have said that some Seth (rich person) looks after this Gwallior Pathshala and he also bears its expenditure. That is why it is called Gwallior Pathshala. Rajgopal Sanskrit Pathshala is situated just to the East of the road that is called Basti-Faizabad road near Chhoti

Devkali. First I got my education in Rajgopal Sanskrit Pathshala and after that I got my education in Gwallior Pathshala. In Raj Gopal Sanskrit Pathshala, I studied upto Prathma. I had studied in that Raj Gopal Sanskrit Pathshala for two years. In which year I studied in this Pathshala (School), I don't remember at present, but I just remember that I studied in this pathshala only after 1930. This pathshala is still there. In Gwallior pathshala, I had read from 1<sup>st</sup> part to 4<sup>th</sup> part in Madhyama and I had passed these examination. I had passed the examination in Gwallior pathshala as a regular student. I took the examination and was declared successful and only after that I got the certificate. I had also got the certificate of passing Prathma from Raj Gopal Sanskrit Pathshala. My date of birth must have been written in the above said certificates, but I remember my date of birth. In other temple of Lord Ram there is no Chhati Poojan Sthal and Charan Paduka remains in temple only and the devotees who have the view, that Charan Paduka is placed on their fore-head after giving chem. Charnamrit and Tulsigal. Again said that is kept on the forehead of a reputed person. Earlier, this process was going on in the Janam Sthan Mandir to the north of the road on temple Northern side of the disputed structure but at present, it is under acquisition. There is no Chhati poojan sthal in the above said Janam Sthan mandir, but Sita Rasoi is there. In that Janam Sthan temple, no 'Charan-paduka' is formed on the ground.

Ram Chabutara, that existed in the outer courtyard of the disputed structure, was under Nirmohi Akhara.

Question:- Whether this Ram Chabutara had been under Nirmohi Akhara from 1949 to 1982 continuously?

(On this question, Shri Ranjit Lal verma; the Learned Advocate of the plaintiffs raised objection that this question has been asked a number of times and the tie of the year 1949 can't be decided because statement has already been received in this regard from the beginning. Hence this question by combining the two facts at one place can't asked for two different periods).

Reply:- It was already and it was the year 1949 and from the year 1949 to 1982 continuously under Nirmohi Akhara.

It is wrong to say that I am mis-standing the facts on this point. Once, when Shri K.K. Ram Verma because the Receiver, Ram Chabutara was attached but I can't say in which year it was attached.

On this point the Learned cross-examiner Advocate showed the witness the portion "In the Northern Gate Three----- there pictures were drawn on either side" of Para 15 of his Affidavit in his main examination and was asked what do you mean by the brick dust mortar means the lime mortar. The material that was made by grinding pebbles and by mixing other material and with which the wall was erected that mortar was some what redish in colour. I don't know why it is called "Surkhi Kaziana Mohalla Masala". But earlier, due to shortage of cement there existed lime stone kilns every where and lime was requisitioned from there and the walls were erected. Seeing this portion of his above said statement the witness said that the fact written about the formation of pictures of lion, peacock and fish, these were made at a height of 8 feet from the ground level.

In 1982, some dispute arose between the Priest of Ram Chabootra and the Panchas of Nirmohi Akhora and in that very dispute Ram Chabootra was attached. At that time, Siya Raghav Saran was perhaps the priest and the Mahant of Normohi Akhara was Mahant Kewal Das. Among Panchas were Bhaskar Das ji, Baldev Das ji and Govind Das ji. I have no other particular knowledge about this. I can't say whether or not there were the priests on the one side and Mahants and Panchas on the other side in this dispute. I have no knowledge whether or not there was a dispute between Mahant Prem Das and Golaki Ram Lakhan Das and whether Ram Chabootra was attached or not. It is wrong to say that I am mis-stating on this point or hiding something. When I used to go to have a view, I always met there only the priests of Normohi Akhar. I don't know English. In earlier times only brick stone mortar was used. It is due to this reason that I have written in the above said portion of Para 15 of my Affidavit that "The pictures of lion, fish, pea-cock were made by protruding the Sukhi mortar. The entire disputed structure was built only with the 'Surkhi' mortar. Even the plaster on the floor and walls was made with 'Sukhi' mortar. I, myself, am the sufferer also and cement was not available at that time. All the constructions that I have got carried out, were made with surkhi mortar. Whatever constructions I have got made in Ayodhya, have been got constructed after 1930 and the disputed structure was built much earlier. It appeared from the appearance that the disputed structure was got constructed with Surkhi mortar.

There are temples of Brahmaji also and the idol of Brahmaji is installed in such temples. I can recognize them after seeing. On seeing the picture of idol of Brahmaji. I can recognize it. Their outline is like that of

man but the special feature is that Brahmaji hold Kamandlu (The pot used by mendicants) in one hand and in the other hand all the four Vedas. There is a temple of Brahmaji at Brahmkund in Ayodhya near the Gurudwara. In that temple only Brahmaji idol is installed. Generally, the temple where idol of Brahmaji is installed, only his idol remains there. The idol of Ganesh ji is also installed in the temples. Again said that the people who are the devotees of five gods, the idol of Ganeshji is kept in their temple. The idol of Ganesh ji does not exist in every temple. In idol of Ganesh ji hands, feet and stomach are like those of a man but the face is of an elephant.

The monkeys are of many types. I see only two forms of monkeys here. One is an ape and the second is red monkey.

Lal deh lali lasai, Aru dhar Lal Langoor,  
Vajra deh danav dalan, jai jai jai kapisoor

Hanuman's face remains red-coloured. The form of Hanuman ji is like a red monkey.

The witness was shown by the learned cross-examiner Advocate the fourth Chaupai below doha No.33 of Bal Kand of Tulsi Das written "Ramcharitmanas" paper No.258 C-1/2.

"Sanbat Sorah sai Ekteesaa, Karaun Katha Haripad dhari sisa" and was asked whether it means that Tulsi Das ji had described pious discourse of Ram Chandra ji's virtues in 1631. On this question Shri Ranjit Lal Verma, the learned Advocate of the plaintiffs objected that this



question is defective in itself. It has no mention as who is describing to whom. So this question is meaningless.

Seeing he above said, the witness replied that Samvat lasts for one year. Samvant changes on the day when "Holika Dahan" (burning of Holika) takes place on Phalgun Prnima (full moon night) and on the same day Chaitra Krishnapakhsh (waning fortnight of moon), starting from Pratipad' (first day of lunar fortnight) lasts till Phalgun Shukla Poornima. The words "Samvat Sorah Sau Ikteesa" written in the above said chaupai, refers to the fact that Tulsi Das ji determined to write, after collecting the material for the discourse on Lord Ram. Maheshji had created the discourse of Ram Chandraji's in his mind, that discourse was narrated to Parvati ji in due course and that very discourse was related by Kagbhushandiji at Mansrover on Nilgiri. That very discourse was related to Garud by Kagbhushandi and Yagyavalkavya ji and Yagyavalkavya had narrated it to Bhardwaj on Pryagraj and Tusi Das ji had heard that discourse from the saints and he heard that from his Guru at Shooker Kurukhshtetra. For writing that "Ramchritmans" when the Ram Navami came, all the Grahas, Nakhshatras, yogs that were present in 'Treata yug' were again present on the Ram Navami day of the Samvat 1631. On that very day, the work of writing Ramcharitmanas was started and it was completed in two years, seven months and twenty six days and it was named as 'Ramchairmanas'. This disclosure was written with the inspiration of Shankar ji. Therefore Tulsi Das ji, taking that 'Ramcharitmanas', went to Kashi Vishwanath Mandir and he offered it there to Shankerji. Keeping that book in the temple of Shankerji, the priests closed the temple at night and when the temple was

opened on the next day morning, "Satyam Shivam Sundram" was written on that book.

Since Treta Yug, the people had remembered the disclosure of Ram Chandraji orally. This was the first when it was given written form by Tulsi Das ji. It has been written in Ramcharitmanas that disclosure of Ram Chandraji was narrated to Parvati by Shankar ji. This fact is written in Bal Kand of Ramcharitmanas written by Tulsi Das ji. The witness was shown by the learned cross-examiner Advocate Tulsi-written Ramcharitmanas original text Paper No.258C-1/2 and was asked where the above-said fact is written in Ramcharitmanas. On seeing the above said, the witness replied that the above said fact is mentioned in the 7<sup>th</sup> Chaupai after Doha No.110 of Ramcharitmanas "Har Hiya Ramcharit sab aye, prem pulak Lochan jal chhaya".

The discourse on Ram Chandra ji was narrated to Kagbhashudi ji by Shankerji.

Question:-Do you want to say that Shanker ji had narrated this disclosure to Parvatiji as well as to kagbhushindi also i.e. to two persons?

(On this question Shri R.L. Verma, the learned Advocate of the plaintiffs objected that the same fact and the same question is being asked again and again in this long cross-examination of 20 days. Again you want to say that this is no question at all, hence, this question can't be asked.)

Reply –yes, Sir, I myself, have told that this context is found in the chaupaies "below Doha No.29 of Bal Kand.

Shankerji had narrated this discourse to Yagyaval Kavya also. Except the above-said three persons, Shankerji did not narrate 'Ram Katha' to anyone else.

Question: who had narrated this discourse to Tulsi Das ji?

(On this question the learned Advocate of the plaintiffs objected that this question has already been asked, reply has also been given and this question is being asked again and again unnecessarily).

Reply- The Guru of Tulsi Das ji was Nariharyacharya. He had narrated this discourse to Tulsi Das ji in his childhood when he was studying and that very discourse he listened from the Saints.

Question-Whether you can tell the names of the saints by whom, as stated by you, this discourse was narrated to Tulsi Das?

(On this question Shri R.L. Verma, the learned Advocate raised objection that this question was unnecessary and it is being asked just to harass the witness.)

Reply- I have no knowledge about the names of those saints.

The witness was shown by the learned cross-examiner Advocate the opening part of his today's statement. "He for writing "Ramcharitmanas"----- ----- had assembled on Ram Navami day', and was asked on what basis you are stating the above said fact.

(On this point Shri R.L. Verma, the learned Advocate of the plaintiff objected that its basis is contained in the statement. The same question is being asked repeatedly just to delay the case.)

Seeing the above said, the witness replied that I am telling this thing on the basis of Ramcharitmanas written by Tulsi Das. The learned cross-examiner Advocate showed to the witness the original text 258/-1/2 and asked him where the above said fact is written in Ramcharitmanas. Seeing the above said Ramcharitmanas, the witness replied that the above said fact is given in the fifth chaupai below Doha No.33 and all the chaupais before Doha No.34 of Bal Kand in Ramcharitmanas and all the chaupais following Doha No.34. In Doha No.35 and all the Chaupai's following that and in Doha No.36 all these things are written. After regarding the above said the whole meaning becomes clear in this regard.

The witness was shown by the learned cross-examiner Advocate his today's statement-"At night the priest -----Satyam Shivam Sunderam" was found written" and was asked that on what basis you have stated the above said fact?

(At this question, Shri R.L. Verma, the learned Advocate of the plaintiffs raised the objection that this is the cross-examination of cross-examination that is not permitted)

Seeing the above said, the witness replied that I am telling the above said on the basis of biography of Tulsi Das ji, which is mentioned in his biography given in the first volume of Ramcharitmanas. I can't say whether the

said biography of Tulsi Das ji was written by Tulsi Das ji himself or by some commentator.

The witness was shown by the learned cross-examiner Advocate Para-28 of his main examination and was asked whether it is the same para which you wrote 20.9.2003 and whether any amendment was not made is it?

(On this question, Shri R.L. Verma, the learned cross-examiner of the plaintiffs raised objection that at page No.169 of statement of the witness and before that on the same page, the fact regarding typing has been referred to and at page-171, question has been asked about the amendment and now there is no propriety and relevance to ask the same question again. It is being asked with the intention of harassing the witness which should not be permitted).

(In reply to the above objection, it was said by the learned cross-examiner Advocate that the contention of our learned friend is not right. In those pages, question was asked about para-5,6,7,10,16 and 30 of the Affidavit of main examination and this question is entirely different from that).

Seeing the above said, the witness replied that I had written this paragraph on 20.9.2003 in Ayodhya and no amendment has been made herein.

Question: You have already stated that on coming to this Court room on 22.9.2003, and by writing seen on the board out side a room, you came to know for the first time that this very disputed structure is called a mosque by the Muslims and this suit was going on against the Muslims. Then, please tell that what was the justification

of describing the above said facts in para-28 of your Affidavit?

(On this question Shri R.L. Verma, the learned Advocate of the plaintiffs raised objection that in the statements quoted, the statement of the witness has been referred to, which has been done entirely in a wrong way. In the earlier statement there is no mention of the board and the word "Babri" had been used, as such this question can't be asked by referring to the witness)

(In reply to the above said objection, it was stated by the learned cross-examiner Advocate that the reply to the question has been indicated to the witness through the above-said objection).

Reply-As I had heard from the people that a suit regarding Masjid is going on, I wrote that it is a temple and how it can be a mosque. Due to this very reason I have given such description in para-28.

Certified after reading the statement

Sd/-

Raja Ram Pandey

28.10.2003

On being dictated by me, typed by the Stenographer in open Court. In continuation hereof, be submitted on 29.10.2003 for further cross-examination.

(Sd/- Narendra Prasad)

Commissioner

28.10.2003

**Dated: 29.10.2003**

**D.W. 3/2 Raja Ram**

**Pandey**

Before:- Commissioner Shri Narendra Prasad, Additional Distt. Magistrate/Officer on Special Duty, Hon'ble High Court, Lucknow Bench, Lucknow.

(Commissioner appointed under order of 10.10.2003 passed in other original suit No.3/89 (original suit No.26/56) Nirmohi Akhara and others versus Babu priya Datt Ram and others)

(In continuation of 28.10.2003, cross-examination of D.w. 3/2 Shri Raja Ram Pandey on oath by Shri Mushtaq Ahmed Siddiqi, Advocate on behalf of plaintiff No.7 in another original Suit No.4/89 and Defendant No.5 Mohammed Hashim in another original Suit No.5/89 continues)

Jai-Vijay have the square form i.e. both Jai Vijay have four hands and both of them have no other specialty. Up to September, 1992, I used to view the idol of Hanuman ji on both the pillars installed at the Eastern Outer gate of the Disputed structure. I don't remember whether or not the idol of Jai Vijay was there on those pillars. The idol that existed on those pillars was in their mini form. Vermilion was smeared on those idols of Hanuman ji and the idol of Hanuman ji was not clearly visible. Ever since I have been viewing them, I had seen the idol of Hanuman ji formed and Vermilion has always been seen smeared thereon. Forming a thing by protruding or engraving is the same being. The complete idol of Hanumanji on those pillars was visible up to 6<sup>th</sup> December, 1982. When I had written my Affidavit, I came to know one or half a month before that a suit was going

on in Connection with the mosque. It is wrong to say that I am mis-stating the facts on this point. It was being discussed among the people that suit in connection with the mosque is going on and I got this information only from there. The Muslims used to pass by outside my door and I got this information from them. The Muslims also used to come to the shop of my brother's son to get the wheat grinded. This discussion was going on among them. I don't remember the names of the persons among whom this discussion was going on. The flour Mill of my brother's son had been installed there for many days and the Muslims had also been coming to get the wheat grinded. But I had heard this discussion one or half a month before filing my Affidavit. After hearing this discussion, I did not develop the curiosity to know as to what type of suit regarding the mosque was going on. I had also not asked any thing about this even from Mahant Bhaskar Das ji.

I had met Mahant Narotam Das ji and his disciple Ram Charan Das ji also. I had also met Raghu Nath ji and Mahant Hari Das ji. I don't know whether or not all these above said four persons called or wrote the disputed structure as Babri Masjid. When Ram Das ji went blind, he handed over his charge to another person. I don't know whether the charge was forcibly taken away from Mahant Ram Charan Das ji or he had filed a civil suit? I also don't know whether a compromise was made in that suit or not. I have no information about that suit.

The witness was shown by the learned cross-examiner Advocate para 31 of Affidavit of his main examination and was asked that you have stated in it Bhaskar Das ji to be the Priest of outer Chabootra till 1946 continuously. Whether you still consider it true?



Seeing the above said, the witness replied that I have written about the inner and outer part and I have seen him in both of them and I have seen him in outer part Ram Chabootra twenties of times since 1946 and I consider this fact still true.

The witness was shown by the learned cross-examiner photograph No.-111 of coloured album paper No.200-C-1 and was asked what things are visible to you in this photograph No.111. Seeing the above said, the witness said that it appears to be the photograph of Hanuman ji in it and on its side is situated a pillar in which some picture is formed on its lower and upper part which, at present, is not clearly visible to me. No other thing is visible to me in this photograph No.111. In this photograph No.111, the photo of Hanumanji is clearly visible to me. I am not seeing any photograph of Shankar ji or Lakshmi ji in this photograph. Hanuman ji is seated with folded hands. It is not visible as to in which temple or where is he seated. During the last 8-10 days, difference might have cropped up in my vision power because I am an old man and some times I see clearly an some times not. At present, I have not clear vision. I have contract in my eye. Some times I feel that I have some screen before my eyes and some times it gets cleared. At present also, I am feeling screen like thing before my eyes.

The witness was shown by the learned cross-examiner Advocate the portion "In the lower portion of the pillar appearing paragraph No.111, as per my assumption it appears to the idol of Lakshami" on page 133 of his statement and was asked whether there is any difference in your above said statement and the

statement given above today? Seeing the above said, the witness said yes, sir, difference is there. On 22.10.2003, I was shown many photographs and seeing all of them I had given the clear reply. On that day my vision was perfectly right. He was shown photograph No.141 of the same coloured album, on which the witness said that there is some picture in the pillar appearing in this photograph on which colour is smeared. At present I am seeing only this and nothing special is visible. In this photograph, nothing is clearly visible to me. It is wrong to say that my statement regarding trouble in my eyes is wrong. I tell only what is correct. He was shown photograph No.180 of the same coloured album, on seeing which the witness said that same picture is drawn on the pillar, where colour is smeared on the middle, in this photograph but I would not be able to tell as to whose picture it is. I would not be able to guess because I am not having clear vision today. I have been feeling this trouble in my eye for the last 2-3 days. I have not been able to get it checked by a doctor due to my presence in the Court. Due to this very reason, I have not been able to take medicine. Seeing photograph No.136 of this coloured album, the witness said that something is formed in this photograph on the lower part of the pillar, where colour is smeared. I do see that something is formed, but I will not be able to tell what is formed. The witness was shown by the learned cross-examiner photograph No.134 of the same coloured album, on seeing which the witness said that in this picture, I feel some thing like flowery trees. After seeing photograph No.135 the witness said, its status is also the same as that of photograph No.134. The witness was shown the photograph No.133 of this coloured album, on seeing which the witness said that this is the photograph of the building of the temple. This photograph

is of the outer part and wall of the temple building. It is the photograph of wall of the outer part. This photograph is of outer part of wall to the East.

I consider important the certificates of the examination that I have passed. Often it so happens that when the parents go to get their children admitted in school, they get the date of birth recorded some what more or less, but I don't know whether my date of birth recorded in those certificate is the actual date of my birth. It is wrong to say that I am quoting wrong year of my birth in the Court and due to this reason I am building the dates of birth in the certificates of passing the examination.

List 45 C-1 from Civil Judge Court, Faizabad, Compromise Deed and Hindi typed copies of lists A, B, C of the property in suit No.95/1941, Paper No.-45C-1/1/1 attached with 45C-1/1/9 and certified copy of Item No.2 of list "A" prepared by the Commission in the same suit and its Hindi transliteration Paper No.45C-1/2 were filed by the learned cross-examiner Advocate. The said papers are kept on record as per the orders of Hon'ble Full Bench vide order dated 20.3.2003. The witness was shown the said papers and in another Original Suit No.4/1989, the List-Papers filed by Shri R.L. Verma, Advocate on behalf of Defendant No.3 Nirmohi Akhara, the decree of Original Suit No.95/1941 alongwith compromise and a copy of the Commissioner Report dated 18.4.1942 in the same suit which is mentioned in the said list at S.No.1 and 2 respectively and was asked that the names of the Mahants that are contained in Paper No.45C-1/1/1, whether they are the same Mahants, about whom you have already given your statement in this suit. Seeing the above said the witness replied -Yes,

Sir, Mahant Ram Charan Das mentioned in it is the same person who had lost his eyesight and Raghu Nath Das ji is the person, who became Mahant after Mahan Ram Charan Das ji.

The witness was shown by the learned cross-examiner Advocate paper No.45C-1/1/6, on seeing which the witness replied that in this paper, the description of the temple that is contained in list A, pertains to the temple of Ram Ghat of Nirmohi Akhara. The witness was shown the particulars of No.3 after No.2 of the same Paper No.45C-1/1/6, on seeing which the witness said that I can't say whether or not this is the detail of wooden temple of chabootra of outer courtyard of the disputed structure. The chabootra temple of outside courtyard was in Mohalla Ram Kot. Mohalla Ram Kot is in Ayodhya city, whose Pargna is Haveli Awadh, Tehsil and District Faizabad. In this detail, the mention that is contained herein after No.2 and before No.3, is correct. The 'Sarak Pukhta' described in the 'Chauhaddi' (boundary walls) at No.2 is correct. In this Paper No.45C-1/1/6 the 'Chauhaddi' of the temple that is given after No.2 that does not pertain to Ram Chabootra temple. As per my knowledge, there is a road to the East of Ram Chabootra Mandir that proceeds towards Sakhsi Gopal Mandir and has met with the road to the North. I can't say whether or not this is the suit property in the suit filed by Ram Charan Das because I have no knowledge about this suit.

Question :- At No.3 of this Paper No.45C-1/1/6 the details of 'Ek kita chah pokhta' has been given in three line, whether this is the description of Sita Koop stated by you?

(On this question, the objection was raised by Ajay Kumar Pandey, Advocate, that such type of questions are being asked just to harass, surprise and mislead the witness. The time of the Court is being wasted, it is not justified to ask question about the contents of the record submitted in evidence in a case. Hence permission to ask such type of questions should not be granted.)

Reply-After hearing the three lines after No.3 the witness replied that the above said facts are written correctly.

Question:- Whether the Chabootra Sumitra Bhawan marked to the South "Chauhaddi" (boundary walls) of above-said Sita Koop and Tulsi Bari and Chabootra Lomesh ji marked to the west are correct?

(On the question, objection was raised by Shri Ajay Kumar Pandey, the Advocate of the plaintiffs in an other original Suit No.5/89 that such type of questions are being asked to harass, surprise and mislead the witness. The time of the Court is being wasted. It is not justified to ask questions about the contents of the record submitted as evidence in the suit. Hence, permission to ask such type of questions should not be granted).

Reply -it is correct. The grave yard written to the East and North of this 'Chauhaddi' is wrongly written.

Question- Whether you are in a position to find out the reason as to why the Mahants and Panchas of Nirmohi Akhara, in the compromise deed of case, would write some details and Chauhaddi as incorrect?

Reply- Wrongly written, but I fail to understand the reason because I have no knowledge about it.

The witness was shown by the learned cross-examiner Advocate, Hindi Transliteration of Map Paper No.45C-1/2, seeing which the witness said that the 'Sarak Pukhta' written on the upper side is correct. The tree papal, Charan Paduka (foot -wear) written under that is also correct. The Neem tree on the right hand side, below the above-said Sarak Pukhta and the 'Maulsiri' tree written there under is also correct. I have seen the maulsiri tree in the disputed structure. I have already told this thing. The Chabootra for seating the visitors is written on the right hand side below the Maulsiri tree, which is wrongly written. There was a temple on this Chabootra. That Chabootra was known by the name of Janam Bhoomi. That temple was the temple of God and was called Janam Bhoomi.

Question; Whether the wooden temple built over the said chabootra was not known by any name?

(On the question, Shri Ajay Kumar Pandey, the learned Advocate of plaintiffs in an other original suit No.5/89 raised objection that the same question is being asked three times in different ways and in this way time of the Court is being wasted. The witness is being harassed. Therefore, permission to ask such questions should not be granted.)

Seeing this very above-said map the witness said that the disputed structure has been shown as Babri Masjid in this map, but this the wrong projection. I have told whatever has been asked from me in connection with this map. If any thing else is asked about this map, I can

tell that, I have no knowledge whether or not it is the map of the disputed site, because I have no knowledge about the map. The learned cross-examiner Advocate showed him Paper No.45C-1/1/7 and was asked whether “Ek Kita Mandir Pokhta alongwith Mausooma land Ichha Bhawan at No.4 above and the ‘Chauhaddi’ (boundary wall) below Mohalla Ram Kot situated below that, is the description of the same Ichha Bhawan Mandir and Chauhaddi about which you have already told. After seeing and hearing the above said, the witness said that I have no knowledge about the Ichha Bhawan described herein. Seeing the description of the properties in the list of this very paper No.45/1/1/7 & 8 and those described under list B the witness said that I have no information as to which are the properties of Nirmohi Akhara, and due to this reason I can’t say whether or not the property of Nirmohi Akhara is contained in this list-B. I have no knowledge as to whether or not Nirmohi Akhara has any property in Gonda District. The witness was shown by the learned cross-examiner Advocate the map paper No.3/9 A-1 filed in another original Suit No.3/89 and was asked whether, on seeing this map you can think of the place to which this map is concerned. Seeing the above said map the witness replied that this is the map of Ram Janam Bhoomi premises. Seeing map Paper No.45C-1/2, the witness said that this map is wrong to the left hand side place where Babri Masjid is written and the remaining part thereof is of that very premises. The witness was shown by the learned cross-examiner Advocate, Paper No.45C-1/2/1 and was asked that whether in the Paragraph below “Dawa Istkrar Haq’ has been written “aur dawa muddai tabe sarayat sulahnama Haza Kharij farmaya jaye”. Seeing the above-said, the witness replied – I have no information about it, but the above said fact has been written herein.

Question: Whether it may taken that you have no information about the disputed property, its geographical location, its management, ownership, control etc?

Reply- I have seen Ram Janam Bhoomi where I used to go for having a view under the control of Nirmohi Akhara. I have no information about the other sites.

Question- Whether you believe in proceedings of the court judicial process and their records?

Reply-yes, Sir, I have the belief.

Question- The above said records that have been shown to you today, whether you do not realize from them that whatever you are saying is against the records of the Court?

Reply- I have belief in verdict and justice of the Court, but I have no knowledge about the suit. If the court passes any judgment, that is acceptable to me.

I don't know till today that there is a Babri Masjid in Ayodhya, but after seeing that written on the Name-plate, I knew for the first time that Babri Masjid has some connection with this suit.

The witness was shown by the learned cross-examiner Advocate, the portion "On coming for evidence in this suit, I came to know that the Babri Masjid about which I had heard, is the subject of this land suit" at page 62 of his statement and was asked when you had heard about the words "The Babri Masjid about which I had heard" written herein. Seeing the above said, the



witness replied that I came to know about it after seeing the name plate.

Question: I mean to say that you had clearly stated before the Court that the Babri Masjid about which you had heard, was the subject matter of the law suit before the Court i.e. you had heard it before that. What you have to say in this regard?

Reply- I might have mis-understood that and due to that misunderstanding I might have used these word.

Question- Whether the idol of Krishna ji looks like that of human beings?

(on this question, objection was raised by Ajay Kumar Pandey, the learned Advocate of the plaintiffs in another original Suit No.5/89 that the witness has already stated that he is not an expert in sculpture and he can recognize only some gods and goddesses on the basis of his readings and hearsay. Hence permission should not be granted for asking such questions).

Reply- It is not fair to compare a man with an incarnated person and He (God) is being quoted as equivalent to man in comparison. As such, it is an insult to our God. Hence it is not proper to reply such insulting questions.

Question:- How should an un-knowing person recognize the idol of Krishnaji, you should tell us that?

Reply- Where an idol of Lord Krishna is installed, he is shown there with a flute in his hand and with one foot kept over the other and he is shown wearing a crown.

He was shown by the learned cross-examiner Advocate, photograph No.126 of the coloured album at paper No.200C-1 and was asked whether witness replied that I have trouble in my eye today and I am feeling some screen-like object before my eyes as a result of which these photographs are not clearly visible to me.

I don't remember the year in which my education in Sanskrit was completed.

The witness was shown by the learned cross-examiner Advocate, the portion "During my talks with the above-said persons of Nirmohi Akhara, they told me that the Muslims are creating an uproar to take political advantage and it appears that they would create some disturbance" of his statement at page 28 and 29 and was asked whether the Muslims take political advantage. Seeing the above said, the witness replied that the report was written in the police station as a result of creating uproar and attachment was made under Section 145. That was the political advantage they take and the party people are taking this political advantage for getting votes by making Hindu-Muslims fight each other. By party I mean Congress party, Samajwadi Party, Bahujan Samaj Party, Bhartiya Janata Parties i.e. Political parties. When Report was written and the proceeding started thereafter, it was revealed that all these advantages are being taken by the party people and the Hindu Muslims are fighting with each other. This thing became clear in the next election after 23<sup>rd</sup> December, 1949. I fail to remember whether the next Election after 1949 was held in 1952 or when held. By subsequent proceedings I mean by the proceedings of the suit under Section 145 of Criminal Procedure Code. Both the parties would appear in the Court in

connection with this suit. After the incident of 23<sup>rd</sup> December, 1949 in Ayodhya, there developed difference between the Hindus and the Muslims, which makes me sad. Besides the suit under Section 145 I.P.C., civil cases are also going on in the Court regarding disputed property. I have heard that first suit in this connection was filed in the civil Court by Gopal Singh Visharad. I had only that much introduction with Gopal Singh Visharad that we exchanged greeting when we happened to see each other. Gopal Singh Visharad was not the original resident of Ayodhya and he had come from outside. In the Election that was held after attachment of the disputed structure, the Parties were not discussing about the suit but they were saying that a dispute has cropped up between the Hindus and the Muslims. There are no temples of Kagbhushandiji. There are idols of Kagbhushandi ji, he is in the form of a crow and the people, as per the sentiments of the devotee, keep them near God. In Ayodhya, there is a temple by the name of Kagbhusbundi. There are idols of Lord Ram Lakshman and Janaki and Kagbhudhundiji has also been seated in the from of a crow.

I felt sad over the incident of demolishing the disputed structure on 6<sup>th</sup> December, 1992, curfew was clamped in Ayodhya for 15 days and it caused great inconvenience to the residents of Ayodhya. After the incident of 6<sup>th</sup> December, 1992, the Muslims fled from Ayodhya. Apart from the incident of 6<sup>th</sup> December, 1992, the Muslims had fled from Ayodhya at the time of Shiladan also. On this 17<sup>th</sup> day of October, 2003 the Muslims who had left Ayodhya and who stayed back in Ayodhya were persuaded by the people no to leave Ayodhya. All those people who had left Ayodhya on 6<sup>th</sup> December, 1992, out of them some people have come

back to Ayodhya and some people have got their houses built elsewhere. The Shildan incident too place in March, 2002. The people who had left Ayodhya on that event, all of them have come back. Except the above-said three occasions, there has been no other occasion when the people would have left Ayodhya.

Certified after reading the statement.

On being dictated by me, typed by the stenographer in open court. Be submitted on 30.10.2003 for further cross-examination. The witness be present.

*www.vadaprativada.in*

**Date:13.11.2003**

**D.W.-3/2 Shri Raja Ram**

**Pandey**

Before:- Commissioner Shri Narendra Prasad, Additional District Magistrate/Officer on Special Duty, Hon'ble High Court, Lucknow Bench, Lucknow.

(Commissioner appointed under order of 7.11.2003 passed in other original Suit No.3/89 (original suit No.26/59) Nirmohi Akhara and others versus Baboo Priya Datt Ram and others)

(In continuation of 29.10.2003, cross-examination of D.W.3/2 Shri Raja Ram Pandey on oath by Shri Mushtaq Ahmed Siddiqi, Advocate of behalf of plaintiff No.7 in another original suit No.4/89 and Defendant No.5 Mohammed Hashim in another original Suit No.5/89 continues)

The witness was shown by the learned cross-examiner Advocate, photograph No.65 at paper No.201C-1 of Black -White album, on seeing which the witness said that I am seeing a pillar in this photograph. There seems to be the idol of Lakhshmi ji in the middle of the pillar appearing in this photograph. I feel only one idol in the pillar appearing in this photograph. The above-said idol that appears to be the idol of Lakshmi ji is to the left side of the white portion appearing in the middle of this pillar.

The witness was shown by the learned cross-examiner Advocate, photograph No.111 at paper No.200C-1 of the coloured album, on seeing which the witness said that flowers petals are visible in the lower part of the pillar appearing in it and in the top most portion some picture has been drawn, but it is not clear as to whose picture it is and in the lower part of the pillar

appearing in this very photograph, where flowers petals are visible, there appears to be the idol of Lakhshmi. I am saying so on my assumption because the pillars are so old that nothing is visible clearly. In Kishkindha Kand, where Lord Ram reached searching Sita, Hanumanji, who had been sent there by Sugreevji, asked that

“Kathin Bhoomi komal pad gaami,  
Kawan hetu bicharahun van swami.

I fail to recollect whether the above said “Kathin bhoomi komal pad swami hetu bicharahun van Swami” is a Doha or Chupai.

“Jaki rahi bhavana jaisi, Prabhu murat dekhi tinhtaisi”

This relates to Sita Swayambar. After seeing the photographs, the statements made by me about these photographs are based on these very above said sentiments.

The witness was shown by the learned cross-examiner page -8 of ‘Virakt’ newspaper-published on 10<sup>th</sup> January, 1950 paper No.A-33 filed under Section 145 I.P.C. and was asked whether it contains the mention of the suit under Section 145 I.P.C. relating to the disputed structure? Seeing the above said the witness replied that- Yes, sir, it is there. It also contains the citation that all the Hindus of Ayodhya were asked to come forward and present their claim.

Question: Whether you can tell any reason for the fact that despite such Notice having been issued by the Court under Section 145 I.P.C. and on being published in the newspaper, why apart from the saint and Vairagies, any person from Hindus community, did not come forward

to file his claim and why you, yourself, did not submit any claim.

(On this question Shri Ajay Kumar Pandey, the learned Advocate of the plaintiffs of another Original Suit No.5/89 objected that this question has been asked by combining two facts. Therefore, such question should not be asked. Besides the witness had not taken part in the suit filed under Section 145 I.P.C. as is evident from the question asked. Apart from that, neither had been the Advocate or Munshi of any party nor he possesses any type of information. Hence, permission should not be granted to ask such irrelevant questions)

Reply-“Virakt’ was a weekly magazine and not the daily newspaper as its name is Virakt. So in that spirit the saintly people purchased and read that. No family man either purchased or read that. Hence a family man had no information in this regard.

I had not got the information from this weekly, “Virakt’ about the suit filed under Section 145 I.P.C., but I had otherwise come to know about this suit and I did not file my claim because of the fact that I am a poor man and do not want to involve myself in these complications. I have heard about Babu Priya Ram Datt. He was the Chairman of Faizabad Municipality and at that time there was only one Municipality of Ayodhya and Faizabad. Babu Priya Datt Ram Sahab was Hindu and he had faith in Ram Chandraj and the law suit in which I am giving evidence in this Court, he is a party. But I have no information whether his counter claim has been filed in the suit or not.

Question- If Babu Priya Datt Ram would have filed a rejoinder in the ongoing suit and would have denied the

statement made in the case sheet, what could according to your views, be the reason for denying statements contained in case sheet despite his being a devotee of Lord Ram?

(On this question Shri Ajay Kumar Pandey, the learned Advocate of the plaintiffs in an other original suit No.5/89 raised objection that witness is neither a party to nor an Advocate in this suit and he has had no active role what so ever in this case. Hence to ask such question is absolutely irrelevant and baseless and is an effort to waste time of the Court. As such, permission should not be granted to ask such questions.)

Reply-Priya Datt Ram ji was the Chairman and he had to seek vote from both the communities. As such no leader involves himself in such case due to fear of losing votes.

The witness was shown by the learned cross-examiner Advocate photograph No.126 at Paper No.200C-1 of the coloured album, seeing which the witness said that I am seeing a pillar in it, I am seeing a 'Veena in the pillar appearing in this photograph, which on keeping this photograph in front by the side of vermilion-smeared place is located to the right side. This "Veera" has been shown held in the hand of some idol. I have stated this fact by seeing the photograph and not on the basis of my sentiments. Seeing photograph NO.195 of this coloured album, the witness said that I am seeing a pillar in this photograph also. In the pillar appearing in this photograph, the idol of Sarasvati ji is visible over the space where vermilion is smeared. This is clearly visible to me in this photograph and I am no saying so on the basis of my sentiments. It is wrong to say that I have misquoted the facts about photograph No.126 and 195



and it is also wrong to say that no idol is visible in these photographs.

I can't say since when the Nirmohi Akhara is having ownership rights on the disputed structure, but since 1930, when I have been viewing this, it is under the ownership of Nirmohi Akhara. Ayodhya is a religious place and all the people including kings-Emperors had been coming here. Some one out of them would have got this disputed structure built and donated to Nirmohi Akhara. It is my assumption and I have no specific information about it. I have not been able to make any assumption as to whether the three-domed disputed structure and the outer wall of the disputed premises were built simultaneously or at different times. I can't say when and how the inner wall with iron bars of the disputed premises was built, but earlier, the wooden gratings were fixed and later on the iron gratings were installed. I never tried to find out as to when the inner wall with window bars of the disputed structure was built and I also did not try to know as to when and how the "Nirmohi Akhara" became the owner of the disputed premises. I have complete knowledge about my Unwal temple, but I have no complete information about Nirmohi Akhara. Ever since I have been seeing, I have been noticing the people of Nirmohi Akhara performing worship and managing its affairs and I have heard from the people also that owner of the disputed premise is Nirmohi Akhara. On this very basis, I am saying that Nirmohi Akhara is the owner of the disputed premise.

Except the temples, I have no knowledge about other religious places such as Gurudwara, mosque, Church, Dargah etc. I have only seen them from a distance.

It is wrong to say that I have mis-quoted my age. It is also wrong to say that I have mis-quoted the fact of

having a view and performing worship in the disputed structure since 1930. It is also wrong to state that the disputed structure was a mosque and the disputed structure is a mosque even today. It is also wrong to state that the five times Namaaz, Zumma Ki Namaaz and Azaan was performed in the disputed structure till the night of 22<sup>nd</sup> December, 1949. It is also wrong to state that there was no idol in the disputed structure till the morning of 23<sup>rd</sup> December, 1949. It is also wrong to say that I am making statement with prejudice.

(Cross-examination by Shri Mushtaq Ahmed Siddiqi, Advocate on behalf of plaintiff No.7 in an other original Suit No.4/89 and Defendant No.5 Mohammed Hashim in another Original Suit No.5/89 concludes)

(Shri Irfan Ahemd, Advocate on behalf of Defendant No.6/1, Shri Fazle Alam, Advocate, on behalf of Defendant No.6/2 and Shri Izhar Hussain Siddiqi, Advocate on behalf of Defendant No.26 in an other Original Suit No.5/89 adopted the cross-examination made by Shri Adbul Mannan, Advocate Shri Zaffaryab Greelani, Advocate and Shri Mushtaq Ahmed Siddiqi, Advocate).

Cross-examination on behalf of all the Defendant's/parties concludes.

Certified after reading the statement

Sd/-

Raja Ram Pandey

13.11.2003

On being dictated by me, typed by the stenographer in open court.

Sd/-

13.11.2003