

**12676**

BEFORE THE HON'BLE SPECIAL FULL BENCH, HIGH  
COURT, ALLAHABAD, LUCKNOW BENCH, LUCKNOW

NIRMOHI AKAHADA AND OTHERS .....PLAINTIFFS

VERSUS

BABU PRIYADUT RAM (DEAD) ETC. ....DEFENDANTS

OTHER ORIGINAL CASE NO. 3/ 89

ORIGINAL CASE NO. 26/59

D.W. 6/1-2 MOHAMMAD ABID

DATED: 12.09.2005

Page 1 para 9 of the affidavit by way of  
examination in chief of Mohammad Abid, aged about  
49 years, s/o Lt. Shri Ahmed Ali Khan, r/o 7-D  
Shivli Road, Aligarh Muslim University, Aligarh  
is presented in which it has been recorded that

(From the side the Plaintiff, the cross  
examination of DW 6 1/2 was commenced by Shri  
Ranjeet Lal Verma, Advocate)

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It is true to state that vedic literature is the  
source of knowledge for knowing the ancient  
history of India. I have not studied Vedic

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literature. It had come to my knowledge during the study of ancient history that Vedic literature, Veda, Puran and smiritiyas were the main source of ancient history. According to me, for obtaining a degree in M.A in ancient History, it is not necessary to study the basic texts of above literature. By referring to basic text, I meant Sanskrit language which I have not read but I have read English translation of some of texts in which I have read Rigveda, Yajurveda, Samveda, Arthveda but since a long time has elapsed and due to non reading them everyday, now I don't remember them. It is correct to state that Rigveda is the oldest in the Vedic literature. It is also correct to state that Mahabharata and Valmiki Ramanaya both the texts are historical texts of vedic literature but except the basic texts, the editions of texts which have been published till date by efflux of time have been exaggerated. As per my knowledge, there is a distortion in all the texts, meaning thereby that they have been exaggerated. I have not read the basic texts of above Vedic literatures and I have only read the English translation of some of the



above, which I have named above. According to my knowledge, in Mahabharata the last King of Kaurav was Praikshit son of Abhimanyu and on this point there has been no exaggeration in the above texts. I do not remember whether in Arthveda also the Parikshit has been said to be last king of Kaurava. I cannot tell whether the historians have distorted or not the counting of time of Mahabharata. I cannot tell whether the history has been written serial-wise in Mythology or not since I have not read mythology. I have never heard the name of Positor as a historian or archeologist. The period of ancient history is believed to be from 2000 (BC) to 1200 (BC) I have read ancient history from OPC (Akar, Kalarm Patrees), Culture 2200 (BC) to 1800 (BC). The Second culture is black and red ware which starts from 1800 (BC) and runs upto 1500 (BC). Thereafter, I also read Patent Grey ware which commenced from 1500 (BC) and ended 500 (BC). Apart from this, I have also read NBPW Culture (Northern Black Polished Ware) the period of which commenced from 500 (BC) to 200 (AD). Apart from this, I also read Stupa and Temple

architecture in Ancient Indian Architecture. The above four cultures and architectures are subjects of study in archeology. It is correct to state that archeology is a scientific way to know the history. Apart from archeology, there are other sources also to know the history such as coins, epigraphy, monuments, memoir of travels and literature. All the above sources are necessary to know the ancient history. Civilization in which eating habits, dressing, royal families etc. are subjects which are essential for studying ancient history. Since my work in Alligarh Muslim University is limited to paleontology excavation, so now I have no knowledge of royal families of ancient history.

I have obtained MA degree in Ancient Indian History in the year 2002. I studied on this subject from 2000 to 2002. I was holding the post of draftsmen in the above university from the year 1978 and in the year 1996 I was promoted to the post of Senior Technical Assistant. I obtained diploma in civil engineering in the year

1977. I knowledge in architecture is based on civil engineering diploma.

It is correct to state that in paleontology, the knowledge of draftsmanship is fundamental necessity. As soon as, when during the excavation, trenches are engraved, the work of draftsman continues. During the course of engraving at the disputed land, the draftsmen were simultaneously engraving and were also doing the work of drafting with the team of ASI. So far as I remember, in their team there were two draftsmen infact one of them was draftsman and second was the assistant. It is correct to state that draftsmen and assistant were examining every article found during engraving of trenches and were showing by way of drawing that the said article was found falling at which angle and at which layer and at which place.

Volunteered that I did not check their drawing and art. It is correct to state that every paleontologist studies the article found during excavation on the basis of human.

According to the philosophy of paleontology, the human era can be divided into three parts, stone age, bronze age and Aryan age. If the structure of human society is divided then four periods are called in which three are principal such as Gumakkad tribes (Nomadic), second is peasant and third is civilization of village, city and locality. Humanized archeology can be divided by movable and immovable properties. Moveable properties covers utensils, patris, toys, coins etc. and immovable properties covers buildings, inscriptions and architecture. By taking architecture, any ear can be counted. It is necessary for any archeologist to have knowledge of financial, sacred and social activities of society. It is correct that after examining material evidence, any archeologist can give presumptive decision that the said article is achievement of a society of which era. Archeologist must have knowledge of physical science. The knowledge of demography is also essential for an archeologist.

Read over and found correct

**12682**

Sd/-

Md Abid

12.09.2006

Type by the typist on our dictation in open court. In this case be remain present for further cross examination on 13.09.2005.

12.9.2005

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BEFORE THE HON'BLE SPECIAL FULL BENCH, HIGH  
COURT, ALLAHABAD, LUCKNOW BENCH, LUCKNOW

D.W. 6/1-2 MOHAMMAD ABID

DATED: 13.09.2005

(in continuation of cross examination of dated  
12.09.2005 of DW 6 /1-2 in other original case  
no. 3/ 89 on behalf of the Plaintiff by Shri  
Ranjeet Lal Verma, Advocate)

For counting the period of archeology, the same  
can be divided through stratification. The period  
before the knowledge of script is called  
protohistorical period. Likewise, the period  
after the written art is called historical  
period. It is correct that for counting the  
historical period, it is necessary to have  
knowledge of knowledge of history based on  
history period archeology. The knowledge of this  
history is necessary according to total  
archeology. Volunteered that for that knowledge  
of artifacts is also necessary. The following the

techniques for knowing the Protohistorical:- 1. Carbondating, 2. TL dating, 3. Plantalogy, 4 By Art and Culture / Patris also the period can be presumed. Under the new archeology, certain new methods and scientific methods have come by which the period of ancient history can be assumed. In the beginning, for archeology the ancient history and medieval were being used but at present America has developed a new type of methodology and this archeology is known as new archeology. Volunteered that in the new archeology, no trenches are made in excavation but by making the structure as a base, the work commences with trenches. Archeology is a separate branch. Volunterred that I have used the word "Platology" in my statement, the same is part of this anthropology. It is correct that by anthropology the period of 20 lakhs years before can be counted. I have never heard of mass destruction. By doing excavation using archeology science, the cultural change can be ascertained of any period. This process continues slowly slowly and can also disappear at once.

Question: Whether the archeology contents which are in the womb of the earth and are not in their natural activities can be destroyed at once for any reason such as earthquake etc or by reason of godess disaster?

Ans: These archeology contents cannot be destroyed but their stratification will change.

If there is any fault line in the activities of earth then the layer can be up and down. If due to any natural disaster such as earthquake, there will be a fault line in the middle and due to that fault line, the layers can be up and down. Volunteered that there will be a difference between the left layers and the right layer of that fault line meaning that the same can be up and down. It is correct that due to activities in the earth, there can be different layers in the dump and sometimes in pits. The foremost example is that if we study the imagery of satellite, we will find that the Yamuna river which is flowing in India today, the same used to flow in Pakistan. There are separate expert to read the language of satellite. They do that work. I do not do that. I know the imagery of satellite. I



am aware of imagery archeology achievement by satellite. I am not aware about the fact that NASA has prepared or shown imagery picture of the bridge constructed by God Ram from Rameshwaram to Lanka. I believe in archeological science. It is a science to create imaginary picture under the archeological science and I agree to it. The creation of earth is a natural process. For excavation of any site, it is necessary to go to width of natural soilal and then only the starting period of it can be ascertained. Natural soilal is a soilal which is virgin soilal. The meaning of virgin soilal is that where no traces of human activities could be found. Like there will no carbon, no patri and no coin would be found. It is correct that it is necessary that phosphorus and carbon dioxide should be in the natural soilal. At the disputed site, ASI had not taken sample of natural soilal. I have had a cursory reading of report submitted by ASI after the excavation at disputed site. I had used the word "observation" in my affidavit by which I meant investigation. By investigation I mean examination. It is correct that the

examination means details which had come to me. I am seen the entire details given in the report of the ASI. It is correct that the work and findings, which the ASI had found during excavation, had been completely recorded in the register which I used to see. The said day to day register was being written with full transparency.

For knowledge of any social science, there is a need of study of archeology. Social science includes the use of dressings by men and women and their daily usage of things etc. Economic history is also a basis under the archeology. By Economic history period cannot be ascertained.

Question: Whether the economic history includes the information of usage of currency in that period?

Answer: yes, it is correct to say.

It is correct that in the said currency, the picture of king, picture of animal or God or Goddess used to be there. At page 3 at line 5, there is a word "Manak", the urdu meaning of which is "usul" and in English it is principle. These principles of archeological science have been written in archeological book. The propounder of archeological science are Wheeler Marshal. The statement which I have made above in my statement, these are not archeological principles but its help is taken to know the archeological principles. At fifth line of page 3 of my affidavit, I have used the word "tacnique" which means "technic". It is correct that under the technique both the words excavation and exploration are covered. On the basis of technique wherever outlay would be given to trench, there will a pack to pack distance of 10 meters and there will be four quarters which will be four meters twenty five centimeters. Central box would be of one meter and the inside carbox would be kept 50-50 cm thick. The four sides of excavation under the trench is called section. The floor of the trench is not called

plan but plan would be called which can be seen from four sides after 90 degree exhume above the top of the trench. If any trench is stopped after excavation then if the floor comes from the lower part of the trench that would be called floor otherwise it will be said that the depth goes upto here. After the excavation of trench, the floor which is found first after surface would not be called floor but will call structure. Both the wall and floor will come under structure. After cutting the first structure if another structure is found then it will be called structure -2. Any archeologist who find surface at the time of excavation can show structure by calling floor -1 or floor -2.

If after structures, there is more excavation, then the structures found thereafter will be given number in the same manner 3, 4. In my affidavit, at table 3 in line five, the reference of scientific method means geology, anthropology, geography, demography, economic history, social science, cultural changes, biological science. At page 3 of my affidavit, the stated words scientific and engineering

methods, I am versed with the said archeology related scientific and engineering. After seeing the Patri it can be said that the same relates to which country and period. Apart from Patri, country and period can be ascertained from coins. Apart from coin, on the basis of inscriptions also about the period and country can be said.

In my affidavit at page in column 5(a), the word which has been used as stratification, the same has been taken from geology. My stratification, I refer to the account of layers which are found during excavation and on the study which is done according to it. The different layers which comes out during excavation and the layers which forms according to soil are called stratification. When the new layer which forms on the old deposit layer then they form separate layers. Ordinarily, new deposit contains one layer but sometimes there can be sub-layers inside one layer. In the same manner, inside the old deposit layer, there same be sub-layers. The antique found in down level are old from the antique found n the upper level.

For this there is no need for counting. After excavation when the trench is scraped then different layers can be seen and if it is not clear then after seeking the soil whether it is soft, or it is hard, it can be known that the same is from where and upto. The identification of layer is done by color, composition and texture.

The trench J-3 which is in the north-east of Makeshift structure, J-3's excavation was completed in my presence. Its depth is approx. 11 meter. The depth of entire part of J-3 trench was not 11 meters but at some level it was excavated upto 3 meters, at some level 6 meter and some part was 11 meter. Shri Prabhat Sahu was the supervisor at the time of excavation of this trench. I am not aware whether every step of the excavation Shri Sahu used to note in any note book or not as I had not seen any note book. I had seen daily register and note used to be there. I have referred to huge stones in my affidavit at column 5-a, they were also found in excavation and were also in the section. The

articles which were found during excavation they were all taken out and rest of some stones which were in section, they remained there. In east facing section at trench J-3, two stones remained to be placed there for long time, they were taken out later. In east facing section of trench J-3, the stone slab in which inscription were written, the same was half subside and half outside. It was in inclined position. The said stone was downside that means its inscription was downside.

The above said inscription was zig zag and its position was not square. It was 1 ft. long and somewhere below 6 inch and somewhere more than 6 inch in width. In J-3 trench, there were more big and small stones which was placed in section and which came out during excavation. There is rock formation in natural process of soil but not always and it happens only when there is a oxygen in it. The stones which were found in J-3 trench they were not of rock formation but the same were man made and the stones which were found they were wolder and were in a cut position and some were in irregular

shape and some were also sand stone. The stones found depressed in sand stones section, they were taken out for saving them under the apprehension of falling and the section was scrapped by pushing. All the four section of J-3 trench were clean cut at the end. The depth of J-3 trench had gone upto 11 meter where natural soil was found. I had not gone under this trench. All the sections of J-3 trench were clearly visible to me after a look by me. We used to sit at 7 meter in depth and for this reason all the sections seemed clear. On this G-3 trench at the depth of 7 meter craft was brought out by using stairs. There was a landing for stairs. Above this trench for about 7 meters there was no layer but there was a dump means filled up soil. Above the surface of this trench, about 20 cm below a floor was found which was built of lime-brick-dust and which came with the category of structure. This was brocane floor. The witness was shown ASI Report Volume 2 Plat No. 12 and it was asked whether such a floor below a sitting man is there and the similar kind of floor was found at the site of excavation. In answer thereto the witness said that such floor



was not found in J-3. J-3 is a part of excavation where two stairs are visible there, one is standing and one is lying. On the floor where man is sitting, one part of that floor is of J-3 and is made of sharp brick. The stair part of J-3 was not made of sharp floor but was made of broken lime and brick-dust floor. The floor was 5 to 7 cms strength. Under the depth of 7 meter of J-3 brick-dust floor some artifactors have been found. This part is fill. On excavation of this part, the patri, beads, animal fingering and Lodas have been found. On this report of ASI at Plat No. 14, the all layers of lime brick-dust are not floors. On the above of this plate, the white marble stone is visible which is not a platform (chabutra). I had seen at the time of excavation. It is a slab built of lime brick-dust. It is not a stone slab. I cannot say whether the upper floor of the surface of lime brick-dust, at the place of scale, is of 3 ½ ft or not as at had not measured it. It is correct Plat no. 17 which is layer of stone and brick-dust was dumped by human. On all the small stones, there are brick vets of stone and brick-

dust In the report of ASI at Plat No. 5, the layer which had been shown at 2..3.4, the same is actually not a layer but is a fill. Below that, two layers are in fact written correctly but the serial number given there would change.

N.B.P.W (Northern Black Polished Ware) which is a period between 500 BC to 200 AD, in the said period patris are being found. The period after 200 ad is called period Shung Vansh which remained upto 200 AD to 500 ad and this period had remained contemporary to NBPW. Krishna period ended in 200 AD. Gupt period comes approximately upto 600 AD. It is presumed that Rajput period starts from 600 AD to 1192 AD. It is not correctly remember to me whether Rajput period came upto 1200 AD. It is correct that during the rajput period, the use of dome and sharps in construction of buildings had started.

In plate no. 25 the wall of dome is seen and in which the stone which is encrusted, the same was used again for filling. The same kind of

encrusted stone is seen below in Plate 25. These kinds of stone were being used in all buildings of northern India whether it is Hindu enterprises of muslim enterprises. In such buildings, there can be temples. It is incorrect to state that till the end of 12<sup>th</sup> century, in northern india, there were no buildings of muslim community inspite of the fact that in 1192 AD, Mohd. Gauri etc. kings had ruled but before that the people of muslim community used to come in east india for trade and used to live. I have read in books that from 8<sup>th</sup> century itself the Arab people used to come east India for trade. 8<sup>th</sup> century was Rajput lineage. In the Rajput lineage in which Garhwal was the main even though at this time it is not correctly remember to me that in 8<sup>th</sup> century dry fruits were the main trade from nearby Central Asia and from here they used to purchase sword arrows. At present I do not remember the name of book in which I had read about the trade. I also do not remember the name of writer of the book. In east India all the houses which were constructed they were known as Nagar form. I do not remember as to which period

the foreigner traveler Magnathese had come to India. As far as I remember Magnathese had come as an ambassador of Unani King Cellicus. He had come during the period of Chandragupt and Chanakaya.

The Neem and Pipal trees are still standing at east and south corner the inner and outer courtyard of vestige of disputed place and disputed building. There was a graveyard at the north trenches on which there could be cloister meaning covered porch which has been shown in ASI's report at Volume 1 at Figure no. 2 which was made of lime brick-dust. Some pilferage of the same was found. On this Volume 2 at plate 48 the round type structure is shown the same is not pilferage but it is part of the floor which must have been used by reinforcement technique.

Question: When you were at the place then the so called piller base shown in Plate No. 48 as it is was brought out by digging the base.

Answer: There was lime brick dust on the so called piller base and above that there was a floor so it cannot be called piller base.

It is correct to state that the condition in which it is looking, it was looking similar after removing the floor. It is incorrect to state that all the so called pillerbases which have been found, all were having concrete or sand stone base. The alleged piller base which is seen in plate 48, it had come out at it is. No cutting had been done but on some other pillar base cutting was done. It is not correct to say that at the time of exhumation videography or still photography of every moment was being done but photography was being done after making pillar base meaning thereby that after cleaning the alleged pillar base photography and videography was being done. It took 20 to 25 minute for curtailling the pillar base by taking help of labour and guidance of assistant archeologist. It is correct that there were 33% muslim labour for digging. It is incorrect that I am lying about making the pillar base after cutting.

The witness has said about ASI's report Volume No.1 at Figure no. 23 and 23 A (page no. 42 A and 42B) that the meaning of isometric view is dimensional picture meaning thereby that is not a imaginary picture. After seeing picture no. 23, the witness says that the distance shown in the alleged pillar base is approximately similar but the distances in the constructed floor have been created by one technique as it is seen in the picture that the alleged pillar base have been made in three floors by different alignment.

It is correct that bone found during excavation are called artifacts but the bones which have been found during excavation had cut marks and cannot be brought from outside. According to the disputed place these bones cannot be brought by crow, eagle, dog and cats as the bones with cut mark do not have flesh and therefore these cannot be said to have been brought from one place to other . it is incorrect to state that during excavation at the disputed place no bones with insized cut were found but it is correct to state that 90% bones with cut marks

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had found. It is incorrect to state that I am only a draftsman and I have no knowledge about archeology and ancient history.

(Cross examination of DW 6 /1-2 in case no. 3/89 closed by Shri Ranjeet Lal Verma, Advocate)

Read and certified

Sd/-

(Md. Abid)

13.9.2005

On our dictation in open court typed by typist

For further cross examination the case be listed on 14.9.2005.

13.9.2005

**12701**

BEFORE THE COURT OF HON'BLE SPECIAL FULL  
BENCH, HIGH COURT, ALLAHABAD, LUCKNOW BENCH,  
LUCKNOW

D.W. 6/1-2 MOHAMMAD ABID

DATED: 14.09.2005

(In continuation of cross examination of DW  
6/1-2 in Original Case No. 4/89 for Defendant No.  
2/1 Mahant Suresh Das, commenced by Shri Madan  
Mohan Pandey, Advocate)

I was present from the very first day at the  
time of digging at the disputed site means I was  
there from 12.3.2003. I have knowledge of the  
fact that the work of digging started on the  
orders of the court. I have knowledge of the fact  
before the order of digging a GPR survey of the  
disputed site was conducted. I had seen the GPR  
at the time of digging. I had a cursory look, at  
the site itself, into the report annexed with the  
map. It is correct that some anomalies are  
mentioned in the GPR survey report. It is also  
correct that order of excavation was passed by  
the court for confirming the said anomalies. I  
was there at the time of digging at the disputed  
place for about 3 months. I was at the disputed



site on 3<sup>rd</sup> July. I am there in the capacity of nominee of Hazi Mehboob Sir. At the time of excavation some anomalies were confirmed such as Wolder Stone, structure etc.. These anomalies were in the south east of trench no. J-6 and J-7. I do not remember now which other trenches were confirmed or not. I had a cursory look at the report filed by Archeology department (ASI) in court. I do not remember now whether ASI in report has stated that in which other trenches anomalies are confirmed or not. On being asked the witness said that I can tell after perusing that in which other trenches anomalies are confirmed. I can tell after pursing the report that which anomalies are confirmed by the ASI. There is mention about pilferage in the report of ASI. I do not remember now that which pilferage has been shown as anomalies in the report of GPR.

There are two kinds of excavation. First is horizontal excavation and second is vertical excavation. Horizontal excavation is done when only one culture is to be studied. In vertical excavation all kind of studies are conducted.

Under horizontal excavation, detail information comes regarding the culture which is at the site. Under both horizontal excavation and vertical excavation, there is no relevancy of the area. Volunteers that under horizontal excavation the site is required to be fully exposed for result. Under the vertical excavation it is not so. It would be correct to say that where there is limited space, it would be correct to adopt vertical method. Then said that it would be dependant on the fact that which culture is to be excavated. If the site is of multi culture then vertical excavation and if only knowledge of one culture is required then there would have to be horizontal excavation. It would be incorrect to state that if excavation is done by horizontal method then all the information will not be obtained from cultural sequence. Volunteered that if there are more cultures over a culture then material of that culture will come. It is correct to state that by using both the methods complete sequence of any culture can be found. Volunteered that if we do not require to study two culture which are found above then same will be cut down

and removed after recording the same and the culture period which is required to be studied then we do complete study after placing the same before us. Culture period comes by both method i.e. vertical and horizontal excavation but the culture which is required to be completely studied, the same is exposed horizontally. Horizontal excavation is necessary for detailed study of a culture. In the same manner, if a limited prospects of a culture is to be studied then there should be vertical excavation. Volunteered that if the mound and area are big, in such case vertical method is adopted. It is correct that the excavation which is done at the disputed site, ASI has adopted both vertical and horizontal method and on that basis has shown the culture of the site in its report. Before starting excavation, ASI had taken photograph of the site and did videography, took layout of the trench and then commenced excavation work. This is called grid system excavation. Grid system excavation is internationally accepted method. The disputed site is uneven. It was informed to me that before our reaching at the site, ASI had

conducted a survey and had then prepared a cantor map but I have not seen the map and only heard about it. I do not remember that whether ASI has stated about the cantor map in its report. Whereas, as per my information, perhaps ASI had annexed cantor map with its report. Before excavation, once I had seen the disputed site. I had seen the disputed site before its fall. I had seen the disputed site about 15 years back. I had gone to visit Ayodhya and during that period I had seen the disputed site. When I had gone to see the disputed site, I had heard that there is a dispute. I had got permission to go inside. I had gone inside after taking permission from the persons who were there. When I had gone to the disputed site, I had information that permission is required to go inside. When I had gone first time to disputed site, no local person was with me. Some other persons were with me, I was not alone. In those person professor Surajbhan sir and one-two persons were with me but I do not remember the names.

Cantor map was prepared to show the length of the surface of the land or deepness or where there land is not equal. Cantor map is not prepared by making base the surface of the land but it is made on the basis of sea level (benchmark). The mound of the disputed site was flat means its upper side was flat. The flat area level of mound would be about 50x50 ft. I have seen various other mounds except the disputed site. It is correct that natural mound contain slop. It is also correct that in natural slop water is flowing from above to which direction etc. remains. It is correct that there is no sign of mound at the disputed site. It is also correct that when any construction is commenced on mound, the human used to flat that. The mound at the disputed site would have been flatted by any human agency. The mound used to be in cantor circle. The circle area of mound at the disputed site was at the corner of the railing's circle area, make shift structure and human house. The mound area was about 20-25 meter in circle line of east side of make shift structure and in this manner the mound area of about 20 meter from west

side was shown in circle area line and from southern side area of 50 meter of mound area was shown in circle line. The description which have given regarding above circle line of mound, these are one part / unit. This area must be 10-11 meter high from western side of surface and has gone in slop from eastern side therefore I cannot tell its height by even imagination. This area from southern side must be 8 meter high from the surface and from western side since there is a slop it must be 2-3 meter high from the surface. It is correct that the western side of make shift structure must be approximately 20-25 deep. It would also be correct to say that this deepness has gone far from western and from southern to east side of make shift structure and in western side of the deepness there is population. It is also correct that the surface of this deepness and the surface of western side population living is approximately same. I got the cantor map prepared during excavation.

The learned counsel showed to the witness the report of ASI, Volume 1, figure -1 (page 13A) and after seeing the same the witness said that the

figure shown in cantor map regarding disputed site is correct. In this cantor map, the upper area of mound shown as A, B, C, D, E and F as flat area, this figure according to archeology survey is correct. I have no knowledge whether the dispute in this case are subject matter of part A, B, C, D, E and F which are shown in line or less than it.

The above said A.B.C.D. E F are flat area of eastern side of the site and the same has been shown in the same manner in cantor map. Mound is in the circle and rest of eastern side area is flat. The meaning of flat is equal area of land from surface. The Sheshavtar mandir shown in the map is on the mound and in circle. The Manas building shown in mape and A, B, C, D E F and the land of Sitakup is approximately on the surface of the land. Sitakup is about 1 meter above in height from the land. The shaded area of mound shown in the map in measurement they indicate surface above the benchmark. The levels given in the map are correct. The circle area which I have read above in my statement which indicates

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all the directions they are covered from the map. The area of north side which I have described above, the same is southern area of road from south side of Sita Rasoi. In east side as per my above statement is above the barricade area of circle area E and F. it is upto there. As per my statement the circle area of E, F is upto barricade shown in east. It is upto there and not upto barricade of Manas Bhawan. In the southern side, the circle area is in slight southern side of the security post as shown in map. In the same manner, in western side the area shown in A-1 is the circle area of site.

After preparing the cantor map, ASI had conducted survey of the area. In this survey, before the excavation the bolder and finds etc. which were found by ASI, the same were recorded and were also photographed and videographed. I was present at the site during this process. The ASI had conducted the process as per rules of archeology excavation.



At the time of digging, the supervisor of the trenches would have note the articles found. I do not know. I had only seen the same noted in the daily register. At the time of excavation, the parties, their counsels, expert nominees and two observers appointed by the court were used to remain present. During excavation, the ASI had arranged three dimensional recording antiquity. In respect to trenches also three dimensional recording was arranged.

By stratification, I mean that the study conducted after the section is made, whether the soil is dump, fill or the artifacts which are in that are improper and the soil is loose or hard and the area is high tension or not, is called stratification. According to me there is no other meaning of stratification. Apart from this, in stratification, the texture of soil, hardness and color is also seen. According to me, the meaning of stratification which I have stated, there is no other meaning of stratification. Volunteered that the period can also be known from the layers which are fixed for stratification. The period is ascertained from the material found in colour.

There are sub layers under the layer. For stratification, apart from above, I do not want to tell more. The study of different layers is conducted according to articles found in it. The identification of layer is done according to material and artifacts, texture and behavior. In identification of layer, on finding dump or pits, the same is also layered. In identification of layer, the colour of soil and quality is also considered. In archeology there is importance of period of building. It can be said that archeology is based on superimposition theory.

Question: what is theory of superimposition theory?

Answer: The facts which are matter of history, and if finding of archeology are found then the same is included in the historical fact and the mixture of both is theory of superimposition.

I do not know from where this theory started. I also cannot tell that this theory is of geology theory or not. It is incorrect to state

that the meaning of superimposition is if there is one layer on another. But it is correct that load is given to a layer is called theory of superimposition. It is correct that stratification is a scientific method to decide the period. It is also correct that in archeology there is a great importance of stratification. It is also correct that after identification of layer, the floor and structure are correlated with the layer. I have already told the method of identification of layer. In identification of layer, disparity between normal deposit and abnormal deposit is done. By behavior, I meant composition, texture and colour of layer.

Question: You have told above that for determining the layer, behavior has a role then what you meant by behaviour?

Answer: Behavior includes that whether soil is hard or soft or concrete is found.

Question: By behavior do you mean regarding layer is disturbed or undisturbed or not?

Answer: According to me it is incorrect. I don't agree.

It would be incorrect to state that in excavation there is no importance of layer being disturbed or undisturbed but it is correct both have importance in their respective place. Undisturbed layer is known to technology in these words. For counting any layer, there is no need of carbon dating. It is correct to state that correctness of carbon dating is admitted and the carbon dating is a scientific method whose results are final.

ASI had done carbon dating of some trenches by taking samples. I have not seen the report of carbon dating and hence I am not aware of their findings. At this time, I don't remember that at what trenches the ASI had got conducted carbon dating since I have not

in my possession the report of ASI and I had seen it cursorily hence I cannot say on which layers carbon dating was conducted. I have minutely read the chapter in the report of ASI about pillar bases. Apart from pillar bases, I have also minutely studied the sections of J-3 trench. Apart from this I have also deeply read the part of the report in which description of structure is given. I have deeply read the three important things in which pillar base, Layer o J-3 and structure is there. Apart from this I have a cursory look on the part of the report of ASI. I have not read it minutely.

Now I do not remember about the study related to bone science. It is correct that this is a subject of geology. I have some knowledge about the bone subject. I do have special knowledge. The bones found during excavation are examined scientifically. According to my knowledge, the examination is conducted in laboratories at Surat and Pune. I was never student of geology. No paper, article or

worked of mine was published relating to geology or bones. I have preliminary knowledge but I have never undertook specialized study on bones. The opinion given by me on bones is based on knowledge and experience on this subject. The statement in my affidavit which I have given in para 5-E and 6-A, in this respect there are two kinds of bones one in angular and another is vertical. It is not in my knowledge that what is green bones. I have knowledge of dry bones. The bones found in trenches during excavation were being mentioned in daily register and the bones were being separately preserved. Volunteered that the study of bone science is called chromonology.

Question: Without scientifically examining the bones, it cannot be concluded whether the bones are of human, animal or bird. Is it true or not?

Answer: It is not correct to say. In fact reality is that after looking at some bones found during examination, it can be assumed that whether they are some animal, or some bird or human such as after looking at bones of fish, tortoise or some animal it is easy to assume that whom bones are.

It is correct to state that the identification of above bones which are presumed comes only after correct identification procedure or report of the expert. I know about the screening cut marks. It means peeling i.e. after attaching with weapon the bone should be intact and a cut mark comes on it. It is correct to say that on screening cut mark of bone, no cut comes on the bone but it peels. When there is an idea in the mind of attacker to make any kind of weapon then the attacker uses the screening cut mark method. It is also possible that for taking out skin the method of screening cut mark is used. I do not have knowledge of other cut marks such as dismembering. What I have written in my

affidavit about cut bones, the same is stated on the basis of my experience and knowledge.

According to my knowledge, ASI has stated in its report the distance of pillar bases about 50 pillar from the disputed site. It is correct that section of some pillar bases trench have been found on which pillars stands which is called pillar base. From pillar base mean that first after digging pail pillar stone is kept and after that keeping in mind the load footing is prepared and then base is constructed and that is called pillar foundation. It is correct that pillar base is made on the pillar foundation and pillar stands on the pillar base. The pillar bases searched by the ASI are all of different kinds. The pillars found in north side of the disputed site are different from the pillar found in disputed site. It is incorrect to say that as per the principles of archeology, the correctness of pillar bases found in section is unquestionable. No pillar base can be made in any section.



Again said, that after cutting section from section, pillar base can be made. As I remember, 4-5 pillar bases were found in the sections of disputed site.

After looking at ASI report volume 2 at plate no. 46, the witness said that in the picture shown in pillar base concrete of brick bats have been fixed. Volunteer that I do not think this as pillar base. It is correct that in the picture of brick bats concrete stone is there. The brick bats shown in this picture are not concrete stone pillar base but the same is reinforcement part of the floor. By keeping such stone the strength of the floor sharing gets exhausted. It is correct that the concrete stone shown in picture no. 48 is not stone pillar base but is a part of floor. The answer given by me in respect to picture no. 46 is also appropriate for this picture.

During excavation, I have not seen before, the figure No. 2 given in report of Volume I of ASI. This map was prepared before excavation by Tojo Vikas International. It is correct that anomalies shown in red line in this map are anomalies which were found by GPR Survey conducted by Tojo Vikas Enterprises. It is correct to say that the ASI had confirmed in its report some of the anomalies shown in Figure - 2. I do not remember this time what are those anomalies which were confirmed by ASI but I can tell about anomalies regarding area such as J-7, J-8, K-7, K-8 etc. trenches which were confirmed by ASI in its report. The drawing given by ASI in its report about walls are correct as per place. It is absolutely incorrect that I have no knowledge about pillag bases and structure and bones and under some influence I am giving false statement. It is correct that I have special experience in drawings and draftsmanship. It is correct that during any excavation the draftman makes drawings on excavation done by

trench supervisor. The excavation work which I have stated in para 3 of my affidavit, I have worked there as trench supervisor. In my capacity as trench supervisor I had written chapter on the basis of excavation and had given to Director. These chapters were published on the basis of report of the director but these reports were published in the name of the director even though my name has also been given. No report in my name was published. Volunteered that I have read some paper on my work on excavation in UP History Congress and Indian Archeology society. My paper was published in the Journal Archeology of Indian Archeology in my name and in the name of Ramjeet. No research book of mine has been published till date but one article has been published and one is about to publish in international journal the acceptance of which has come. The said article is to be published in Islamic Journal of Hyderabad. It is correct that no excavation work can be commenced without the permission of ASI. It is also correct that

essentially every agency has to submit its report to ASI after completion of excavation work. It is also correct that artifacts found during excavation are property of ASI. It is correct that in the report of agency doing excavation work, the names of all the members in which team leader to technical assistant, are mentioned but some time name of director is not sent. In all the places stated in para 3 of my affidavit, the report was sent to ASI and my name was mentioned as the member of the team. In para 6-A of my affidavit, I have stated according to my information about 3 meter deepness of concrete and the foundation of sand stone and that the soil below 3 meter and below that the nestle of Sultuant period and vestige of their structures are based on my presence at the site of excavation and I have written observation on the basis of my personal information. I donot remember now, the ASI has stated in its report in which chapter about the foundation of Babri Masjid and layer under the soil and the foundation of

Saltanet period. I also do not remember in these respect ASI has stated in its report or not. I had not verified the above facts before stating in my affidavit at para 6-A. These three facts are based on nearby digging of F-7 and F-8 trenches. The witness after looking at report of ASI at figure 5 of Volume 1 said that the stated foundation in para 6 of my affidavit are in between of figure below the foundation E-8 and E-9. It is correct to state that in between E-8 and E-9 there is structure till layer 5 and there are pits in figure 6, 7 and 7A. my writing regarding foundation and the two layers below the foundation have been shown in figure -5. The foundation of 8 and E-9 have similarity. Figure 5 is correct according to spot. In this figure the foundation of 3 ½ meter between E-8 and E9 has been shown according to para 6-A of my affidavit but two layers below has not been shown in it and instead has been shown in trench G-7. The scale of the sketch of figure 5 is equal to 2 ½ cm. The deepness of foundation between E-8 and E-

9, has been stated to wall in this figure relating to sketch. The details are correct. I have stated in para 6-A of my affidavit, 5 ½ meter deepness of foundation and one layer, the same will meet G-6 instead of E-8 and E-9. It is incorrect to state that I have no knowledge of pillar base, structure and archeology excavation. It is also incorrect to state that I have no special knowledge about pillar base, bones, structure etc. It is incorrect that I am deposing falsely under special influence or special reasons.

(Cross examination of DW 6 /1-2 in case no. 4/89 closed by Shri Ranjeet Lal Verma, Advocate for Defendant No.2 / Mahant Sureshdas)

Read and certified

Sd/-

(Md. Abid)

14.9.2005

On our dictation in open court typed by typist

For further cross examination the case be listed on 15.9.2005.

14.9.2005

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BEFORE THE COURT OF HON'BLE SPECIAL FULL  
BENCH, HIGH COURT, ALLAHABAD, LUCKNOW BENCH,  
LUCKNOW

D.W. 6/1-2 MOHAMMAD ABID

DATED: 15.09.2005

(In respect to date 14.9.2005 cross  
examination of DW 6/1-2 in Original Case No. 4/89  
for Defendant No. 17 Shri Ramesh Chander  
Tripathi, commenced by Shri Visheshwar Dwivedi,  
Advocate)

It is correct that I completed diploma in civil  
engineering in the year 1977 and in the year 1978  
I got job in Aligarh Muslim University and in the  
year 2002 I completed MA in ancient history. I  
completed MA during my service. In the classes of  
ancient history, four papers were of ancient  
history and four papers were of subsidiary. My  
subsidiary papers were in American history,  
modern history of india, British history and  
history of Russians. In ancient history my first  
paper was on architecture, second paper was on  
history from 200 AD to 1100 AD, third paper was  
on history from 200 BC to 800 AD and the forth

paper was on Indian art and culture. All the above four papers were related to ancient Indian history. Under Agra University there are many affiliated degree colleges. It is correct that for doing MA in ancient Indian history from Agra university till July 2002 to 2004 only these four were compulsory subjects which I have stated above. Christian era and AD are one. Archeology was not my special paper in MA. At the inception when I got job my work was to prepare map (draftsman) and thereafter I became senior draftsman which is called senior technical assistant (draftsman). At this time I don't remember the meaning of Archach. It is correct that before 4 to 6 years back the meaning of Archach would have known to me but now I have forgotten.

Question: Should I say that at this time you do not remember the meaning of Archach because you do not consider it important?

(On this question Mr. Jafaryab Gilani Advocate has objected and said that when the witness has



said that he do not remember the meaning of this word then there is no logic in raising this question)

(In the opinion of the court since the witness was knowing the meaning of this word and has now forgotten hence this objection is baseless and is rejected)

It is correct that since this word was not in use at the time of my work and hence I have forgotten the meaning now.

During my MA examination, I had written the answers in English medium. I slightly know Hindi and Urdu. Shaphti is used for take oath. The deponent has the same meaning. I do not know at this time the meaning of "Samayojit". In my affidavit whatever is written I had written them in english and the same prepared in Hindi by my counsel. I have not engaged a lawyer. Volunteered that the counsel of Mr. Haji Mehboob had prepared the same in Hindi. When I had said the word "my lawyer" I meant by that the counsel of Haji Mehboob. The meaning of "Satyapan" is truth. In this affidavit various facts have been

written in different paragraphs. The facts which were in my personal knowledge I have written in my affidavit that these facts are true to my personal knowledge. Some facts were not in my personal knowledge but I believed them to be true. It is incorrect that I have stated wrong facts without considering them. It is correct that I had read the affidavit and after considering it I had signed on it.

It is correct that in the affidavit of my chief examination, at page to 8 some words and some figures are in brackets. I believe them to be true. The facts in my affidavit which have under brackets, they are based on my experience and knowledge. It is incorrect that I have filed my affidavit in a very casual manner. Then said that before this I have not filed any affidavit in court. This is my first affidavit. On the basis of the note which I had prepared, the counsel has prepared it. At para 5(e) at page 5, the word which is been written in the brackets that "however these details" ..... "are necessary", this it correct to my belief. In the same manner, above page 6 the five lines "archeology and

knowledge"...:is in this case", are also correct as per my belief. It is correct that it would be wrong to say that these above facts are based on my personal experience and knowledge. At para (u) of page 6 of my affidavit, the eight lines which have been written in brackets, the same not on the basis of my personal experience and knowledge but are true to my belief.

In my affidavit at para 6-a (page 7), the words which have been written in brackets that "two meter thick layer of soil..... has been plastered", these are based on both my personal knowledge and belief. In the same para, the facts which have been written in brackets, these are true to my personal knowledge. It is not correct that all times knowledge and belief is always one. It is incorrect that on the basis of my convenience, I tell sometimes that something is correct as per my knowledge and my belief and sometimes I tell something is correct on the basis of my belief.

I have not read the order passed by High Court about which I have stated in para 4 of my affidavit.. I was told by Professor Aktedar Alam that the Hon'ble High Court has directed ASI to excavate at Babri Masjid. Apart from him, I got telephone calls from Faizabad and Ayodhaya. He had asked me to remain present there as a nominee. At that point of time, I was not aware whose nominee I was being made. Thereafter, I came to know that I was made nominee of Dr. Jahir. I was aware that disputed site was to excavate. It is correct that in my affidavit I have stated the disputed site as Babri Masjid site. At the time of excavation, at the disputed site, the skeleton frame which was there at that, directly below it, no foundation wall was found. By directly below I mean that attached directly below to the foundation wall of the disputed site which was there, no foundation wall was there. The foundation wall which was found below the disputed skeleton, there was soil below two meter. Thereafter some structures were found at some distance. It was in the shape of a wall. It is incorrect that the foundation wall of the

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disputed building was on the wall found below two meter of soil. the wall which was found below two meter of soil was short in length of the disputed skeleton's foundation wall. The wall which was found, which I have stated above, was approximately 10-12 meter long. I had not measured it. The foundation wall which was there on the disputed site was of approximately 50 meter and the wall which I have stated above which was found was 10-12 meter long. I had not measured any o the wall. On the stated 10-12 meter long wall, it may be possible some skeleton would be on it. The skeleton on the stated wall would be in the form of some residential house or could have been. The said building could have been a residential house for a human or some Goddess-God.

I have not done any academic course in archeology but I have working experience in field. I have read a mention about the word "Diti" in ancient Indian history. These 'Diti' are different kind of Goddess or God. It is correct that the place where Diti used lived were known as temple of

said 'Diti'. My experience commenced as draftsmen. I have no degree in archeology or excavation. Volunteered that there is no degree for excavation. Where archeology study is taught, the knowledge of excavation is given as a practical. During my study of engineering and ancient Indian history, I never took part in excavation. During excavation, I had seen the base part of Babri Masjid which had remained as it is at some places. I do not remember whether I had informed or not the archeologists about the base part of the Babri Masjid which I had seen that this is the base part of Babri Masjid. Volunteered that the persons who were present there they were themselves talking. It is incorrect that I am completely falsely stated on this point.

There was professor named Irfan Hfib in Aligarh Muslim University. He has retired now. His articles were being published periodically in newspapers. I have not read the claims and evidences in this case in which I have come to depose. I know the issue involved in this case.

As far as I know the Hindu claims that in ancient period there was a temple at the disputed site on which a Babri Mosque was built after breaking the temple whereas the Muslims claims that on this disputed site there was a mosque always which was not built after breaking the temple. I do not know whether Muslim community also claims or not that Babri mosque was built on a empty land. I also do not know that Muslim community also claims or not that Babri mosque was not built on some skeleton. As per my knowledge mosque is a straight wall and not a skeleton. Volunteered that skeleton is called a building on which a roof is there. Since after building a wall of mosque the aim is complete therefore it will be called a building. I have said in para 6 a of my affidavit that below the foundation of mosque there is a two meter soil and beneath it the vestiges and foundation style of Sultanat period were found. It is incorrect to state I after reading the article of Mr. Irfan Habib has said that the abovesaid structures and vestiges of Sultanat period are part of walls of other mosques also. Volunteered that I have till not

read the article of Mr. Irfan Habib. I on the basis of my knowledge and experience has said in para 6a of my affidavit about the structure and vestiges on wall of mosque. By Sanrachna I meant structure. It is correct to say that I have said on the basis of my skilled talent that the wall found during excavation is the main wall of the mosque. I have got skilled talent from my experience and the training given by Professor R.C. Gaur. I got training for 18 years under Professor R.C.Gaur. R.C. Gaur's full name is Shri Ramchander Gaur who was professor in Muslim University and used to work in the same department in which Irfan Habib used to work. It would not be correct to say that Shri Ramchander Gaur used to work under Shri Irfan Habib but both were independent and both were professors. At one time Professor Gaur had become President of department of history and another time Mr. Irfan had become. Shri R.C. Gaur had power to give me certificate of excavationist since he was Director of archeological department. It is incorrect that I am stating false on this point. I have done the work of excavation for



approximately 18 years with 18 years under Shri RC Gaur and was also doing the work of writing report etc. It is incorrect that I had no power of writing reports during excavation rather I have been writing report on the directions of Director. I have not worked as team leader in any excavation work. Even though I was not team leader, Director used to direct me to write reports. Apart from me out of 22 persons, he used to direct 5-6 persons to write reports.

In Urdu the meaning of 'principle' word is 'Usool' and the meaning of 'standard' is 'mayaan'. In my earlier statement I have rightly said that 'manak' in English is called principle and in urdu it is called usool. It is incorrect that I use to tell meanings as per the need.

I am unable to understand now the meaning of word 'padhati'. I can only tell after consulting the dictionary. The words which I have used in affidavit, I have not used them without considering their meaning. It is correct that on this point I am deposing falsely.

At para 3, page 3 of my affidavit, the names of journals I have used, therein my name is not written as archeologist rather it has been written in the capacity of team member. It is correct that report of all the excavation works in which I have taken part and which had been mentioned at para 3 of my affidavit, was sent to ASI. It will come to know after looking at the reports that my name is there in the team but what is status of a person, it does not mention in the report. In every project of excavation, different teams are made for different works and apart from this if director gives additional workload to any member he had to work on it. It depends on the prudence of the Director to take from any additional work out of his power. Volunteered that for illustration, along with me many senior assistant (Patris), Senior technical assistant (activity), senior technical museum have done work of supervision of excavation work. In the same manner, I apart from draftsman have done the work of excavation.

I myself have cut the bone but I have not screening of any dead animal. As per my information hide means liquid substance. I had cut the bone with Bugdha. Bugdha contains a handle with hard iron blade. Bugdha is used to cutting the woods. I have not taken any training regarding cut mark in bones and neither undergone any study. I have studied only on bones found during excavation. For example we use to send the bones found during excavation to Pune or Baroda and report used to come from there. From those reports only I gained information on bones with cut marks. Then said rather I have not read the reports received from there but heard from Prof. R.C Gaur. On the basis of that knowledge, I have stated in para 5-E about cut marks. Whatever I have said in para 5-E about cut marks the same is based on my experience and personal knowledge. It is incorrect that I am deposing falsely on this point. It is correct that I am not expert of bone cut marks but it is incorrect that I am not expert in excavation work. In our side, the child of buffalo is called bachiya (calf). It is incorrect that I am deposing falsely on issue.

The bone of a child of buffalo (calf) would be slight thick and would be hollow from inside whereas the bones of a ram (bheda) would be lamella but less hollow. The bones of billy goat (bakra) and a ram are similar but the difference in both can only be explained by expert.

During the excavation, if bones of both billy goat (bakra) and a ram are found then without the opinion by the expert, I cannot tell that the said bones of billy goat (bakra) or a ram. It is correct that for cutting the bones, if heavy weapon, or light weapon or blunt weapon or less blunt weapon is used then there will a difference in cut mark. It is also correct that there would be difference in cut mark of killed animal, if they are cut down in permissible way (halal) or at jerk (jhatka). I had no medium to examine the bones found during excavation at the disputed site but I gave my opinion on the basis of my knowledge and experience. The bones which were found at the spot, on looking at them it assumed that they are bones which left after cutting and eating the animal. I have required experience

identifying cut marks on such bones. It is incorrect that I am deposing falsely on this point. It is also incorrect that I am deposing falsely as I am biased and prejudice rather it is correct to say that I am secular person and keep keen interest in excavation work and giving true and correct deposition. I know the meaning of secular which means no prejudice towards religion. I have not got the meaning of secular from dictionary rather from the inception of my studies, I know it by my experience and knowledge. I had started my studies from the age of 4-5 years. It is incorrect that I am deposing falsely on this point.

(On Original case no. 4/89, the arguments of Shri Vireshwar Dwivedi, advocate for defendant no. 17 Shri Ramesh Chander Tripathi is closed)

(On Original case no. 4/89, the cross examination commenced by Ms. Ranjana Agnihotri, Advocate on behalf of defendant no. 20 Akhil Bhartiya Shri Ram Janam Bhumi Punru Dwar Samiti)

X

X

X

X

I have not read the Constitution of India. In my affidavit at para 5E the stated word's Dharamnirpekha (secular) means secular. I have a duty for my country. In ASI there is a post of assistant archeologist. In Aligarh Muslim University also the post of assistant archeologist is there. I was not appointed on the said post. Volunteered that my Director used to send me by writing on his pad as leader of any team or teacher of archeology or assistant archeologist. I do not remember whether anywhere I have written or not myself as assistant archeologist. If my professor has stated somewhere me as assistant archeologist the same is on his own conscious and not on me. I do my work as per the orders of the chairman. There are three archeologists in Aligarh Muslim University and out of them two are senior technical assistant and one is technical assistant. If the Chairman has introduced me as assistant archeologist or has somewhere written as teacher then I do not object because this is his conscious, Even otherwise he being Chairman of my department, he know what is my capacity.

There is a computer installed in History department of Muslim University but it is not in archeology section. I know operations of computer. I have never seen report relating to excavation work on the computer. I have some knowledge of ancient history Medieval and modern history. Since the ancient history is not in practice, I don't remember much. I have read the history of Marathas. I don't remember the history of Akranta. I have not read that Babar was one of the Akranta meaning invader neither I have heard that Babar is Akranta but have only heard and know that he was one of the king of India. I had gone to the dispute site in the capacity or nominee observer and not as expert, It is incorrect that I used to go to dispute site as I belong to muslim community. It is incorrect that in my affidavit I have given example of illiberal. It is incorrect to state that due to such illiberalness I have used the words Babri Masjid, Saltanakalin etc. in my affidavit. By using the stated words Saltant period, I meant the period before Babar which is period upto

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1192. As per my knowledge Babar had come from Multan.

The excavation work which I had done in Antarji Kheda, vestige of Jain temple were found there.

Read and certified

Sd/-

Md. Abid

15.9.2005

On our dictation in open court typed by typist. For further cross examination the case be listed on 16.9.2005.

15.9.2005

*www.vadaprativada.in*

BEFORE THE HON'BLE SPECIAL FULL BENCH, HIGH COURT, ALLAHABAD, LUCKNOW BENCH, LUCKNOW

D.W. 6/1-2 MOHAMMAD ABID

DATED: 16.09.2005

(In respect to date 14.9.2005 cross examination of DW 6/1-2 in Original Case No. 4/89, the cross examination commenced by Ms. Ranjana Agnihotri, Advocate on behalf of defendant no. 20 Akhil Bhartiya Shri Ram Janam Bhumi Punrundwar Samiti)

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Under the supervision of Shri R.C Gaur, I had done the digging work in relation to archeology in Antarjikhed. During the digging the additional broken terakota and stone labs of vestige of Jain Temple were found from which it was inferred that a Diti was kept there. Only one stone slab was found there. On looking at the broken statue which I found there, it can said that the same was of some God. At Antarji Kheda the archeology related digging was going on from the year 1964. In relation to the said digging work I had gone there in the end of year 1978. I made the drawing of digging after that which was verified by Prof. Gaur at the spot. The digging at the Anterkheda was under the supervision of Shri Gaur. I prepared a list of the artifacts at the spot which were found at Antarji Kheda. I also mentioned in detail in that about the fact that which article was found at what place.

Shri Makhanlal was the deputy director of archeology section in Aligarh University. I did

digging work in Radhan area in Kanpur district under the leadership of Shri Makhanlal. At the time of digging I used small pickup X, and big X of the same and hack and knife for taking the soil and scraping. Apart from this I used shovel at some places. Hack and other big equipments were used by labours for digging. I used only small equipments and knife for scraping etc.

Scientific method which I have stated in my affidavit, by that I meant a method by which the articles found during digging be kept on the same place in the same manner after examination. At the time digging in Ayodhya, the scientific method was adopted but at the beginning, the glazed wear and bones, which were found, were thrown by the labourers. In this connection I had made a oral complaint. I had made oral complaint to the NC Prakash, Supervisor and Mr. Mishra who were officers of ASI, present at the trench and were present at the spot. . After my complaint, the two officers of ASI had sent the labourers to work at other trench. It is correct that the glazed wear and bones found during excavation were being thrown by the labourers and not by the

officers but I was unable to understand that how the labourers come to know that glazed wear and bones are to be thrown. Apart from me, in this connection Supriya Menon, Dr. Jaya Menon also whatever seen had told to the ASI persons. These two persons were at the spot on the side of muslims.

When the complaint was made to the officers of the ASI regarding throwing of glazed wear and bones, till then there was no observer present who were appointed by the court. Therefore, at para 5-a of my affidavit, I have stated about the complaint was not made to the observer. This complaint to the officers of ASI was made in the end of March 2003. I do not remember that this complaint was made on 23<sup>rd</sup> March or 29<sup>th</sup> March. I identify the observer who were appointed by the court. One of them was Shri Hari Shankar Dubey who is present in court. The second observer Mr. Masood A Siddiqui, I also identify them. After the appointment of observer I had made complaint in joint manner. This objection was given in writing. This complaint was was given to Shri

Hari Shankar Dubey. The complaint mentioned in para 5A of my affidavit, regarding the complaint that stratification was not being done in proper manner, was made prior to appointment of observer and on this complaint court had appointed observer. In this para, rest of the complaints were made to the observer after the appointment of observer, I do not remember that when this complaint was made. This complaint was written in English. I had not signed on this complaint which was given. Volunteered that I had given this written complaint to Jafarayab Jilani or Haji Mehruz they would have signed on it.

After the observer were appointed, I had orally told them that before their appointment, labourers while digging had thrown glazed ware and bones. I had told this complaint to both the observers simultaneously. Observers answered that they would look into it and if something again happens then I should inform them. After the observers had come, no glazed ware or bones were thrown.

I have not seen the order of the court, which has been mentioned in my affidavit at para 5E regarding throwing of bones. I do not remember the date of that order also. In my affidavit at para 5 E, I was told by Shri Hazi Mehmoob and Shri Jafaryab Jilani, advocate about the stated order of the court. In my affidavit at para 5E, I have stated about the non availability of index in the report of the ASI, I have not said so on the instruction of some rather I have written so after looking at the report of ASI.

In the report of the ASI at volume I (texts) at page 243, 244, 245 there is a index in relation to bone objects. In this index the antiquities made of bones have been stated. At page 245 the word ivory which is written relates to elephant teeth. The ivory is considered as a bone.

In my affidavit in second line of para 5E, the word 'Jibah' (killing) is correct. It is incorrect that the meaning of Jibah is to cut the neck with cruelty. The meaning of "Jibah" is to cut in the manner that there should be no

suffering. The meaning of Jibah is to cut the 'Sehrag' in which if "Sehrag" is cut down there is no suffering. I do not know whether there is lot of suffering in Sherag or not.

I know who are called Mammals. I cannot say whether the bones of crow, eagle and vulture are similar or not. Only expert can tell about this. In humans and bird both have back bone and similarity. Both have vertebrate. I do not know whether humans and bird have bone called lachrymal or not. I cannot say that if lachrymal of human and bird is place at one place, it would be difficult to identify that bone is of human or bird.

In Jibah (killing) neck is cut down means both the Sherags of neck are cut down. In Jibah bones are not cut down. If neck gets separated or is separated then it will not called Jibah. Further said that if neck gets separated before death then it will not be called Jibah. As per my knowledge, hind leg of cock and frog are not accurately same. Since the leg of cock will be bigger in size and that of cock will be small and

therefore the identification will be simple. Since size is small and large apart from expert a normal person can also identify. I seen the ribs of quadrupeds. I cannot tell that dog, goat and pig have similar ribs. It is incorrect that at the disputed site during excavation no bones were found which was being eaten by humans. The size of the bones found at the dispute site was similar to that which are the animals nowadays we eat and on such identification I cam to know that the bones found at the disputed site are of such animals which are eaten by humans. Since the recovered bones were in small sizes hence it could not have been identified that it was of such animals such as goat, dog and big. It is incorrect that I am deposing falsely on this point. It is also incorrect that if bones of several mammals are cut down and placed then they cannot be identified. It is correct that I cannot identify them and expert can do this. I know the meaning of scavenger. It is correct that when the human thrown the bone out of their house after eating the meat, then scavenger pick them up and go away. As per my knowledge in

excavenger eagle, crow, dog and cat pick them and go. It is not correct that all the bones are picked by excavenger but they pick only those bones in which meat is attached and are fresh.

Human skeleton can be identified and it can be informed that he is either Hindu or muslim. It is correct that sometimes the dead body of hindu are also buried. I have gone in the funeral of such hindus which are buried in bond or buried in running water. In such funeral dead bodies are buried that its head remains in west and leg remain in east side. In the funeral I had gone the person was very aged and he was bitten by snake. It is incorrect that I am deposing false on this point. I cannot tell whether while burying Hindu dead body the head remains in north side and leg remains in south side.

I know the meaning of carbon fourteen. Carbon dating is done in this. by carbon dating I mean that getting the dating of charcoal of a burned article. It is also correct that when age of artifacts found during excavation is to be known



that is called carbon dating but it is also necessary that for getting the date of charcoal of the said artifacts, the date of the said artifacts is also required to be get and this is the scientific method. It is correct that the carbon dating is not possible of a bone found on surface of the land as by remaining outside the carbon dioxide get exploited in air. But if the bone is thrust under the land then its carbon dating is possible because from the touching soil with it, carbon dating is possible. I am not expert of carbon dating. But as per my information it is incorrect that carbon dating of a bone remained thrust in the soil is not possible as while thrust two isotopes of carbon i.e. Carbon 14 and Carbon 12 lessens the ratio of carbon. I have not heard about "half lives". Then said that "half life" is a part of carbon dating which changes C-12 into C14. As per my knowledge, half life of Carbon 14 is 5500 years.

I know about architect. I have never heard the name of architect Kanaya Lal Manik Lal Munshi.

I have read the report of ASI cursorily. After reading that only I have written in the last para

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of my affidavit that a black soap stone or broken part of Shist pendant Panjtan - Pak was found at Trench K-8 at the width of 2.6 meter. Soap stone is less and have layers such as slate. The hardness of soap stone , as per my knowledge is less then hardness of hard rock. As the unit of measurement of diamond is 10 unit in the same manner the unit of measurement of soap stone is unit 1. I had heard that the black soap stone was found in the above said trench at the width of 2.6 meter. It is correct that this para has been written by me on the basis of my own knowledge. After the stone was brought out I had seen it minutely and on that the names of Panjtan - Pak were written. Since I had myself saw the above stone by my own eyes and I have self knowledge of such Panjtan Pak, I identified it.

The learned counsel brought the attention of the witness to the pendent black stone at report of the ASI at Volume I page - 218 at serial no.1. The witness said that it is different from Panjtan Pak. I was present at the disputed site at the time of excavation on 26.3.2003. I reached there on that day. In the report of the ASI at

volume 1 page 218 serial no. 3, has written correctly about the Hanuman Ji which is in Katyavalambita posture. Himself said that the same was found on the surface and was not found during excavation rather it was found by the police camp at the time of cleaning in the garbage. Cleaning work was being done by the labourer. By floor according to me is the surface. In the same manner, the trident, pellet drum and Shiva Varad posture at serial no.4, police had found the same downwards during cleaning. Himself said, Shamir Diwan had showed it to Director Mr. Mani and firstly he asked him to throw the same as they were found on the surface but later it was kept in artifacts. By believing the words of Mr. Mani to throw it, I did not object to make any complaint. After looking at the the antiquity register at page 5 at serial no. 49, he said in this same pendant is recorded which is recorded in ASI's report at volume 1 page 218 serial no. 1. It is incorrect to state that the pendant recorded at serial no. 49 was found on the upper surface or found during cleaning rather it was found in Trench

NO. 8 at 2.6 meter of width. The fact of finding pendant at 2.6 meter width was told to me. I had not gone to measure it myself by taking scale. It is incorrect that due to miserly I have stated wrong facts in the last paragraph of my affidavit. In fact the reality is that in the report of ASI and antiquity register the word Panjtan was not there and I had myself understood the meaning of the same that perhaps ASI has not stated about this pendant Panjtan Pak in its report. Since ASI has not stated in its report that the Panjtan Pak was found in the dump so I deem that it is incorrect to state that Panjtan Pak would have been found in upper surface. It would also be wrong to state that Hanuman and locket of Trident Shiva, which have been mentioned in report of ASI, Volume I page No. 218 at serial no. 3 and 4 were found in deep and it is also incorrect to state that these were found in excavation. In the report of the ASI Volume 1 page 261 recorded at serial no. 2 Armlet of Hanuman Ji was found in 35 cm deep.

I do not remember that the ASI had during excavation had brought out 62 human fingerings and 131 animal fingerings. Volunteered that out of it some were artifacts of God and Goddess which were brought out from dump. Out of which 90% were brought out from dump of God and Goddess. The dump was nearby Ram Chabutra. It is wrong to state that I without looking into the list of ASI has said that 90% were brought from dump of divine fingerings. It is wrong to state that I am deposing falsely on this issue. It is correct to state that out of artifacts brought out during excavation, one divine Kupul was also found.

I have heard the name of Mir Baki Tashkandi. I do not know about him in detail. I do not remember now who was Mir Baki. I remember his details during my student life.

During excavation, some Lakhor bricks were also found below the dispute site, which were hard bricks. To my knowledge no raw bricks were found. It is correct to state that such walls are used to connect main gate of any big building, which

has good strength. Sometimes to give strength to the main gate, poles were built on its both sides. It is correct that such poles are more wide than walls. On such outside poles of the temples, small temples is made. These temples are called Prakar Temples. On the main gate, Toran Ganpati is established. On the poles outside the main gate whether instrument of Principal Diti is made or not, I have no knowledge of it. It is also correct that on mosque, no instrument, Toran Ganpati, Prakar Temple is made. It is incorrect that I am falsely deposing without my wish and biased mind. It is also incorrect that I have come to give statement under any pressure or threat. It is also incorrect that I have made wrong allegations against officers of the team of ASI. It is also incorrect that I have not read and understood the report of the ASI. It is incorrect that the report of the ASI is correct in all respects. However the drawings and contour etc of the ASI are correct according to me.

(Cross examination of DW 6 /1-2 in case no. 4/89 on behalf of defendant no. 20 Akhil Bhartiya Shri

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Ram Janam Bhumi Punru Dwar Samiti by Ms. Ranjana  
Agnihotri, Advocate is closed)

Read and certified

Sd/-

Md. Abid

16.9.2005

On our dictation in open court typed by  
typist. For further cross examination the case be  
listed on 19.9.2005 before Commissioner.

16.9.2005

BEFORE: COMMISSIONER - SHRI HARI SHANKAR  
DUBEY, ADDITIONAL DISTRICT JUDGE / SPECIAL  
EXECUTIVE OFFICER

DATE: 19.9.2005 D.W. 6 /1-2 MOHAMMAD ABID

BEFORE: COMMISSIONER - SHRI HARI SHANKAR DUBEY,  
ADDITIONAL DISTRICT JUDGE / SPECIAL EXECUTIVE  
OFFICER, HIGH COURT ALLAHABAD, LUCKNOW BENCH,  
LUCKNOW

DATE: 19.9.2005 D.W. 6 /1-2 MOHAMMAD ABID

(Commissioner appointed by the Full Bench vide  
order dated 16.9.2005 in other original case no.  
3/ 89 (original no. 28/59) Nirmohi Akahara vs.  
Priyadutt Ram (dead) and other)

*www.vadaprativada.in*

(In Other Original Case No. 4/89 for Defendant No. 13/1 arguments commenced by Shri Rakesh Pandey, Advocate)

On the basis of my qualification, I cannot be called an archeologist. An archeologist should first of all have knowledge of technique of archeology and also should have some knowledge of its supporting branches. If any person have done MA in history in ancient history and medieval ages from Aligarh Muslim University and he has some experimental knowledge of field then he can be appointed as Assistant Archeologist. There are many person as example in my university. For becoming archeologist after MA only looking excavation is not sufficient rather one has to take training, at the time of excavation, from Director relating to archeologist at the time of excavation. If some one person has done MA and he has complete knowledge of history which he has taught during MA then only if he has studied the techniques of excavation at the time of excavation then the said person can be called archeologist. Under the technique of excavation it is necessary to have knowledge of technical



method and observation. If any labourer has done MA and has knowledge of technique of excavation and if has experimental knowledge, then he can have good knowledge from professor of history. As a professional he will not be called archeologist even though he has all the knowledge of archeology then also he cannot be called archeologist.

For a archeologist in ASI after completing MA, it is necessary to obtain diploma in archeologist. The excavation work which was going on at disputed site, all the archeologist had the same diploma, I have no knowledge of the same. For becoming archeologist in Aligarh Muslim University, it is not necessary to obtain this kind of diploma. If any has done MA only and he has archeology i.e. excavation then here he is called archeologist. For instance in the entire archeology section only person was archeology diploma holder whose name was Shri K.K. Mohammad. I do not have diploma in archeology.

Learned arguing counsel showed the witness para 3 of his affidavit. The witness said that under the department of history of Muslim University, the Archeology department during its tenure had actively participated in those important projects of excavation process, the same have been detailed in this para. Apart from this I have not participated in any excavation. It is necessary for an archeologist to have basic knowledge of geology science and other branches of science such as physics. If a person has completed MA and he has no knowledge of geology science and science but if he has observed the excavation process and has studied it and has worked with the related director then if he gives certificate for this then the said person will be called archeologist. In my opinion this rule applies in relation to all person that he has completed MA in history and has practical knowledge of excavation, apart from this the excavation work which was going on under the direction of a director and if he give certificate to the said person then the said person will be called archeologist. The excavation done at Antarji

Kheda (District Etah), the same was done for getting information of cultural sequence. Before going to Anterji Kheda, Prof R.C. Gaur had got me trained from his teacher Sushil Kumar Jain who was doing excavation work at Fatehpur Sikri for ASI. Apart from this I got training from Shri V.B Sur who was from ASI. The persons with whom I worked like Prof RC Gaur and above Shri Jain have not given me such certificate that I am an archeologist but these persons gave me certificate that I am an expert in the field of archeology and I know everything relating to archeology. I have not stated about the certificate given by Prof RC Gaur and Prof UD Shahi to the effect that I am an expert in archeology. I did not take any certificate from Dr. Makhan Lal. Apart from this I have certificates given by other persons. The above person namely Prof. RC Gaur etc. with whom I had worked, these person had issued me certificate of expert in excavation by their own wishes. It is incorrect that the above persons have not issued me any certificate and therefore I have not mentioned about the same in my examination in

chief. It is correct that the above the above said persons have not given me certification of assistant archeologist rather the archeology work which I had done, for that they had given me a certificate. Wherever when excavation is done or exploration is done then there remains a whole team on whose guidance and directions digging is done. He gives the names of the present members of the team. ASI has also given the names of the members of the team for excavation who had participated in excavation. The names of excavation team which the directions gives as members of the excavation team, these persons are called excavation team but the labourers are not included in this. If the directions who is doing excavation work, gives in the details, names of the member of the team and the work done by them, then only because his name is mentioned being the member of the team, he will not be called archeologist. The member will only be called archeologist if he works as archeologist in the excavation work. If any person has done excavation work but the directions has not issued him certification then the said person

can himself call that I am an archeologist but in absence of certificate by the Director he will not be called archeologist. Volunteered that if the said person applies somewhere else for work then as a previous experience he has to show the certificate of the Director. Every team who does excavation work, there is some technical staff. The personnel of technical staff has some special experience in such things, which is their delegation like photographer, draftsmen or chemist or epigraphist have specialty in their respective subjects.

The learned arguing advocate drawn attention of the witness to the report of the ASI at Part One (texts) at page 12. The witness said that the names of persons in this page mentioned as photographer or epigraphist, they were not given separate trench at the time of excavation therefore they will not be called archeologist. It is incorrect that the every member of the technical staff will be called archeologist rather it is correct that if any archeology work is being taken from member of the technical staff

then he will be called archeologist but his designation will be the same which is his parent post. It is incorrect that an archeologist must have knowledge of all facts relating to excavation rather it is correct that the said archeologist must have elementary knowledge of all subjects because the rest of the things can be told by the expert of the subject such as an expert of coin can tell that the coin is of which period. The same situation is with epigraphy. Archeologist should have the only knowledge that whether it is a coin or is only a small piece of metal because if he has not that much knowledge then he can even throw the coin. This is not that every archeologist is a archeological chemist. The names of persons given as assistant archeological chemist, appearing at the above page 12, it is possible that they have not studied history and they have knowledge of chemistry but they will be called archeological chemist instead of archeologist which is their designation. Archeological chemist cleans the metal found during excavation and preserves them.

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The work which other archeologist do, archeological chemists do not do.

I am posted as senior assistant technical assistant with Aligarh Muslim University. Whatever work director gives me I have to do it. When at the beginning I was appointed with Aligarh Muslim University then my work was making drawings and survey. Whenever field work is to be done, I have to do it but my place work is not distributed as per designation. Like my main work is preparing drawing that is there but the research which is done by the student, I take them to field and tell about the architecture, is also my work. To help the student in their research work also comes under my work. Apart from this, in my department whatever fund comes for field work for that people are given small small project work then in that project also, sometimes jointly and sometime alone I have to work on the project related work. I have written the name of my post as technical assistant which means draftsman. Later on, I became senior technical assistant but I never became senior

draftsman as there is no such post. Till 1996 my designation remained draftsman i.e. technical assistant. While working as senior technical assistant if today any work of draftsman comes to me, I do it. For an archeologist one has to pass MA and knowledge of technique of excavation both are essential and apart from it he should have experience of 6 months in excavation. In some places, on the basis of experience, qualification is relaxed. For becoming an archeologist, no such kind of relaxation can be given.

The learned counsel brought the attention of witness on his evidence by way of examination in chief which is at para 3 at page 3. After the witness read the same, and it was asked that the excavations which are mentioned in this para are all excavation before the year 2002.

Question: You told that you have done MA in the year 2002 and along with that also said that for archeologist it is necessary to pass MA, then please tell that the work experience you have



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before the year 2002 then in relation to that work, how someone can issue you certificate of archeologist when you were not MA in that period?

Ans: Whatever certificate I have received, in that before my name assistant archeologist has not been written rather my designation has been written but the details given in that my work has been shown as trench supervisor and excavator.

It is correct that in the certificate I am not been stated to be archeologist but working in that capacity has been stated in the certificate. As per requirement of the time, the chairman or director has given in writing to me on their pad as teacher, sometime as a whole sole site in charge and above the certificate it is written that to what it is related to. I am not posted as teacher in Aligarh muslim University but whenever I was sent to the field for teaching the boys then I was duty was recorded as a teacher. I was sent to teach about archeology. Diploma holder has also been appointed as teacher in

Aligarh Muslim University. This diploma holder, at old times, was called as Lecturer but now there is a change in qualification. I used to impart education about medieval architecture to the students. For practical related work relating to medieval architecture, I had to go to field but even though I was not MA, I used to teaching work related to it. Whatever I used to teach, it was related to practical.

Question: Do you used to take class in Aligarh Muslim University?

Answer: I was not teaching but used to take students to field for practical class and the building related features of architect, I used to tell them. In field, I used to take the students to monuments and tell them in respect. I used to tell about medieval architecture.

Jama Masjid of Aligarh and apart from this Jama Masjid of City and tomb of Gaisukha are important buildings. Apart from these three buildings I used to take the children to Agra. On

other places, the other persons used to go in my place. The other persons who used to go, they were not draftsman or technical assistant. They used to be teachers. I used to take practical classes. Whether marks of practical are added separately in mark sheet or not I have no information of the same. Marks of practical were being given or not, only teacher can tell about this because these marks are given by them. I was not taking practical examination. My work was only to explain. It is not so that since I was not taking test and also was not giving marks therefore my work was like lab assistant rather my work was to explain. I was never given designation of teacher in Muslim University but since I was being sent there to work as a teacher there and I used to work therefore I never objected to issuance of the certificate relating to teacher issued by the director or chairman.

Question: in this manner, the post on which you were not working, you were not repudiating the certificate issued for the said post. What you have to say in this respect?

Answer: I was not repudiating for the same because I used to go in the capacity of teacher for the said work and students used to treat me as a teacher.

Question: I say that the excavation which you have stated in your examination in chief at para 3, in the said excavation there was no work of teacher even then also you used to take certificate of teacher. What you have to say for this?

Answer: I have not obtained an certificate of teacher in respect of stated work in para 3.

If the Chairman or directions entrust me with some work then I had to do that work and on that basis I could not object it that since I am not teacher so this work should not be given to me.

The learned counsel brought the attention to the last para of the statement at page 73 of today's part of statement there some places contains

chairman or direction and teacher .... has been written and asked that in the above part and you have stated that chairman or director has written you as teacher. Why you did not object to the chairman or director for this that even if you are not teacher then why you are being written in this manner. Witness said that since at the spot was working as teacher and hence I did not object to such kind of certificates.

Question: you have said in your affidavit by way of examination in chief at para 3 about the said excavation and in your statement you have said that you were not being given certificate relating to assistant archeologist and instead were being given as a teacher, what you have to say?

(On this question, the counsel for defendant no. 5 Shri Mohd. Hashim, Shri Mushtak Ahmed Siddiqui, Advocate in Other Original Case No. 5/89 objected that from the asked question it is not clear that the learned arguing counsel is asking what question. There is no remote relation

of the present case with the question asked and the question is being asked only to waste time. It should not allowed to asked)

(The learned arguing counsel answered to this question that the deponent has in para 3 of his affidavit has detailed his experience and during the argument has described himself as teacher and hence to test his experience the question is essential to be asked)

Answer: It is wrong that I have accepted certificate of teacher for excavation or obtained certificate as assistant archeologist. Whatever certificate I have received these were in the name of my designation.

While working a technical assistant whatever certificates were received by me, were received in the said name only. Nobody has issued me certificate by describing archeologist. Till date I do have any such certificate in which I am described as archeologist.

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I used to tell the boys /students about medieval structure during practical. I have personally studied about medieval architecture but it never remained in my syllabus. In my diploma course i.e. course of civil engineering, the medieval architecture was not in my course.

Question: Whether any university appoints a person for practical work who does not have related degree or qualification?

Answer: Yes. The appointments are made on the basis of the person's skill and experience such as appointment in Carpenter Smith, electroplating etc. are made on this basis.

I myself consider under the technical staff.

Question: Can you tell about architecture in medieval on the basis of your skill and experience?

Answer: I have done excavation work for 10 years at National project of Fatehpur Sikri Excavation which is a medieval site and every year all the student who had come from Aligarh, I used to travel them and used to tell them about the building and its architectural technique.

On the basis of my this skill, some times Aligarh Muslim University used to send students for practical. This work of mine was not regular. I was not kept in teaching staff of Aligarh University. The main content of medieval architecture were:- before the medieval period, Terebute technique was being used and thereafter when medieval period came then the said technique was also kept in that and its own technique was also included. The said technique was called Corbal technique. Thereafter it became purely medieval Archute technique. The above two technique about which I have told are now technique of construction. This is not a designing technique. From it design can be made. Archute technique was different of the first technique. In the first technique if we have to put roof then for it after constructing two



walls , stone slab was to put over it. In this manner, the length which could go upto maximum slab, the room could be built of same big length. But the under the later technique it was not so, as the use of lime brick dust was being used and after coming in the arch technique the spend of arch or the size of dome became large. Arch and dome was of sultanat period. Before the Sultanat period this mode was in india or not, I have no information. Dom and Arch was used in Medieval period. In my view, I never saw the use of Rubric and lime in 13<sup>th</sup> century. Before it was being used or not it is also not in my knowledge. Before the 13<sup>th</sup> century rubric and lime could be used or not. Apart from the medieval architecture's attribute such as arch, dome and use of rubric and lime, inscriptions over the Façade i.e. Kuranic inscriptions were used. Apart from this use of Patadora along with embedding costly stones in wall i.e. use and inlay were also used. The writing of Kuranic inscription were sharply used during the Shahajahan period otherwise in the beginning it was used only in some places. During the period

of Shahjahan leaving the Taj Mahal, use of Kuranic inscriptions can be seen in the mosques of his period. Apart of mosques during the period of Shahajahan, where other places these kind of inscriptions are found, I do not remember. It is incorrect that I have no knowledge about it. These kind of inscription during the Shahajahan period except Taj Mahal, they were either repaired during the Shahajahan period or they might be before it. In Jama Masjid in Aligarh City, the inscription of Shahjahan in that also text of Kuran are written. Jama Masjid of Aligarh was built by Sabitkhan who was before Shahjahan. The Jama Masjid at Delhi was also built during Shahjaha period. In that also such kind of inscriptions are found. I do not remember correctly about this that Jama Masjid at Delhi was also built during Shahjaha period and therefore its name is Shahjahani Mosque. It is incorrect that there are no inscriptions in Jama Masjid of Delhi. The inscriptions which are in Jama Masjid of Delhi are of Shahjahan period. Nowadays inscriptions are sometimes put in the mosques and sometimes not. Inscriptions in

mosques are not essential. The domes which are of during Akbar and Jahangir's medieval period, in that red stones have been used. Dome were flat. Before that one octagonal and one square platform type used to be there whereas during the Shahjhan period drum used to be constructed below Dome and the size of Dome became bigger. Calligraphy has been there from the beginning but it kept changing. Calligraphy is an art of writing. It kept on changing according to the time of medieval. Before medieval this art was in India or not I have no information but inscription is found before medieval. These inscriptions were received in other languages like Sanskrit and other languages. The calligraphy was in ancient period or not I cannot tell about this but in medieval this art was there. It was not emerged in medieval rather it came earlier from Central Asia side. It was in india before I do not have knowledge. The inscriptions of medieval had no special period as it was present from ancient times. The attribute of medieval architecture are writing Kuranic inscriptions on dome, arch, use of rubric and lime and façade. Apart from this,

Mirlon are found in this period which were used for beautification of buildings by constructing it above the building as Mirlons on which sometimes floral motif and sometimes geometric pattern picture were made. It can be said that Mirlon were found on the buildings of ancient period but during medieval these were found standing independent on the parapet. In medieval, the local architecture of India which was found in Gujarat and Rajasthan, this also affected the medieval architecture. Along with that, the wooden houseboat which was used in Kashmir, the wooden grid which were being used, the same kind of grids were made by stone as grids and were used in Gatehpur Sikri.

The learned arguing counsel brought attention of the witness to para 5 (a) of his affidavit. The witness said that there are two kinds of excavations, one is vertical and other is horizontal. In both kinds of excavations, layers can be seen. Stratification is done on the basis of experience and in that the soil is scratched by use of knife and that layer is seen that where

the soil and loose and where it is hard, where the colour is changing and what are the contents of that soil. For stratification a defined distance is not fixed. The stratification is done according to the texture of the land. In relation to stratification, the above facts which I have stated in my witness, apart from that, according to my knowledge no other fixed rules are there. For knowing the stratification, except the above and the experience, no other thing would be required. . The texture of the earth does not change on its own. If there is flooding or there is any human activity then there can be a change in the texture of the earth. Apart from this, due to volcano or filling of father, such kind of changes are possible.

Read and certified

Sd/-

(Md. Abid)

19.9.2005

On our dictation in open court typed by typist

For further cross examination the case be listed on 22.9.2005. The witness present to come.

Sd/-

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(Hari Shankar Dubey)

Commissioner

19.9.2005

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**12780**

BEFORE: COMMISSIONER - SHRI HARI SHANKAR  
DUBEY, ADDITIONAL DISTRICT JUDGE / SPECIAL  
EXECUTIVE OFFICER

DATE: 22.9.2005 D.W. 6 /1-2 MOHAMMAD ABID

(In other original case no. 3/ 89 (original no. 28/59) Nirmohi Akahara vs. Priyadutt Ram (dead) and other Commissioner appointed by the Full Bench vide order dated 16.9.2005)

(In continuance of date 19.9.2005 in Other Original Case No. 4/89 for Defendant No. 13/1 arguments commenced by Shri Rakesh Pandey, Advocate)

If the earth has organic material, then the change would come in the colour of the soil and the change would be found after its chemical analysis. If non organic material i.e. ash mixed material is found in the earth then somewhere difference in layers and the structure of the earth would be found. In some cases, chemical reaction occurs by non organic material also.

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When this difference occurs I cannot tell because I am not an archeological chemist. This difference occurs in contents and colour.

Question: if there is non organic material in the earth then stratification of that earth can occur?

Answer: Yes it can.

Question: if there are small small stones, small figures of terracotta are found, coins are found i.e. loose material is found then stratification of that earth can be done?

Answer: The answer of this question can be given after looking at the earth whether this is pits, dump or fill and according to that answer can be given. If there are no dump also, no fill is there and pits are also there then after looking at that stratification can be done.

Question: If on the surface of the earth stratification has been done and under that stratification loose material is found then on the part of that loose material stratification can be done or not?



Answer: Yes it can be done.

All the layers are written in A, B, C form. The period of all the layers is same but changes comes for some reason and on that basis layers are marked. In this manner, part of one layer which are called sub-layers are indicated in A, B, C words. If under the earth a big stone is laden for 200, 400 years, then stratification of said part can be done.

The learned arguing counsel brought attention of the witness to his chief examination's affidavit at para 5 A, the witness after reading the same said that in the first line of this para I have stated about archaic layers. By this I meant archeological layers. Archeological layers the layers which are used in trenches. Stratification happened in Trench No. J-3. In this whether sub layers were marked with A,B,C manner or not I do not remember. On the above of this trench there was a fill where 7<sup>th</sup> layer mark was put. There was a fill upto it. In what manner the ASI persons had done stratification in Trench J3, I know it.

These persons started marking layers from upper and went till down. ASI had marked Layer No.1 to 7 but according to me there was only fill upto 1 to 7. The place where the ASI had marked seventh layer, below that some layer were being looking, which on look were looking correct. Since this trench was quite deep and therefore the layers marked at the below area, I could not see it. The floor which is found in trench J3 it was exactly below the humus. I had seen this floor as this floor was exactly below the humus. I do not know that much that in the GPR Survey whether seven anomalies in this trench have been found or not. ASI had excavated for verification of anomalies found in GPR Survey.

The learned arguing advocate drawn attention of the witness to the report of the ASI at Volume 2 at plate No. 66. The witness after looking at the said plate and on being question said that in this plate a jar is there. This jar could be under mud floor. This jar was found at what deep, I do not remember now at this time. On this plate, the mark 6 and 7 put by ASI are being seen

but on the above of the seven in plate a fill is being seen. There is a sub fill above layer no.7 which is marked by ASI. Its period can be said on the basis that by which this fill has been sealed. This also I can tell after looking at the picture shown by ASI above Mark No. 6 that this fill is sealed by which layer. On the basis of the time of the layer, the period of the fill's upper part of the seal can be decided. But in this regard I can only tell after seeing the picture above mark no.7 in plat no. 66. As far as I remember I had seen floor below the humus and fill below the floor. It is incorrect that I have no information that the below part of floor in trench no. J-3 is of which period and it is the same period in which period lime floor was constructed. It is not in my knowledge that after conducting the chemical analysis of the soil, ASI had given information with regard to period. As per my information no such analysis was conducted. ASI had taken samples of charcoal. Perhaps the sample of charcoal was taken this trench. I have information that Ghat Pallav is used under Hindu religion and it is normally

built on pillar base of entry gate but in plate no.66 it is in the form of Paat. It can used for any purpose. Jar is also an utensil. The surface which is apparent in Plate No. 66 has been told to be of Krishaan period. This surface is not of Krishaan period. In this regard I have not made any written objection.

In my above statement I have informed that if pieces of a big stone is under the earth for 200-400 years then the said place can be stratified. In this relation, I have written at the land two lines of para 5a of my chief examination by affidavit that the stratification of trench J-3 by 1 - 7 was done whereas in which big bolder were all over the place. The difference in my above both statement is because in my affidavit I have said that there is no possibility of stratification of pieces of big stones. For stratification the big stones are looked from the perspective that they are kept under the earth by any human agency, or are under the earth as a dump or fill. If the stones are kept under the earth by human agency then it will be stratified.

If the pieces of big stones are all over the place under the earth then its nature will be seen that whether they have come there as eroded material or are all over the place brought by any human agency or not. According to me the stones which were at trench no. J-3 between sr. no. 1 to 7 they were eroded material. If the stones were there by force of water to any level then it will be the same as it is. There will not impact on the construction of the earth rather whatever material would have come with the stones that will be left there. On that place whatever material which was there before would flow. If due to the flow of water, the below part of the stone is intact then its stratification would be done. I have not written in my observation that whether the below part of the stone was intact or not. It is possible that some of my assistant would have written in his objection in this regard. In this regard whatever I have written in para 5 of my affidavit, it is apparent from that the portion marked by ASI at Sr. No. 7 the below of it would have remained intact. I can decidedly say in this regard that the below part

of layer no. 7 marked by ASI was intact. The mark put by ASI in trench J-3 at Sr. No. 1 to 7, they were not intact rather they were fill. According to me there was no layer in trench no. J-3 at sr. no. 1 to 7 marked by ASI. Layer would begin after Mark no. 7. What was the distance below the floor in trench no. J-3 marked by ASI at sr. no. 1 to 7, I had not measured it. I can tell by surmise that the distance of it would have been 6-7 meter. There was a mud in mark no. 7 marked by ASI. There were brick bat at some place in this mud floor. From the mud floor, it is apparent that there would have been some habitation. Above this no construction was found. By habitation I meant that any human agency to use it.

Question: In the above Plat No. 66, whether it shows any construction at the above floor or not?

Answer: It only shows floor. I do not see any construction or constructed thing in this floor.

Question: Whether finding a floor below 7 meters shows any construction of that floor or not?

Answer: After seeing this I can only say that in Plat No. 66 a mud floor is visible. We did not find any structure here.

To what I say fill, that was a loose material and was brought here by flow of water. This fill portion was visible in section of trench no. J3. By "Soil" it is a soil and "soil" and "earth" are used for one purpose. It is incorrect that soil is that part of earth which is in loose condition and unconsolidated rather loose soil and loose earth are used for one purposes. If loose material remains for 300-400 years then there will be no different in contact of earth but if there is a pressure on the fill then there some difference will come in the hardness of fill. There is a difference between hardness of natural soil and fill soil. Whatever fill material was there in J-3, whether it was loose or not, the same could have been ascertain by putting the knife in soil or by scratching the soil with knife. I cannot tell about the hardness as I had no scratched trench no. J-3 but its shape and contents under the fill which was in rolling condition, it can be said after seeing

it that it is a fill. The fill in trench no. J-3, the same was less in hardness as compared to layer. Loose material would be called part of the earth because the excavation which is done the same is of earth only.

The learned counsel brought the attention of the witness to the report of the ASI Volume -1 (Text), chart paper no. 37 A, the witness after looking at the same and on being questioned said that in this chart trench no. G-7 and G-3 have been mentioned. I have knowledge of both the trenches. G-7 is situated in southern side from the disputed site. If the trench no. G-6 is said to be on southern-eastern side of the disputed site, then the same will be correct. Trench no. J-3 is on northern-eastern side of the disputed site. The natural soil found on trench no. G-7, then probably I was not at the excavation site. It is incorrect that trench G-7 was deepest one rather according to me trench no. J-3 was deepest. Trench no. J-3 is approximately 11 ½ meter deep. I am understanding the chart given in above paper no. 37 A. At the column at the end



of this chart, NBPW has been written. This does not indicate natural soil and rather below that 'grey' colour indicates natural soil. At the last column this chart, period has been given. I have not given written disagreement with this period. It is possible any of my colleague would have given. The period which has been mentioned in the chart, no date has been given and therefore I cannot give my opinion with respect to this period mentioned in the chart. Though a normal student of history can tell that which period remained from what to what period but in respect of the excavation, the new results which are coming, due to that different people are telling different dates for that period. Therefore, I will not be able to tell about the period given in this chart.

Question: The new results of the excavation which you have told whether due to that civilization and era can change?

Answer: Era can change and civilization would also change according to that.

I know about the results of the excavation after coming of. which the prior period has been changed. According to the results of the excavation, the period of any civilization can decrease and can also increase.

Question: I say that what you are telling that from the results of the excavation, the period of any civilization can decrease and increase, what are the basis or principle for that?

(On the above question Mr. Jafaryab Jilani, Advocate has objected that the witness in this respect has neither said anything in his affidavit in lieu of chief examination nor he is saying himself to be master of archeology and hence in this view of the matter such type of question should not be allowed to be asked)

(On the above objection, the arguing counsel has given the answer that the witness has himself said that after new research, civilization - era can change and hence it is important to be

asked from the witness that on what principles he is giving his opinion)

Answer: The method of scientific dating on that basis it is possible.

I know about the period which, after such research had decreased or increased such as Mr. Wheeler had excavated in Takhshila then date of Aryan 300 to 500 BC nearby was told. Thereafter, when excavation was done in 'Noh' and in that the period was confirmed as 500 BC. From that the period of the Aryan was changed.

Question: You have not told the name of the civilization which got changed after the result of excavation and as you are telling the change of era and civilization on the basis of period of Aryan. What you have to say in this regard?

(On the above question Mr. Jafaryab Jilani, Advocate has objected that this question no relation with the report of the ASI and neither the witness has said himself to be specialist in this regard and hence the question is purely

irrelevant which should not be allowed to be asked)

(On the above objection, the arguing counsel has given the answer that on asking about the various periods mentioned in report of the ASI at page 37 A, the witness has said that on the basis of analysis the era of civilization gets changed hence this question is essential to know about the information of the witness. Apart from this instead of giving answer, roundabout things are being told)

Answer: The period which was of Painted Gravayer Patri has been changed. The span of its period was increased.

Question: Do you understanding the meaning of civilization in History?

(On the above question Mr. Jafaryab Jilani, Advocate has objected that as the above question, this question is also completely irrelevant and it has also no relation with the questioned report of the ASI and the question should not be allowed to be asked)

(On the above objection, the arguing counsel has given the answer that for the different periods given in the report of the ASI, the witness on the basis of his self investigation has said about the change in civilization and hence this question is necessary)

Answer: Yes

If any excavation or survey is done by the ASI then in that civilization remains a yardstick. I have heard about "Krishaan" and "Shung" civilizations.

The learned counsel brought the attention of the witness to Volume I page 37 A of the ASI. The witness replied that the chart which has been given in this page and the serial number of period given in page of the chart that is correct. The level given below the Sr. No. 7 in Trechn J-3 and the period written against it and which indicate in the form of colour, I agree with it.

Question: The serial given in J-3 column from sr. no.1 to 15 and the period shown against it, whether the same can be changed by hampering or mixing or by disturbing?

(On this question Mr. Jafaryab Gilani Advocate has objected that the question is completely vague and hence it is not possible to answer it hence this type of question should not be allowed to ask)

(The learned arguing counsel answered to this question that by this objection answer has been conveyed to the witness. The witness has in his affidavit in lieu of chief examination has said that stratification has been done in wrong manner and in his statement witness has also said that hampering was done during excavation and hence in this regard it is necessary to ask from the witness that in the above report at page 37 A, the period counting etc given to trench J-3, regarding that period counting while reporting or at the time of excavation hampering is possible or not)

Answer: This can be done as I have shown in my chief examination that there was a fill above layer 7 and ASI has put layer on that. In this way the number given to the layer would change and the colour of period shown in above said page 37A, in that calculation the colour has come correctly but I cannot say about it definitely. The reason is that trench J3 was very deep and I did not go inside it. Apart from above the layer which is being seen in that the layer of Kushan period was correctly visible. Trench No. G-7 and J-3 were excavated very deeply i.e. was excavated upto natural soil.

Question : you have said in your statement that the time scale given in Trench J3, you agree with that and when on the second question your learned counsel raised objection then you recorded your disagreement so I say that you do not give answer with your own conscious and deliberately giving wrong answers. What you have to say in this respect?

(On this question Mr. Jafaryab Gilani Advocate has objected and said that without showing the prior statement of the to him, this posing of question of such kind are completely incorrect and hence permission should not be granted to ask such question)

(The learned arguing counsel answered to this question by saying that the witness has not raised any such objection and also the witness has not said that he has not given any such statement and hence by raising objection again suggestion is being given to the witness)

Answer: It is completely incorrect that I have said that the indication of colour shown in page 37 A, in that respect it can be correct but since regarding layer no. 7 I have said in my affidavit of chief examination that it is fill hence my answer is correct.

I have not told that Flor NO.1, Let and post shown in yellow colour in trench no. J3 is not of Mugal period. The writing 1 between Floor 1



and Floor 2 in Trench J3 that is of let and post Mugal period.

Question: Then, the stratification given to Sr. No.1 below floor no.1 in trench no. J 3 and which has been stated to be Late and post Mugal period, are you agree with it?

(On this question Mr. Jafaryab Gilani Advocate has objected that the answer to this question has already come earlier and by asking one question again and again, attempt is being made to puzzle and harass the witness and hence this kind of question should be allowed to be asked)

(The learned arguing counsel answered to this question by saying that no such answer has come that whether the witness is agree or not with the report of the ASI of that time. By raising objection suggestion is being given to the witness)

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Answer: Since in this no date i.e. period has been given and hence I cannot say anything about this.

In this table no date and period has been given. It is incorrect to state that till the time, time of post Mugal period has not been, till then I cannot tell anything about this. Date of start and the date of end of Post Mugal, At this time I do not know the correct date of it.

Question: I say yourself a teacher of History and still your memory is so weak that you have done MA in the year 2002 and you do not keep information of the subject. In this manner, you do not know the things three years back and is out of your memory. What you have to say about this?

Answer: I have done MA as a private candidate and thereafter it was never used. The work which I have got this time, in that it is not required anywhere hence at this time I do not remember

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about the date. It is correct to state that about the excavation that I have written in my affidavit of chief examination, in that there is no reference of after the year 1987 but some excavation are that the report of which were not sent to Indian Archeological review. It is incorrect to state that the report of excavation done after the 1987 were not sent because I was not included in such excavations rather it is correct that no ones report was sent after the year 1987. It is incorrect to state that I have not participated in any of excavations done after the year 1987. I remember about the excavations done before and after 1987 because I had practically participated in such excavations.

Question: The history examination which you have given in the year 2002 whether the same was given without studying it or someone else had given examination in your place?

(On the above question Mr. Jafaryab Jilani, Advocate has objected that by asking such question, attempt is being made to humiliate the

witness and hence such question should not be allowed to be asked)

(On the above objection, the learned arguing counsel answered that the witness has himself said that for any thing if practical is done by self then only the information remains with you hence it is necessary to know that he had given the experimental examination or he had adopted some other method or he had no information about history at all)

Answer: It is incorrect to state that I had cleared the History paper without studying it and it is also incorrect to state that someone else had given the MA examination in my place.

Question: If it is told to you that Bahadurshah Zafar was the last ruler of Mugal dynasty, can you count the post mughal period?

(On the above question Mr. Jafaryab Jilani, Advocate has objected that earlier today itself

the witness has stated that He cannot tell that when post mughal period begins and when it ends hence asking the same question again and again is to harass the witness and hence this question should not be allowed to be asked?

(On the above objection, the learned arguing counsel has answered that witness in his earlier statement has said that for the knowledge of period circle is necessary and without knowing the period correct decision cannot be given and hence the knowledge of witness about the period circle is necessary that he keeps any information or not)

Post mughal period is from the year 1850 to 1950. Earlier I could not tell in this regard as at that point of time the date was not remember to me. It is incorrect that I am deposing falsely.

Read and certified

Sd/-

(Md. Abid)

22.9.2005

**12803**

On our dictation in open court typed by  
typist

For further cross examination the case be  
listed on 23.9.2005. The witness present to come.

Sd/-

(Hari Shankar Dubey)

Commissioner

22.9.2005

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**12804**

BEFORE: COMMISSIONER - SHRI HARI SHANKAR  
DUBEY, ADDITIONAL DISTRICT JUDGE / SPECIAL  
EXECUTIVE OFFICER HIGH COURT ALLAHABAD, LUCKNOW  
BENCH, LUCKNOW

DATE: 23.9.2005 D.W. 6 /1-2 MOHAMMAD ABID

(In other original case no. 3/ 89 (original no.  
26/59) Nirmohi Akahara vs. Priyadutt Ram (dead)  
and other Commissioner appointed by the Full  
Bench vide order dated 16.9.2005)

(In continuance of date 22.9.2005 in Other  
Original Case No. 4/89 for Defendant No. 13/1  
arguments commenced by Shri Rakesh Pandey,  
Advocate)

The learned arguing counsel brought the attention  
to the report of the ASI at Volume - 1 (Text) at  
page no, 37 A and after looking at the same, the  
witness told that yesterday I had told the era of  
post mughal period from 1857 to 1950 but in my  
statement, it has been typed as 1850 to 1950. In  
the said report at page no. 37 A in the column of

trench J-3, in between Floor 1 and floor -2, the word 1 has been written, the period thereof at the last column in this chart late and post mughal period has been correctly written. In Column J-3, the numbers 1, 2, 3, 4, 5, 6 are numbers of layers. There is no detail in respect of Layer no.1 and 2 in Column J-3 and it has been kept blank in the chart. I have no objection in keeping blank the period of layer no. 2 in para 6 but in this regard I have to say that the said layers have been wrongly put. I cannot say that in respect of layer no. 2 para 6, the ASI has stated anything in its report as I have read the report cursorily. In between layer no. 2 para 6, dump artifacts were found. In between the layer no. 2 para 6, shown by the ASI in trench no. J-3, apart from bones and glazed ware, coins were also found, amulet was found and semiprecious stone was found. I have not said anywhere that the article found in the layer, the ASI had not shown it. Apart from above artifacts in trench J-3 other artifacts would have been found. If in my absence any important artifacts is found, I have no knowledge of that. I was maintaining my



personal diary at the time of excavation and in that I used to note the artifacts found during excavation. In the when the artifacts found during excavation were being noted in the register then I used to compare the artifacts noted the ASI in the register with the artifacts noted in my diary. When in the evening ASI used to record the artifacts found during the day's excavation in its daily diary then I used to compare the same with my notes. Some days I found that the bones and glazed ware found during the excavation, that were not mentioned but the artifacts found during excavation were being mentioned there in the register. Except bones and glazed ware the artifacts noted by the ASI in the register, they used to tally the artifacts noted by me in my diary. In trench no. J-3, apart from bones and glazed ware what other was found, I have already stated about that in my statement. I have said about the things found in trench no. J-3, apart from bones and glazed ware, coins, semiprecious stone, terracotta bead and amulet. heterogeneous material was coming from trench no. J-3 shown by ASI in layer no. 2 para 6 and

therefore ASI has not shown the period of these layers. Due to finding of heterogeneous material in the layer no. 2 para 6 in trench no. J-3 shown by the ASI, Period counting was not possible. It is sealed with floor -2. Its period would be the same of floor-2. The period of floor -2 is mughal period. According to my own observation also J-3, floor-2's period is mughal period.

Question: Whether the list of articles found in trench no. J-3 was being prepared by ASI?

Answer: whatever the daily work done, the artifacts found in the day, in the evening its list was being prepared in daily register.

The coin found in trench J-3, it was of which period, I do not remember as the same was to be studied after chemical cleaning as it could be any coin and could also be a metal piece. The coin that was found in trench J-3, as per my look could be a coin. The coin that was found was of till form and it had rust and hence without

chemical cleaning it was not possible to know the period. The coin found at trench J-3, from a upper look was looking like a coin. Perhaps ASI had in its daily diary has written the found coin as coin found in trench no. J-3.

The learned arguing counsel brought the attention of the witness to site note book no. 39 dated 14.4.2003 and 15.4.2003 at page 24 and 25. After looking at the same, the witness said that I have not said that the ASI has not at all recorded the bones and glazed ware rather I have said some times ASI was not recording the bones and glazed ware found in the trench and after telling about the same some were being recorded by them. On the above dates, the ASI has noted the glazed ware in the note book.

The learned arguing counsel brought the attention of the witness on para 4 (page 4) of his affidavit of examination in chief to the words "deponent on behalf of the muslim side at the excavation site". The witness said that by muslim side I mean Haji Mehmoob. It is incorrect to

state that as I belong to a special side or community I deliberately forget the things seen at the excavation site. It is also incorrect to state that the things which were not at the site, I am telling about the same as I am biased. The site note book no. 39 at trench no. J-3, the name of Prabhat Sahu has been written, I know him, he was trench supervisor.

The learned arguing counsel brought the attention of the witness to the same site note at page 7. After seeing the same, the witness said that 28.3.2003 nothing was found. Molar ship were collected on that day. On the same site book at no. 8 in which the date 29.4.2004 has been written and the page thereafter i.e. page number - 29.3.2003 has been written, the same was shown and the witness said that layer number has been given in it and what the things were and what things were found has been shown. This layer started from where and on how much distance it ended, it has been given. Regarding layer no. 3 it has been given that from where it started and where it ended. On being drawn attention at page

10 and 11 of the same affidavit, the witness said that at page 11, it has been written that regarding layer 4 that it started from where and upto where excavation ended. I do not agree with the writing in this site note book that what was found in this layer. I agree only with the depth given in it and I do not agree with the number of the layer given by ASI.

Question: The site note book which the ASI has prepared and the numbers given to layers in it, In that the detail has been given that which layers starts from where and where it ends and it has also been written there that from which layer which article has been found. Whether the details given by the ASI are correct?

(On the above question, Shri Jafaryab Jilani, Advocate has objected that the question is very unclear and unspecific and hence it should be allowed to be asked)

(The learned arguing counsel has answered the objection that in the site note book, the ASI has given details of all the facts and if the witness is understanding after seeing it and he has common sense then also he can answer the question)

Answer: In this regard, I had registered my objection in the beginning only that the recording of layers being done by the ASI, it was incorrect according to my calculations.

The learned arguing counsel brought the attention of the witness to the above site note book at page 12 and 13. The witness said that in this layer no. 5 has been given. Layer No. 5 was made of which articles, it has also been given in it. At page no. 15 at sr. no. 9 of this site note book, the ASI has given the details of the articles found in this layer no. 5. On this site note book at page 15-16 also the details of layer - 5 has been given and in this the partis etc. were found, its details have been given. In this site note book at page 17 and 18 also the details

have been given. In the same site note book at page 20 also the ASI has given about the stated layer no. 6 that from where the excavation started and where it ended, what was the colour of the soil and what are the articles found in it.

Question: The number which were put by the ASI during the excavation and the articles found in such layers, the same was written by the ASI as per the layers, it is true or not?

(On the above question Mr. Jafaryab Jilani, Advocate has objected that such type of question is completely irrelevant and are being made to waste the time of the court as the witness has in relation to this has neither said anything in his affidavit of chief examination and neither in his statement has said anything about this site note book hence such type of questions should not be allowed to aks)

(On the above objection the learned arguing counsel has answered that this question has been

written without reading the affidavit of the witness. The witness in his affidavit has made allegations against ASI in this respect and by raising such kind of objection again and again the answer is being conveyed to the witness. After the witness will give answer to the question, the witness has said this things in his affidavit it will be cleared)

Answer: The list of material which the ASI has given, the same can be correct datewise but I cannot say completely about this as I was not permanently there on trench J-3.

Whatever has been written by the ASI in its site note book that on which layer what material was found, I am not agree with it.

Question: In the ASI site note book report whether as per layer details of material found is described or not?

(On this question also Mr. Jafaryab Jilani, Advocate has objected that this question has already been asked and its answer has also come



and hence there is no justification for asking the same question again and again)

(Above objection was answered by the learned arguing counsel that witness does not give answer again and again and instead of answering the question, he states new things in place of answer and till time he has not answered about this)

Answer: It is wrong to state.

The learned arguing counsel drawn the attention of the witness to statement written today at pages 104 and 105 where in his statement the words "deliberately forget the things seen".... are written. The details has been given in site note book at page 17 and 18 and asked the following question:

Question: In the above said pages 104 and 105 on which your attention has been drawn, in which you have said that site book note no. 39 which is in relation to trench no. J-3, after seeing this you have said that in respect of the said trench, the ASI has whilst giving details have detailed the material found from the layers. Now

thereafter how did you say that it is wrong that ASI in its report has no details of material as per layer?

(On the above question also, Shri Jafaryab Jilani, Advocate has objected that this is a mixed question and to confuse the witness such a long question is being asked. Hence it should not be allowed to be asked)

(On the above objection, the learned arguing counsel has answered that the witness tells himself to be well educated and he cannot be said to mindless that he is unable to understand the question. The witness is not giving straight answer. Apart from this, objection on the question can only be taken by the counsel on whose behalf the witness is being tested)

Answer: I am not considering the site note book as correct as above the site only daily register is being maintained which we could see. This site note book was prepared by the ASI at their place where they remained and at the time of writing

this, I did not check it. Apart from this, due to elapse of long time, now I do not remember that on which date at which layer, what material was found.

Site note was not being prepared at the site but at the place of excavation we were only shown daily register. Site book which was prepared, the same was not shown to us. Today on which part of the site report have been shown, I see them. The pages shown to me today, I have seen, read and understood the same. It is incorrect to state that my memory is too weak that even after looking and reading, I am unable to understand it.

The pages of the site note book shown to me today, in that there is no reference of coins or amulet found.

Question: At trench J-3, neither any amulet nor any coin was found yet you are stating that these things were found as you are biased. What you have to say in this regard?

Answer: it is incorrect to state that J-3 and K-3 were together trenches. I have said about the material found in J-3 on the basis of assumption. I have not told about these material to be found actually. I have said in my statement that these artifacts would have found from J-3. It is incorrect to state that I am giving answer of every question on the basis of assumption and uncertainty.

It is incorrect to state that whatever found in J-3, I do not remember about the said material rather it is correct that I remember about whatever material was found from excavation of trench no. J-3 and which I have already told and about something, due to elapse of time and due to not remaining for more time in trench no. J-3, I do not remember about the rest of the material. It is incorrect to state that I had stressed on finding of coin and amulet in trench no. J-3 rather I had said that these things would have found in trench J-3. It is incorrect to state that my memory is weak and hence I forget about

the things found during excavation and tells about things which are not found during excavation.

I know about Devnagri handwriting. The learned arguing counsel brought attention of the witness to above site note book no. 39 at page no. 37. After looking at the same and on being questioned, he said that in this I am able to read n, p, l. it is incorrect to state that I do not know Devnagri handwriting and therefore I am not able to read this. In the above page no. 37 the words n, p, l has been written in Devnagri handwriting. The beginning and the part thereafter is not readable. Before the Devnagri handwriting, there was Nagri handwriting. It is incorrect that a stone was found in trench no. J-3 on which a composition was found written in Devnagri language which is stated in above site note book at page 37 rather it is correct that whatever is written at page 37, it is in Devnagri handwriting because the words written therein, a tense line is there.

The learned arguing counsel brought attention of the witness to the report of the ASI Volume -1, page no. 137, after looking at the same, the witness said that regarding plate no. 137, it has been written that Nagri handwriting has been used but according to me it is Devnagri handwriting. The stone visible in plate no. 137, same stone was found in trench J-3. This stone was found in trench no. J-3. This stone was not hampered in any manner. I do not remember much that this stone was found in 10<sup>th</sup> layer or not.

Question: I say that whatever is written in Plate No. 137 that is in Nagri handwriting and the same is degeneration of the name of one king Anangpal of Garhwal heredity. What you have to say in this regard.

Answer: I am not an epigraphist. An epigraphist can tell about this. I have read in history about Garhwal heredity. The name I do not remember at this time. Rest of thing about this I do not remember at this time.

The kingdom of Garhwal heredity was in Awadh area in North India but their kingdom was in which century I do not remember. Their empire was somewhere between UP and Awadh. The people of Garhwal heredity were king of nearby area of Ayodhya. But I do not remember in this regard this I have already stated. Ayodhya was in Awadh province. I have not read the report of ASI in detail. I have seen by borrowing it. I cannot tell anything about the fact that in 11<sup>th</sup> Century Garhwal heredity was a strong State or not. It is incorrect to state that the king of Garhwal heredity Govind Chand had done restoration of the mandir at the disputed site and the above stone is the vestige of their period. I am stating so because there is a line above the writing on the above stone hence this inscription is not so old. Though I am not aware of handwritings but due to line over the above inscription it is not much old, that I am telling on the basis of my experience.

Question; From where did you get the experience about the line above the above writing?

Answer: In Devnagri handwriting line is put above and about the same I am referring to the word 'dandi' (line).

Merely because of line is put, Nagri handwriting does not become Devnagri handwriting but wherever I have seen such a old writing there was no line above the words. Where I have not found line above the words, it is possible that the said writing would have been Devnagari handwriting. I have no knowledge of Nagri handwriting and I am not epigraphist.

Question: I say that without knowing about the Nagri handwriting merely on the basis of line you are telling Nagri handwriting to be Devnagri handwriting. What you have to say?

Answer: it is incorrect to state that whatever we are writing in Hindi that is Devnagri script



only. I am not stating the above writing to be Devnagar handwriting instead of Nagri handwriting only on the basis of line rather I am telling this on the basis of my experience.

Question: You said above that you do not know Nagri handwriting and at the same time you stated about the above writing that there is a line above the words hence it is not Nagri but it is Devnagri handwriting then how are you stating this relation to be on the basis of your experience?

Answer: I have visited many places and there I saw that some inscriptions were there. I could not understand the writing of those inscriptions and when I showed the photograph of those writings to the expert then he told that they are in Nagri handwriting.

Question: So which you are able to read you tell them to be in Nagri handwriting and which you are

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able to read you tell them to be in Devnagri handwriting?

Answer: It is incorrect to state because whatever places I went for excavation and the writing I found there, its words were in Devnagri handwriting.

Question: You just told that you were not able to read Nagri handwriting and you got it read through expert so now you are saying that you got to know some words after reading the writing?

Answer: No.

It is incorrect to state that I do not understand the difference between Nagri handwriting and Devnagri handwriting.

Question: You just said that 'it is incorrect to state that I do not understand the difference between Nagri handwriting and Devnagari

handwriting' and before that you stated in your statement that I do not know about Nagri handwriting so on what basis you are saying these two things?

Answer: If any inscription is found and on that Persian writing is there then if any person you cannot read Persian and he know Urdu then at first sight he would think that the this is written in Urdu because on a look both the writing would look same.

Question: The illustration given by you to my question would apply only if any person knows both Urdu and Persian and here you are saying that you do not know Nagri handwriting so what you have to say in this regard?

Answer: In the same manner as one who read Urdu cannot understand Persian but on a look he considers Persian as Urdu. In the same manner, since I can read Devnagri handwriting hence it is

possible that some writing which may be in Nagri handwriting and which I am not be able to read.

I am not stating the fact about Devnagari handwriting by assumption. I am stating in this regard on the basis of my personal experience. It is incorrect to state that I am not telling the correct facts as I am biased.

The learned arguing counsel brought the attention of the witness to the 1<sup>st</sup> para of report of the ASI at Volume I (Text) at page 204 and 205. I cannot tell about the correctness or incorrectness about the stone found at trench no. J-3 which has been stated to be of 11<sup>th</sup> century at page 205 of the report of ASI as I am not epigraphist.

The learned arguing counsel brought the attention of the witness to the part of above page 204 to the words "This stone slab was ....wall in trench J-3" and asked that the fact written in this report is correct or not. The witness said that

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this fact is correctly written. After the above part, it has been written that this stone was found at 5.75 depth, I cannot tell about this because it had not measured it. This stone was found in my presence.

Read and certified

Sd/-

(Md. Abid)

23.9.2005

On our dictation in open court typed by typist

For further cross examination the case be listed on 24.9.2005..

*www.vadaprativada.in*

Sd/-

(Hari Shankar Dubey)

Commissioner

23.9.2005

*www.vadaprativada.in*

BEFORE: COMMISSIONER - SHRI HARI SHANKAR  
DUBEY, ADDITIONAL DISTRICT JUDGE / SPECIAL  
EXECUTIVE OFFICER HIGH COURT ALLAHABAD, LUCKNOW  
BENCH, LUCKNOW

DATE: 24.9.2005 D.W. 6 /1-2 MOHAMMAD ABID

(In other original case no. 3/ 89 (original no.  
26/59) Nirmohi Akahara vs. Priyadutt Ram (dead)  
and other Commissioner appointed by the Full  
Bench vide order dated 16.9.2005)

(In continuance of date 23.9.2005 in Other  
Original Case No. 4/89 for Defendant No. 13/1  
arguments commenced by Shri Rakesh Pandey,  
Advocate)

The learned arguing counsel again brought the  
attention of the witness to report of the ASI at  
Volume I page 37A and on asking replied that in  
trench J-3 the excavation was done upto natural  
soil and thereafter there was no need for  
excavation as when natural soil is found then the  
necessity of excavation of trench comes to an

end. ASI had excavated upto natural soil i.e. Pit. If the loose material is inside the earth then in such case shape can be given. If the same is in the shape of Pit i.e. the loose material inside the layer is in the shape of pit then it will be called pit.

Question: Whether there are possibilities of finding a pit under the earth at any level?

Answer: When earth is excavated then layers are found on different habitation. At any level of habitation, human agency as per requirement construct pit. These pit is of loose material. It does not happen that loose material takes solid form.

Habitation can be checked of the place where loose material is found. Volunteered that but if it is coming from the above and then stays at some other habitation then it will be not considered to be of that habitation rather pit will be considered of that habitation from the layer with which it is sealed.

Question: According to you whether pit goes above to down?

Answer: yes

At the level where pit stays after coming there, on that level, it is not considered habitation. The level of earth where pit is found, we will not attach the material found in the pit with the level of the said pit's habitation.

Question: How would you know that at which length pit has ended?

Answer: When section is made then under that the layer and pit through scraping become visible. There is always fill under the pit.

Question: If fill comes in place of scraping what would happen in that case?

Answer: Fill will be shown as a fill.

Question : Whether fill goes down in case of flood?



Answer: Pit will remain at its base place but the sign of flood will come there and will leave some of its material there.

According to me, except for the reason of human agency, pit cannot go inside the earth.

Question: If at the place of pit, there are no human activities for 300, 400 years then whether pit can go down.

Answer: There can be accumulation above the pit due to change in natural climate. Even after such accumulation pit will remain at its base place and will not go inside the earth.

If at the place of the pit, people walks, sits and stands, sleeps then also pit will remain at its place but the loose material which is inside the pit, difference in its hardness would come but even after becoming hard, the material of pit will not take solid form rather the material of the pit howsoever it is compact, the shape of the pit will remain in its original form.

Question: Where there is a fill i.e. where loose material is there, there is a pit then it will indicate about some habitation or not?

Answer: No. It will not indicate about any habitation but that will also be a part of the fill.

Today I have given this statement at second para of page 117 that "at the place where loose material has been found...from which layer it has started", this statement of mine is correct. In fills upto 90% loose materials are used. If the loose material under the earth, the fill which is there, inside that heterogenic material remains and in that old or new any kind of artifacts can be found and therefore we cannot decide the date on the basis of loose material rather its period would be that in which period of layer it is sealed. By date I meant the layer which is sealed. Any culture is not decided on the basis of loose material of any pit.

Question: If the said loose material and fills are there and in that bone is found then on that basis habitation or culture can be told?

Answer: In my earlier statement I have already said that the period of the artifacts found in the loose material i.e. fill material would be the same by which habitation layer it is sealed.

The bone found in any loose material would be considered to be of the level by which level the fill is sealed. Fill is also a seal.

Question: You have said about fills are seal, whether fill are sealed during excavation or these fill remain already sealed.

Answer: If any habitation comes over the Fill then that fill will be considered sealed by that habitation. If there is no habitation above it and the fill is found as it is then also it will be considered sealed by human.

The report given by ASI regarding trench no. J-3, I do not know about the same in detail as I have cursorily read the report. The objection that I have raised on the report of the ASI, the same I have done on the basis of the report and being present there at the time of excavation. After reading the report of the ASI I found deficiency in respect of trench no. J-3 that above that there was a fill upto layer -7 but the ASI marked it as layer.

Question: The layer no. 1 to 7 in trench no. 3 which the ASI has shown, whether in that there should not be any habitation or culture and whether that is why ASI has not shown it?

Answer: The floor -2 which has been shown in trench no. J-3, under that upto layer no. 7, the fill material which is there, that is fill of mughal period.

Question: Whether without deciding the layer, any period can be told?

Answer: I have stated earlier that whatever the fill is, its period will be the same by which it is sealed. This fill was sealed with floor no.2. On that basis I can say that the period upto layer no. 7 was the same as that of the period of floor no.2.

In trench J-3, Floor -1 has been shown above the floor -2.

Question: whether below the floor -1 upto layer - 7 will be considered of the same period of which period floor -1 is?

Answer: It is not so. The reason for this is that below floor 1, floor -2 is there. Both have different periods. This fill is sealed by floor - 2.

There was no layer below floor -1 rather that was also part of the floor, which was fill in which cement mixture was fixed and piece of stones were fixed on it. On removing the stone, the sign of

mixture remained there. That mixture i.e. was marter of cement. I had objected in the beginning that directly below floor -1, floor 2 has come and below that fill has come.

Question: If any period is shown in the layer above any trench and below that period of any old civilization is found then whether it will be considered that in that below layer the old civilization would have been there.

Answer: This is not so. The witness then said that earlier I could not understand the question. The correct thing is that if any subsequent civilization is found below then that will be considered civilization of that period for which period that civilization belonged.

The period can be the same about the above which the ASI has shown in its at page 37 A in trench no. J-3 in which ASI has shown in layer chart and below that also in the form of layers but I

cannot say about this definitely because I had not seen the site note book prepared by ASI.

Question: Whether you were not present at the excavation site at the time of excavation with respect of the above chart of the ASI shown at page no. 37 A, layer no. 7 to 15?

Answer: I used to up-down at the time of excavation. Some patris which were of red colour and were found during excavation and I had seen them with my eyes and I had seen some shred of Kushan period but I cannot say that this entire period is correct or not which the ASI has shown in chart no. 37 A, the layers 8 to 15 under the trench no. 'J-3.

The learned arguing counsel brought the attention towards para - 5e of the affidavit of examination in chief. After reading the same and on questioning said that ASI in its report has nowhere written that this type of table has been given that in which layer of which trench which

bone was found. I have not seen the details in the report of the ASI relating to bones in which all the details of bones have been given. I have not seen the details in the report of the ASI relating to skeleton or finding of bones. Apart from this I have not received I have no found any details in this regard in the report. If it is written in the report that in which layer of which trench bone has been found then some help can be received for finding the results. If the ASI has written about the trench, layer and its depth and locus then in this regard I would not have any objection. The same kind of objection I had raised with respect to glazed ware. If except glazed ware and bone, regarding other artifacts which were found during excavation but ASI is not giving its details in its report then my objection will be there with regard to such artifacts. In the report of the ASI the locus of mostly artifacts i.e. the place of their work has been written. ASI has given this kind of list in its report Volume - 1 (text) at page 239 in which serial no., register number, description, trench number,



layer and 3D depth i.e. measurement has been shown.

If any bone is found by the ASI between the alleged layer no. 1 to 7 in trench no. J-3 then the same will be called dump and its depth will be taken from the upper surface. Glazed ware has been recorded as antiquity.

Question: Whether you have no objection regarding glazed ware?

Answer: In this regard my objection is that from the very beginning glazed ware was thrown and thereafter ASI started recording it. But sometimes they used to stop keeping record of glazed ware and the redware patris which go the yard, glazed ware were going in that or then they used to disappear. Ob my objection in this regard, ASI used to call the same from patri yard and used to record it or they used to record it next day. It is possible that if I am not there any day, the same was not recorded. I do not know

about the fact that whatever article being found during excavation, they were all thrown out or not. At the excavation site, labourer had thrown the glazed ware and bones. I saw this happening and I had made complaint to the officers there. This complaint was made orally. Later on I had given written complaint also. At first when I had made complaint orally then the ASI had removed those labourer and had sent them to other trench. This kind of complaint I had made at the end of March 2003. Perhaps this complaint was made by me in the last week of March. I had made oral complaint 2-3 days after the excavation had started. It is possible that I had made this complaint after week of the start of excavation. At the time when excavation started no muslim labour was there. It is incorrect to state that when muslim labourer had come to excavation site then I started keeping glazed ware and bones there. It is incorrect to state that as soon as muslim labour came there, glazed and bones were started to be lying there rather they were found there from the beginning. On the objection being raised, the observer was appointed. They were

informed of any incident. I have stated that loose material can be there in the fill. The shape of the fill can be in any form.

Question: whether during the excavation the labourer could make any shape or design in the fill or not and it can be hampered or not. Any composition or structure could be made under the fill?

Answer: Labourer could make any shape or design in the fill. Labourer could also hamper inside the Fill. In the said fill composition or structure could be done.

I have seen the hampering by the labourer at the excavation site.

Question: Whether any structure could be made from the loose material.

Answer: it depends on the position existing there.

I have not made myself the structure in the loose material but I have seen the ASI person doing this.

Question: in what circumstances structure from loose material can be made?

Answer: If for increasing the level of any place, filling is done and in that brickbat and concrete stone is used for filling then the rest of the part of the four corners which is to be made the same may be made of wall shape and also give it square shape. It is only possible when all these things are available in the loose material.

Excavation in trenches was being done by mattock and spade.

The learned arguing counsel brought the attention of the witness to para 5a of his affidavit in lieu of cross examination. The facts I have mentioned in para 5a, the same relates to trench

no. G-2 to i.e. the trench which was in north-east, to E-7 to E-9.

Question: Whether you had made any kind of objection that trench no. G-2, G-3, G-4, G-5, G-7 etc. are full of fills?

Answer: I had objected for the same with my colleague that the pillarbase which are coming, these are part of floor and when the floor is made then it is to be filled. On that brickbat, small pebbles and lime etc. are put. In this manner, that fill is part of floor. If any big building is constructed then for making its pillar base, foundation is digged in which concrete or brickbat are compact to the below side and on that platform is prepared and then footing is constructed. This footing go till the upper side and on that pillarbase is made. On that pillar base, pillar is constructed.

Read and certified

Sd/-

(Md. Abid)

24.9.2005

On our dictation in open court typed by typist

For further cross examination the case be listed on 26.9.2005. witness to remain present.

Sd/-

**12843**

(Hari Shankar Dubey)

Commissioner

24.9.2005

BEFORE: COMMISSIONER - SHRI HARI SHANKAR DUBEY,  
ADDITIONAL DISTRICT JUDGE / SPECIAL EXECUTIVE  
OFFICER HIGH COURT ALLAHABAD, LUCKNOW BENCH,  
LUCKNOW

DATE: 26.9.2005 D.W. 6 /1-2 MOHAMMAD ABID

(In other original case no. 3/ 89 (original no.  
26/59) Nirmohi Akahara vs. Priyadutt Ram (dead)  
and other Commissioner appointed by the Full  
Bench vide order dated 16.9.2005)

(In continuance of date 24.9.2005 in Other  
Original Case No. 4/89 for Defendant No. 13/1  
arguments commenced by Shri Rakesh Pandey,  
Advocate)

My experience till date has been that while  
constructing pillar, floor will be prepare  
abreast but the said floor will be prepared only  
there where its level is to be used. Volunteered

that the pillar which are installed at Fatehpur Sikri, they are above the level of the floor only but in reality the floor is hollow from the below but the foundation below the pillar has gone 15-20 deep. It is not that at all place pillar are made only on one pattern as some where arch foundation is given and some where raft foundation has been given. Excavation in depth was done at Fatehpur Sikri. This was used for testing. The load that would come on the pillar, below portions of the pillar are spreading according to the ratio. In the report of the ASI there is reference or not of pillar bases of burnt bricks, I do not know this. I also do not think appropriate. For making pillar, it is necessary to make foundation below it. Floor is of working level and it is to be constructed there only where it is required to be used. In the northern portion of the disputed place, pillar base were found from which it was becoming clear that some covered cluster would have been there. For dividing the vertical gravity shunnel force of pillar base, it base has to be solid. For this that courtyard on which plinth level

pillar base comes, the depth of the plinth goes towards down and the base changes into foundation. This is a old technique. In ancient times also pillar were being constructed by giving solid base. The total pillar base have been stated by the ASI, in its report, I do not remember now but its numbers are nearby 30. The pillar bases shown by the ASI at the place, the same have been shown after cutting the floor.

Question: whether ASI has shown the pillar base on such places where there was no floor?

Answer: At one or more place in the southern part of the disputed place, such kind of pillar have shown which are used for floor sharing strength as in the south side there is hanging. For this reason to save the soil from gliding and for maintaining the surface of front floor, the same have been prepared which is doing the work of reinforcement.



Question: If any structure is made without pillar then it is necessary to make floor in it?

Answer: If any structure would be prepared then wall would be prepared. It depends on us that in that by which article floor is made or floor is left raw. By raw I meant freely. Freely means "mud floor". Mud floor is such kind of floor in which concrete or any stone is not used. Below the disputed site, a floor was there and below that floor one another floor was there. Both floors were made of lime-dust. How deep the second floor was on the upper surface of disputed structure, I had not measured it. I had seen this second floor. According to my observation and estimation the first floor above the disputed structure was approximately 1 meter below. Where the first floor ended, below the disputed structure about 35 cms the second floor was there. As per my observation the distance between both the floors was about 35 cms though I have not measured it. The first floor on the upper surface of the disputed structure, that was made of lime-dust and there were small concrete in it. Fill was below that. The thickness of

floor would be 15 cms approximately. There was a concrete layer below this thickness of 15 cms. That was also part of the floor. In the same manner the upper portion of first floor which was of 15 cm, that was made of lime-dust and below there was a concrete layer of 5 cm and fill was below that. In this manner the above first floor which thickness has been told to be of 35 cm, exactly below it the second floor was there. There was no gap (vacuum) between these two floors. This kind of floor I have seen in the trenches excavated at the southern side of the disputed premises. The trenches which were exposed in that two trenches which were in southern side, I had seen such kind of floor. The number of these trenches were nearby G-7, F-7. Both the floors were not 1 meter deep from everywhere of upper side of disputed structure as the disputed structure was destroyed after digging hence the surface was up and down there. At some place of the disputed premises, three floors were found. Where the three floors were found, the lower floor of those floors were of lime dust. The upper which was on the top in that

glazing was used above the lime. By this glazing mussalo was shown. Mussalle are meant for reading the namaz in mosques. Mussalle were seen at the spot at the time of excavation since I have not read the report very minutely so I cannot say that mussalle have been stated or not but I remember that there was photography of mussallo. It is incorrect to state that neither mussalle were there are the disputed premises nor their photography was done and therefore there is no details of mussalle in the report. I had seen still and photography at the excavation site. The photograph of mussalle was taken hence it is possible that the same is in the report but I have not seen it. Where three floors were found there was a fill in between the floor which was part of the floor only and this floor was made in different periods and the height would have been increased as per the need of the time.

The learned arguing counsel brought the attention of the witness to para 6a of his affidavit by way of chief examination and the witness after reading the same stated that in this para, the

foundation which I have described is the main wall going to north-south.

Question: The part which was below the earth in the surface of the disputed structure, the same would be treated as part of foundation or not?

Answer: It will be treated as part of foundation.

In the second line of this para i.e. para 6a of the affidavit, the depth of 3 ½ meter has been stated, the same is foundation of main wall going to north to south. I have not discussed about this wall in second line of para 6a since its foundation was excavated hence I have discussed about that. I have not stated that there was only one wall of disputed premises. I have stated that the main was foundation wall. That was a wall of Eidgah. The Babri Masjid was constructed over that. The remaining three side walls, according to me these rest over Floor No.2. Apart from this foundation, I had seen the second foundation which was above floor 2. This foundation was in

southern side. The main foundation was in south direction. According to me Eidgah was constructed previously. Babri Masdjid was constructed after that. The construction below the disputed structure was a mosque. Again said that before the Babri Masjid there was a wall of Eidgah.

Question: At the disputed place, in place of disputed premises i.e. below that whether there was any construction?

Answer: This is not so. There was an Eidgah.

In Eidgah only one wall is there in which for indication that this is an Eidgah, a blind arches is prepared inside it so that it gives an impression that this is an Eidgah. Volunteered that this wall was plastered on both sides with dust-lime. It is not that mosque are prepared after breaking Eidgah but the Eidgah which are prepared, the same are constructed slight outside the population and in that Eid, Bakrid and some times Jumma namaz are performed. When the

population would have increased that in that Eidgah would have been started using for five times namaz and for that reason in front of that the floor of lime-dust would have been constructed. Volunteered that since the plaster of Eidgah and plaster of floor rests on the plaster of Eidgah, from this it is proved that first Eidgah was constructed and after that floor was constructed. Any building which is used for namaz is called Mosque. It is correct that mosque over the mosque was built at the disputed site. Volunteered that as according to the time, extension can be given to a mosque. By extension I meant that one storey building be converted into two storey or if the mosque is at a small part and the front portion is empty then in the front portion of the mosque roof be constructed in the area which is adjacent. At the disputed site there was no two storey building. Disputed site was not of two storey. The disputed structure was not constructed after razing the old structure rather the floor no.2 which was existing earlier on that super structure of the disputed building was constructed.

Question: Whether the south part of the disputed premises which you are telling as foundation wall, its length was only up to the floor of the disputed premises?

Answer: No. its length would have being going upto the roof of the mosque i.e. up to Dome.

I am stating this on the basis of idea as earlier I had seen the disputed premises standing. At this time, I found that the level of southern wall was up and down and dilapidated and it was coming to approximately level of the floor. The minimum foundation for constructing any building would depend upon the length and load of the building.

Question: When the disputed premises was in constructed condition, for that kind of building how much minimum foundation would be required?

**12853**

Answer: Here foundation was prepared over Floor -2. Both the floor are one compact part which according to me 1 to  $\frac{1}{2}$  meter deep foundation would be sufficient.

It is incorrect to state that in the subject i.e. Civil Engineering, I have done diploma, no knowledge of that subject has remained with me. Volunteered that if there is a rock below then there will be no need of foundation on it and directly main structure is constructed on that.

Question: You has told that you had seen the disputed premises before its fall. For constructing the structure according to disputed premises i.e. the structure which can bear the same load, how many foundation wall would be required?

Answer: for constructing the similar structure and for bearing the similar load, on different places foundations of different depth would be



required. This depends on the fact that how much self load bearing capacity is there. On the disputed premises, the floor of lime dust which was earlier there, from that the safe load bearing capacity had increased. According to me , only 1 to  $\frac{1}{2}$  meter depth foundation was sufficient.

It is incorrect to state that I am stating imaginary facts in this regard and in regard I have no knowledge. It is also incorrect to state that for my above imaginary statements I am lying again and again. At the disputed premises, apart from above foundation wall in the south, I had seen north-south wall. Apart from this I had seen the east-west direction and some portion of the east and in north-south direction. Apart from this some part of northern area was also seen by me.

There happens to be main wall in Eidgah. Sometimes for demarking it, small length walls are also constructed in other directions.

Question: Whether any mosque can be constructed on a virgin land or it can be constructed after demolishing any other building?

Answer: The land of mosque is never appropriative. Its correct sale deed is prepared in the name of mosque and the same is never used for any other purposes rather it always considered as house of Allah and this sale deed is considered to be executed in favour of Allah. No body can purchase it and neither sale it. The difference between Eidgah and Mosque is that mostly Eidgah does not have roof rather it is made in a boundary wall which is in Kibla side and there people read namaz at the time of Eid, Bakrid whereas for Mosque on the strength of Kibla side boundary, five times namaz happens. If roof is there then it is more good. If the area of mosque is demarcated and people use to read namaz there then it will also be called mosque. Mosque is less in size and Eidgah is bigger than it so that more people can read namaz. I have seen at many places where Eidgah has been

converted into mosque as Eidgah are built outside the population so that people could come in more quantity and when population increases then the said place of Eidgah comes in between the population and then five time namaz starts there and people convert it into mosque. If in place of Eidgah new construction i.e. mosque is built then the level of Eidgah comes down in the earth and when mosque is newly constructed then according to the need height of the floor is increased.

Question: Whether any muslim side or any archeologist had, before excavation, discussed about any prior construction on the disputed place?

Answer: I do not remember any fact regarding this. I have not heard anything about this.

Ancient civilization is normally found near the bank of the river.

Question: Due to the fact that the disputed premises was near the river and near the population then whether there was any logic in constructing Eidgah there?

Answer: If the map of entire Ayodhya is seen then the place of disputed premises finds place at the most end.

I have seen the map of Ayodhya. Dry channel is there on the West side of the disputed premises. How many hundred years back it would have dried I have no information about it. On the western side of the disputed premises, below the mound i.e. western side of mound I have not seen water. I have seen the population and mandir near the disputed premises.

The learned arguing counsel brought the attention of the witness to the report of the ASI, Volume - 2, Plate No. 37. On looking at the same the witness said I have seen the pillar bases visible in this plate. In this I am looking pillar base. It is compact in itself therefore its incasing has been done. It was in the northern side of the

disputed premises. How more pillar bases of this kind were found, the counting of the same is not correctly remember to me.

The learned arguing counsel brought the attention of the witness to the same report at Plate No. 42 and on looking at the same, the witness said that I have seen trench no. F-2. In this plate, I can see two floors and scale. The structure in the side of Floor -2, the same is wall of outer boundary. In floor No.3, the thing which is visible in the side of Floor -2 I do not consider as pillar base. The same is rest above Floor -2 and the Floor 3 which is shown in this plate, the same is sealed. The number of the floor has been shown by the ASI according to its own choice. In my view, there is a difference in the number of floors. The floor visible at the upper side and the black shelf visible in it, the said black shelf is reinforcement of this floor.

The learned arguing counsel brought the attention of the witness to the report of the ASI at

Volume -1 (text) at page 48-A. After looking at the same and on posing the question the witness said that the disputed premises has been shown after starting from trench no. E-8 and inside F-8 trench. The southern wall of the disputed premises goes upto the place, and thereafter goes upto 90 degree above towards north at the same F-8. This is exposed upto F-6. Thereafter some part of the eastern wall becomes visible at trench F-4. Apart from this, some part of it, the wall going towards north - south, can be seen in trench E-1 and trench Z- E-1. In this map wall is visible which is denoted with W-16. The disputed premises was in the same area where it has been stated to be placed and about which I have said above. I have said about the disputed premises is placed here and in its northern and southern side pillar bases have been shown in this map. These pillar bases were in different floors. From the pillar bases stated by the ASI, its period could be decided but I will not call them pillar bases from my tongue. Volunteered that the different floors which are construed in different time, these so called pillar bases are part of it.

There was a reason for constructing the pillar bases in different periods. The reason was that when the Eidgah was started to be used daily for the use as mosque, then floor was built. Thereafter, after some time according to the need of the time its height went above the road and in comparison to it when the floor got down, then again its height was increased by filling. Thereafter on the same floor Babri Masjid was constructed. The level of its floor was high. This pillar base was constructed on a mound. If seen from the western side of the disputed premises, it will be high about 10-11 meter from the surface of the earth. If its height is seen from the eastern side then it was within the level of the earth. From northern side, the height of the mound from earth was approximately 3 ½ meter. In the same manner, from southern side the height of the mound from earth would be 7-8 meters. The eastern area of the disputed premises was on the surface of the earth. Earth is below the mound. The slop of the mound which was coming from west to east, it came into the level of the earth from eastern side. I have not done

measurement of slop of the mound but I saw it carefully. The earth would be cut on soil erosion and will not increase. The level of the road became high for the reason that when the population around the mound increased or houses were constructed nearby then the height of the road was increased as per the plinth of the said houses. The floor of the disputed premises would have been constructed when the population of the nearby area increased and the use of it started as mosque. The two floors which were outside the disputed premises they were constructed in different periods.

Question: The floor which was outside the disputed premises, in that there were two layers or only one layer was there?

Answer: I am getting memories about two floors outside the disputed premises but it is also coming in my memory that somewhere a third floor was also separately visible and made of lime-dust. In the floor below at some places patches of lime-dust were there. I am not much sure about



the third floor but as far as I remember I have told about this above. I am not telling about the two floors outside the disputed premises by assumption rather telling on the basis of my memory. Due to elapse of long time, I do not remember much about the third floor. It is incorrect that I have not at all read the report of the ASI and that is why I am not able to tell about this rather it is correct that I had cursorily read the above report. In the volume - 1, at page 48A of the said report, in the map trench E-2 is visible at the above of north-west. Trench E-2 is outside the skeleton of disputed premises. In trench no. F-2 to F-5, one part of F-4 was excavated. In trench F-5, some part of the disputed premises had come into excavation. There was excavation in Trench No. F-2, F-3 and F-4. F-2 was not inside part of the disputed premises F-3 was part of the disputed premises. In F-4 and F-5, disputed premises and part of mosque were there. G-7 was outside the disputed premises. A small portion of trench G-3 which is section facing east, the same was a small part of disputed premises.

**12863**

Read and certified

Sd/-

(Md. Abid)

26.9.2005

On our dictation in open court typed by  
typist

For further cross examination the case be  
listed on 27.9.2005. witness to remain present.

Sd/-

(Hari Shankar Dubey)

Commissioner

26.9.2005

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**12864**

BEFORE THE HON'BLE SPECIAL FULL BENCH, HIGH  
COURT, ALLAHABAD, LUCKNOW BENCH, LUCKNOW

DATE: 28.9.2005                      D.W. 6 /1-2 MOHAMMAD ABID

(In other original case no. 3/ 89 (original no. 26/59) (Nirmohi Akahara vs. Priyadutt Ram (dead) and other, in continuation of date 26.09.2005 in original case no. 4/89 on behalf of defendant no. 13/1 arguments commenced by Shri Rakesh Pandey, Advocate)

The floor which were there outside the disputed premises, below that also ASI has shown pillar base in its report. The level of the two floors of the inner courtyard of disputed premises was equal from inside but the inner floor of the building of three dome was big in height than these two. It is correct that I have said in the above statement that there were two floors in the outer part of the building with dome but somewhere patches were visible above the third floor. Volunteered that floors were on different layers and the floor which were outside were below the foundation of the disputed structure.

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The level of three floors of below part were done. The floor which were below the foundation in that also a floor of lime dust was in a constructed position and the floor which was above the foundation in that apart from lime dust, glazing was done and mussalla was there.

On this point the attention of witness was drawn by the learned arguing counsel to the report of the ASI at volume I page 37 A and showed the chart of Periaization and asked in this in every trench of disputed structure there, four floors have been shown and the witness after looking at the same said that yes it is correct that the ASI has shown four floors in every trench of disputed structure. According to me, as I had seen at the time of excavation, in the volume 1 of the said report, the fourth floor which has been shown, the same is floor 1 according to me. The fourth floor is that and on above structure of dome rests. I have seen chart previously also. I had seen this chart after the report was filed. I had seen this report in Aligarh before filing my affidavit in the Court. In my affidavit filed in

this court, I had objected about the stratification and said that stratification has been wrongly done hence I did not objected in respect of floor in my affidavit as if the stratification is wrong then the floor will also be wrong.

Question: The chart which is made at page 37 A, Volume I of the ASI Report, according to it, the floor level or layer or level of disputed structure or floor of inside the disputed premises have been shown equal, what you have to say in this regard?

Answer: it is correct that ASI has in its report at volume 1 at page 37 A has shown them equal but on the spot according to me it was not so.

It is correct that according to me the floors and layers which have been shown, they are wrong according to spot.

On this issue, the learned arguing counsel drawn the attention of the witness to the map prepared in the report of the ASI, at volume 1 at page 48A and asked that the pillar shown in this map they all have been shown serially? After looking at the same the witness said that from looking it at once, it seems that since this map has been prepared with a small scale. If the same is prepared with big i.e. 1 meter scale that it can be clearly seen that in every pillar there is a different of 1 to  $\frac{1}{2}$  meter and every pillar is sealed with different floor. Since these pillar bases are actually part of floor only and whatever would be the depth of the floor, the same would be the height of the pillar bases. Some part of the pillar bases have been separated by cutting down and some have been left, therefore difference in height has occurred.

Question: Whether there was a gap between two floor levels?

Answer: No Vacuum was there rather for creating second floor its level was increased.

The fill material between the two floor was of brickbat, calcrete stone, mud, stone chips and above that layer of lime dust was there. According to me below the disputed structure, there was a fill between floor 1 and 2. The same was filled with the above stated things. These three floors was of different periods. According to me different structure was not on different layer rather they were merely different floor. It seems that the Eidgah which was constructed there, the lime dust floor which was prepared for reading namaz, the same was attached with the plaster wall of the Eidgah and it cannot be said that successive activities happened but due to efflux of time the floor which had gone below, the height of the same would have been increased. It is correct that the later floors might have been constructed in different periods. It is incorrect to state that I am telling with my inference or idea that there would have been Eidgah rather I had seen the wall at the spot which is facing west and on the said wall blind arches were made. The same was coming directly below from building of three domes. Foundation

wall was 3 ½ meter in height. The same was slightly above the surface. It is possible that some historian would not have said that there Eidgah was prepared before mosque but during the time of excavation I did not see that. On the basis of his statement such statement is given.

The learned arguing counsel brought the attention of the witness to the report of the ASI Volume 2, Plate No. 30 and asked that the pillar bases shown in this picture are not build on any floor. The witness after looking at the picture answered that in this pillar base are shown to have been built in floor below. After looking at the picture, it is possible to state that these pillar bases are on which floor. If the map of entire section is shown then I can tell that this pillar base is made on which floor. It might be correct to state that the southern wall of the disputed structure rest of this pillar base only.

The learned counsel brought the attention of the witness to the report of the ASI at Volume 2 at



Plate 37 and 38 and asked that the pillar base visible in this whether there is sand stone block or not. The witness answered that yes. It will also be correct to state that these are tied with the stone from the four corners and they remained tied. It is correct that the pillar bases visible in the above two plates, they are not made after cutting any floor.

The learned arguing counsel brought the attention of the witness to the report of the ASI at volume 2, plate no. 39 and 40 and asked that two stones are visible in this. The structure of both is not same rather are different. The stone in plate no. 39, the same was found in fill during excavation. I am not agree with this that these stones are fixed for support of wall. It is not correct to state that this stone was above the pillar base.

The learned arguing counsel brought the attention of the witness to the report of the ASI at volume 2, plate no. 48. On looking at the same, the witness said that this is not pillar base rather is a part of reinforcement of the floor. I have

stated in my statement by assumption that the thickness of the floor would have been 30 cms, I had not measured it. The thickness of the pillar base shown in plat no. 48 would have been nearby 35 cms approximately. It will be incorrect to state that its thickness would be 1 meter.

After looking at the report of the ASI at volume 2, plate no. 22, the witness said that in this part of outer wall of disputed structure is there. The witness stated after looking this plate that there is a decorated stone in a part of the lower side of the wall in this picture. The witness after looking at the report of the ASI at volume 2, plate no. 25 and 26 said that in these two plates also, decorated stone is fixed in a part of the wall. It is correct to state that the decorated stone which is in the wall of the both the plates, is a reused material.

Question: if it is assumed that the decorated stone visible in both the plates is prior to the

medieval period then would you agree that there was any structure prior to the medieval period?

Answer: Yes, it is possible

Question: You have said in your statement that in any trench the level on which the floor is sealed, if below that there is a loose material then where the second level of the floor is connected, if in between them any thing is found, the period of the same would be considered as the same period of the sealing of the first floor.

Answer: if there is fill material below the fill and in that if any thing is found and goes to the second floor then the period of the fill material will be considered as the same period in which period the fill material was sealed and prepared. Fill material can come from any where and its period can be anyone. If in this fill material, stone of Krishan period is found then also it will be considered as fill material because in the fill old and the things of that period can be found and also of new period as in that heterogenic material is found mixed. It is

incorrect that whatever facts or objection I have said in my statement, I have told them as I am biased.

(Other Original Case No. 4/89, on behalf of defendant no. 13/1 the argument of Mr. Rakesh Pandey closed)

(Other Original Case No. 5/89, on behalf of Plaintiff the argument of learned Mr. Ajay Pandey commenced his argument with oath)

X X X X

After the death I know the funeral activities which are conducted. I do not remember at this time that when the funeral activities were started. From the period when human civilization begun from then after death funeral activities have commenced. Human civilization started in different places in different periods. In India, human civilization started on about 2000 BC. The commencement of stone age period is also

considered to be from approx 2000 BC. After the death, the last rituals are performed by burning the dead body, by flowing in water and by burying it. I have read the report of excavation in Inam village. I do not remember that in that excavation any tomb was found or not. I have seen the report of Bhagwanpura excavation. I do not remember whether there is any description of any tomb being found or not. Out of Navasa, Dimabad, Kothe and Chandoli excavation report, I have only seen Diamabad report. I do not remember that in said excavation also description of finding of any tomb is there or not. It is incorrect to state that I have never read the above said excavation related reports rather I have read them, I have not read them minutely. I do not know that in south india during the time of stone age how many kind of tomb were prepared. I do not know that at present, in south india, how many kind of tomb are prepared. Probably in stone age, in south india two kindly of tombs were prepared. As I can remember, in one of the type, a one bolder of stone used to be kept above and in the second kind, the same was prepared

like in that surround of circular stone was being prepared and in that pats etc were kept. I do not remember that the said kinds of tomb were called by what name. I have not minutely studied about tombs. I do not remember where the tomb of Kabirdas is. I do not remember that tomb of Kabirdas is in Maghar or not. I do not remember in Ayodhaya, the tomb of Ram Kikar Das has been prepared by keeping the foot in south and head in north or not. I have not seen the tomb of Ram Kikar Das. I have not heard the name of Ram Kikar Das. I never visited Gorakhpur. I never visited Kotwadham Barabanki. I do not know the fact that in Gorakhpur, tombs of Digvijay Nath and Gambhir Das are there or not and their head are in north and legs are in south directions or not. The length of the graveyard is according to the length and width of the person. The deepness of graveyard remains 6 ft from the upper surface. At the time of excavation in Ayodhaya, the human skeleton were found in northern side. The above human skeleton were found in less than 6 ft. deepness. It was found less than 5 ft. deepness. The deepness was less than 4 ft. the said human

skeleton was found 2-3 ft deep from the surface but I had not measured the deepness. In feet there are 30 cms. The said human skeleton, as far as I can remember was found in 30 cm deep. Three skeleton were found during excavation. I stated by assumption about finding of skeleton at 30 cms deepness. In all the three skeleton, which skeleton was found at what deepness, I do not remember at this time. It is possible that the deepest one human skeleton would have been found at 35 cms. I had seen the above human skeleton. No wood, cotton cloth or any other article was found near the skeleton. No silk cloth or any article made of flesh was found near the skeleton. No cotton was also found. I know that in Hindus if snake bites any person then apart from medicine, conjuration and occult arts are also conducted. I do not know that whether the person bitten by snake is flown in the river by tying him with 3-4 bananas trees or not but I know that the person is buried near the bank of the river as I have seen.

The dead body being buried near the bank of the river which I saw was of a person bitten by snake. I do not know that the people of Hindu community try to get the person alive till the end who is bitten by snake. I do not know that legs are not kept towards south and the head is not kept in north of the Hindu died due to snake bite. I know that the Hindu person died due to other reasons are burnt by keeping the legs of the dead person towards south and head towards north side. I do not know that in the same manner tomb are prepared on Hindu dead body by keeping their legs towards south and head towards north side.

I also have the knowledge that oculists goes to burial ground near the bank of river for Shav Sadhana and cemetery attainment. I do not have knowledge that some oculists does occult exercises by bringing out the buried dead bodies or the half burnt dead bodies. It is generally not correct that every Hindu dead body is burnt by making tomb only. It is correct to state that some special category of persons are burnt by



making tombs. I have not seen the tomb of any sage of Vaishnav community. I have also not seen the tomb of any sage and neither also I have seen any tomb of sage of Nath Panth but I have seen some tomb in which four square platform has been made and an umbrella is prepared. One such tomb I have seen but whose tomb was that I do not know. I have seen some four corner tomb and since such tomb were of four corner, telling its direction is difficult. Such tombs I have seen in Badayu. It is incorrect that the said tomb relates to a person of Christian religion. Above the tomb something was written in Hindi and hence I say that the said tomb would have been of Hindu sage. I know reading Hindi. I had seen the word "Om" on the said tomb, something was also written below but I do not remember now what was written. I do not know that in Hindu some tombs are made symbolic and in which dead bodies are not kept. I do not know that such symbolic tomb are four square or not. From any human skeleton, after excavation, even after there is no skin and flesh on it and bones are also filled with soil, it can be ascertained that the said human skeleton is

of any muslim, Hindu or Christian. If seen as it is, such human skeleton whose identification is from the human skeleton of Christian religion person, the same can be identified by seeing the metal on it such as ring, watch, chain and spectacles etc. Apart from the above things, the human skeleton can be identified by clincher of coffin which remains there. The grave of the Christian if made in the standing posture are on the basis of length and width of the coffin. The coffin in which dead body is laid and buried, the length of such graveyard is 5-6 ft. There is no special way of putting the coffin into grave like in muslim community put the coffin. In muslim community dead bodies are not buried along with the coffin. In muslim community dead bodies are not carried in coffin. In muslim community corpus are taken in a permanent strature which are kept in mosque. The name of the strature is not remember to me. I have attended the funeral of muslim community many time. I have attended both communities of muslim Shiya and Sunni. I am unable to remember the real name of above strature. Since I have not attended the funeral

of Sikh community, so I cannot tell that their dead bodies are also taken on strature. According to my knowledge it is correct to state that dead bodies of Christian are also taken on strature. It is incorrect that I have not seen the keeping of hindu dead body into tomb. It is not correct to state that I have seen only one Hindu community tomb rather I have seen many. The tombs of hindu community that I have seen were all four square.

In the excavation of Antarji kheda I have found human civilization of 2000 BC.

'Panjtan Pak" pendent was found on the spot of excavation at trench no. K-3 or K-8. Pendent was found in east side of trench K-8. Then said that the in which direction of the trench, the pendent was found, I do not remember now. I had seen the pendent when it was brought out. Trench K-8 is the same place where "Ram Chabutra" is situated.

During the excavation of Ram Chabutra it came to notice that a floor of 1-20 layers from up to down was found. Trench K-8 was outside the disputed premises.

It has been correctly written in the report of the ASI at Volume -1, page no. 134 that in trench K-6 symbol named "Ram Vats" was found during excavation but its truthfulness depends on its entry in the daily register. It is correct that this "Ram Vats" is written to be in Layer -1 but it is not correct that Layer - 8 was counted in fill. In the column of depth, 390 cm has been rightly written.

The English word "dump" meaning in Hindi is "Bharao". The difference between fill and dump is that the fill due to necessity and dump is done without any seriatim. The meaning of dump is that to fill a deep place without any necessity.

As per the report of the ASI at Volume -1 at page 217 below the heading cargomorative token, Ramtanka pendent was found during excavation of

trench G-9 at 1.08 meter depth. G-9 trench in south was outside the disputed site. As per my information, G-9 trench was about 30 meter away from the disputed site. The witness after seeing Volume -1, Floor 2 that trench G-7 and trench G-9 were not in the disputed premises but were outside. I consider disputed building as disputed premises.

In the report of ASI at Volume 1, page 208 at serial no. 1, the straight written button like piece of glass was found in trench J-3 at the depth of 9.55 meter. It is also correct to state that epigraphist had read and told that this is written in Brahmi handwriting and is 300 BC century old.

I cannot say that in the entire report the facts regarding achieving of object is right or not as I have not read the entire report. I do not know that the object recorded in report Volume 1 at page 208 at serial no. 3 and 4 were found as per writing or not. I cannot say that on the day

**12883**

these objects were found, I was present at the excavation site or not.

Read and certified

Sd/-

(Md. Abid)

28.9.2005

On our dictation in open court typed by typist

For further cross examination the case be listed on 29.9.2005.

28.9.2005

BEFORE THE COURT OF HON'BLE SPECIAL FULL BENCH, HIGH COURT, ALLAHABAD, LUCKNOW BENCH, LUCKNOW

D.W. 6/1-2 MOHAMMAD ABID

DATED: 29.09.2005

(In continuation in Original Case No. 3/89 Nirmohi Akahara vs. Priyadutt Ram (dead) and other in original case no. 5/89 the argument commenced with oath by the learned counsel of the plaintiff Shri Ajay Pandey)

I do not know that as whose nominee I went to excavation site. Dr. Jaheer is profession in

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Delhi. Perhaps he is professor in JNU and keeps up and down to Aligarh. He might be profession of history as he moving to history department. I do not know that I went to excavation at disputed site as the nominee of Dr. Jaheer but as far as I remember I went to disputed premises on the request of Iktidar Alam Khan. Apart from this Haji Mehboob had also called me and he had also requested me to come. I do not know that I went there as a nominee of Haji Mehboor or not but on the asking of these persons I have gone to the excavation site. Dr. Iktidar Alam was profession in history department of Aligarh University and now he has retired. As far as I know Iktidar Alam Khan has no relation with this case. As per my observation, he had no connection with the excavating team. Iktidar Alam Khan had told me that at the time of excavation, such persons are required who have knowledge of excavation and he told me that if you want to go you may also go.

On this issue the learned arguing counsel brought the attention of the witness to his statement to the 6<sup>th</sup> line below written at page 46 and on

reading this the witness said my this statement, which I later came to know that I was not mad the nominee of Dr. Jaheer, is not wrong. I on the basis of assumption gave this statement in the court. My today's statement is also correct since I on assumption had told that perhaps I had gone there as a nominee of Dr. Jaheer. I had no acquaintance with Haji Mehboob prior to the excavation. I had not given my telephone number to him. Dr. Iktidar Alam Khan had told me earlier regarding Dr. Haji Mehboob but I was not knowing him personally. My statement at page 27, 5<sup>th</sup> line from below that I had gone as a nominee of Haji Mehboob, is based on assumption. It will be incorrect to state that I am giving statement without any knowledge and based on assumption. It is incorrect to state that I was sent to Aligarh Muslim University for staying before the excavation at the disputed site.

My both the statements which have given in this court are correct i.e. Dr. Iktidar Alam had told me that excavation is to be undertaken and hence I at my own had gone to excavation site. Before



going to excavation site my identity card was prepared. This card was prepared by the officers present there. It is not that I after reaching the excavation place had asked the officers to prepared my pass rather Haji Mehmood has got my entry card prepared. I met with Haji Mehboob near the place of excavation site. When I told him that I have come from Aligarh University then Haji Mehboob told that he is Haji Mehboob. I remained at the excavation place for 83 days and for that I had taken leave from university.

ASI was established about 150 year back from today. It is correct that in these 150 years ASI had done various excavations in the country. Some excavation have been done by universities. The report regarding excavations by ASI and university would have been published. It is correct that based on such report of excavations, in BA and MA syllabus are prepared.

Question: From the establishment of ASI and till date on the report of excavation by ASI and

universities, no contrary facts are received then anyone has objected against such reports?

Answer: Yes, when historical conference are conducted. In that papers have been read. The result which has been shown for Bhagwan pura, they have been disclaimed. In the same manner, the report of excavation in Koshambhi, on that also some persons have disclaimed the decision. In the same manner, in the excavation in Jakheda, the period have been told in PGW, on that also people have made objections. The objections and papers which were read, the same were treated correct but the period of the report of the Jakheda on that objections were raised in the name of properties. The same result was confirmed on other places on the basis of excavation hence now the said objection is not recognized. If the excavation is done on the scientific manner and all the method of excavation are fulfilled and scientific results comes then the said result will be correct.

In one meter there are three feet and few points i.e. it is more than three feet. It is correct that the length of 11 meter would be approx 35-36 ft. I have said in my previous statement the depth of west side of disputed site would be 11 meter. I had used the land there and hence I have told about its depth from earth and where I have said 20-25 ft. that is step by step depth of west of makeshift from people used to come and go from back I have told depth from there. Since the earth has gone slide in the west of the disputed premises and hence I have told the depth from below surface as 11 meter and 20-25 depth from the back of the slide to surface. The fact of people sitting in the 7<sup>th</sup> meter depth in trench J-3 which hI have said in my earlier statement, these were ASI's persons. I had gone down to see it 1-2 times after taking permission. In April-May excavation was being done. When I had gone inside trench J-3, I do not remember now that which month it was but I can tell by guess that it was month of June but at this time I do not remember the week and date. Normally parties, advocate and nominees are not allowed to go

inside the trench but I went there after taking permission and asking the persons of ASI that can I go inside and after getting permission from these persons I used to go there. I do not know that which of the parties and nominee and lawyer had gone inside the trench, I do not remember. What I have said in my earlier statement that "we people" used to sit inside the J-3 trench. By we people, I meant the team doing excavation and I went inside 1-2 times after their permission only. What I have said in my statement that pillar bases were made after cutting. This was not done by all people of ASI. I have seen one person preparing that and for that jointly objection was given to observer. The name of that person was perhaps Sharma Ji. On that objection our signatures are not there rather that was filed with the signatures of Mr. Haji Mehboob or Jafaryab Jilani etc. This pillar base was near by trench J-2 but I do not remember the date and time now. I had gone and told the observer that pillar base are being made there. Both the observers used to remain sit in the chamber and I used to go there and tell them. On my complaint,

observer went to the spot. I do not remember whether Observers had given report in this respect to the court or not. During the preparing of pillar base i.e. during the process itself I took the observer there. I do not know whether observer had said anything to the ASI persons or not. When I took the observer to the spot then the observers kept standing there and remained standing there. It will be incorrect to state that the observers remained standing as moot spectator rather in their presence the said work was never repeated again. It will be incorrect to state that thereafter the digging in the excavation area was being done appropriately. In my absence, some other pillar bases were got constructed and when I returned then I saw that pillar bases were constructed there. Now I do not remember the exact date. Apart from Sharma Ji, I had seen Mr. Siddiqui preparing pillar base. When I reached there and standing there, then after seeing me they immediately left the trench with the labourer and went to some other trench. I did not make any complaint to the observer in this regard. Some other nominee had made the complaint

but who made the complaint I do not remember the name. I had not given written objection in this regard to the observer but I had said orally that Mr. Siddiqui is also going to do this.

On my complaint, observer came at the spot and start looking. I had made complaint against Mr. Siddiqui for his work being done at Trench NO. L-1 and Z L-1. The complaint which I had given to the observer regarding preparing of pillar base in J-2 trench, in this regard the observer had given their report on 21.5.2003 which is before me. Which is annexed at paper book 52 of the observer.

"Blind arch" which I have stated in my affidavit, by that I meant by such an arch which is closed from the back. "Niche" which I have stated in my affidavit, by that I meant "Ala' or Tak". There is a difference between arch and niche. Blind arch is big is size and length and is for decoration purposes and niche is alcove. Its height is not much like that of blind arch. 'niche' can be from 45 cm to ½ meter. Blind arch

goes from  $\frac{1}{2}$  meter to  $2 \frac{1}{2}$  meter. In the report of the ASI I have not stated about blind arch. In my affidavit, the description of blind arch is based on my personal knowledge. I did not make any parallel report during the excavation rather the artifacts which were being found, I used to note down in my diary. In artifacts which all the things comes, I used to note them. I used to note the movable artifacts.

I have gone to Khujrao Shiv temple. I found niche in the temple. Niche which I had seen in temple, they used to be of the same size normally which I have stated above. This 'niche' are prepared on the  $2 \frac{1}{2}$  ft above the floor of the temple. I do not know that normally niche are prepared on which height in the temple. I have not gone to Ayodhya Hanumangarhi temple. I have not gone inside the Kanak Temple. I have never gone to any Vishnu or Ram Temple. It is incorrect to state that I do not know that in temple how niche and blind arch are prepared rather what I have seen according to that niche and blind arch are prepared in that manner as I have said above.

Apart from Khujrao I go to Mahadev Temple of Aligarh on every Tuesday. I have not seen this that in the temples of Lord Ram and Lord Vishnu blind arch and niche are prepared. I know that in temple circle are done and I have seen people taking circles. I do not know that the body of which circle are taken by people, they keep on their right or not. When I saw circles, the people were taking circle clock wise i.e. the statute was on the right side.

It is not that when the tomb is given after death of sage and sages then their leg on the south side and head on north side and face kept on right side. This I have seen in muslims. Since I have been seeing this in muslims so I say that in sage and sages this does not happen.

I do not know the period of Brahmi handwriting. Swastik sign is sign and symbol of Hindu religion. It is correct that it is made in the temples and house of Hindus. I do not know that Shri Vuts is there on the heart of Lord Vishnu or not. I have heard the name Garun. Garun is a



vulture whose description is found in the books of Mythology. Garun is considered as a rider of some God.

I do not remember that the period of Chandragupt Second remained from what to what period.

From 6<sup>th</sup> May to 6<sup>th</sup> June 2003 when I was on excavation site during that period Swastik sign, Ramtanka, 'Siddhe' written in Brahmi handwriting, written in Brahmi handwriting 'S', written in Brahmi handwriting 'n', written in Brahmi handwriting 'sh', written in Brahmi handwriting 'p', written in Brahmi handwriting 'h', copper coin on which along with Garun, Shri Chandragupta was written, which was of the period of Chandragupt second were found. If these articles are found in stratified layers then they would be of the same period of which period layer is found.

Puravesh means artifact found during excavation.

By artifacts meaning the ancient articles found

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during excavation. From the bones found during excavation, period cannot be decided.

(other original case no. 4/89 Cross examination closed by Shri Ajay Pandey, Advocate for the Plaintiff)

(other original case no. 1/89 Cross examination closed by Shri Ajay Pandey, Advocate for the Plaintiff)

Read and certified

Sd/-

(Md. Abid)

13.9.2005

On our dictation in open court typed by typist

For further cross examination the case be listed on 14.9.2005.

13.9.2005

**12896**

Before: The Commissioner Sh. Hari Shankar  
Dubey, Additional District Judge/Special  
Executive Officer, High Court, Lucknow bench,  
Lucknow

Sunni Central Board of Wakf U.P. & Anr.  
...Plaintiffs

Vs

Gopal Singh Visharad & Anr. ...Defendants

Other Original Suit No.4/1989

(Regular Suit No.12/1961)

DATED: 26.07.2005 DW-20/4 Madan Mohan Gupta

Affidavit pages 1 to 8 of the Chief  
Examination of Madan Mohan Gupta, aged about  
52 years produced, which has been taken on  
record.

(DW-20/4 Madan Mohan Gupta, aged about 52  
years S/o late Sh. Gurdv Gupta R/o E-7/45,  
Bangal T.T. Nagar, Bhopal- cross-examination of  
the affidavit started by Sh. Ranjeet Lal Verma,

*www.vadaprativada.in*

Advocate on behalf of plaintiff Nirmohi Akhara  
o another Original Suit No.33/89).

X X X X

Akhil Bharatia Sriramjambhoomi Punardwar  
Committee constituted in about 1989. Committed  
established for because we people had this  
grievance /pain that the holy land, which was  
faith of Hindus for thousands years, self  
respect of India and was to provide pride. That  
place converted into dependent India in the  
form of disputed place without any reason due  
to separatist policy of English persons. We for  
the self respect of India and crores Hindus  
Dharmabalbho, whose faith, belief and culture's  
centre is Maryada Purrushottam Sriram, to  
provide further faith and belief of the Hindus  
through judicial way further to Hindus by  
keeping their birth place peaceful, cordiality  
and fraternity of the India. This was the main  
aim of the Committee. Besides this aim of the  
committee was also this that the construction  
of the temple and which is in ruin condition,  
its reconstruction and publicity be done of

Eternal Indian Religion. This committee is registered. Jagadguru Shankaracharya Dwarka Sharadapeethadhishwar Anant Srivibhushit Swami Sh. Swaroopanand Sarswati is the Chief Patron of this committee, who is symbol of faith of crores Hindus of the country and has also sent to Jail for Ardent of Ramjanambhoomi. The Registration of this Committee was done in Bhopal. Proposal was also passed before its registration. The people participated in this proposal, who were people of similar thinking. It cannot be said to anyone out of them that he presided the meeting at the time of passing the proposal. The proposal was prepared on a plan paper. This proposal passed in Bhopal. Kailash Chand Pant, Bhagwan Dutt Josh, Sri Prakash etc. were present in that meeting. Probably Mahant Gopalnand Brahmchari was also present in that meeting. I do not identify him. I have no knowledge about Ramalaya Nyas. I had filed the application for implementation as a party.

Ld. Crossing Counsel drew the attention of the witness towards paper no. 288C-1/1. The

witness after seeing it stated on putting question that Srimahant Gopalnanad Brahmchari has been stated to be the President of Sriramjanmbhoomi Punarudwar Committee, which is wrong. I have also no knowledge about this letter.

Ld. Crossing Counsel drew the attention of the witness towards paper no. 288C-1/2, upon which the witness stated that neither I have knowledge about the resolution passed on 10.12.1994 by Sriramjanmbhoomi Ramalalya Trust in Ayodhya and nor any copy of this had been provided to me.

Q. The names of seven persons have been mentioned in Paper No.2288C-1/2, to whom you know out of them, can you speak by reading this paper?

Ans. I am conversant with the names of so many persons and out of them, I personally conversant with some persons.

I know Jagadguru Shankaracharya Dwarka Sharadapeethadhishwar Anant Srivibhushit Swami Sh. Swaroopanand Sarswati Maharaj. I know

Jagadguru Swami Jayendra Sarswati. I also know Shankaracharya of Shregeri. Besides this, I know also something about other persons mentioned in this paper. I have neither letter communication with Jagadguru Swami Swaroopanand Sarswati Ji and nor my continuous contact is with him. Letters communications on behalf of Swami Ji is being done by his Secretary.

Q. Did you see Swami Swarupanand Sarswati Ji to write or read?

Ans. Yes.

I can identify handwriting of Swami Sarswatiji to the some extent.

Q. Can you identify the signature of Swami Swaroopanand Sarswatiji?

Ans. I can identify his signature by trying.

I am an Editor, graduate and Diploma Holder from Foreign and know English and Hindu. I understand Sanskrat to some extent. I studied Sanskrat in School and besides it also studied in scripture books. I studied Sanskrat upto 9<sup>th</sup> class.

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Ld. Crossing Counsel drew the attention of the witness towards paper no. 288C-1/3 and 228C-1/4. The witness stated reading the aforesaid document that I have neither specific knowledge about this special and nor Swami Swaroopanand Sarswati Ji informed about this special proposal. The signature of Swami Swaroopanand Ji Sarswati is not clear at S.no.1 on this document No.288C-1/3. The name of Swami Swaroopanand Ji Sarswati is unreadable at Document No.2\88C-1/4 but the signature is not coming in identification. I am not identifying this with my anke. Witness stated that I am not identifying the signature of Swami Swaroopanand Ji Sarswati at document No.288C-1/4 despite efforts.

I know the name of Jagadguri Ramanandacharya Sh. Ramenaresacharya Ji Maraj at S.No.33 of document No.228C-1/3. Srimath is mentioned before his name, which is in Kashi, I know about it. Srimath is Aadimath established by Swami Ramanandacharya Ji. This Math is of saves of Ramanandiay group. I stated in my



statement that Akhil Bharatia Sriramjambhoomi Punardwar Committee constituted in about 1988. I will tell in concrete way about establishment time of this in 1988-1989 seeing my personal note.

I stated in my statement about taking possession of the disputed property through the legal process. I stated about taking possession of the disputed place from the Muslim brothers by taking legal process. I want to take possession of the disputed place from that person of Muslim side, which the Hon'ble Court deems fit and proper.

Q. Whether you want to obtain the disputed place from Sunni Central Board of Wafq?

Ans. If the Hon'ble Court considers their right and possession, we also humbly request them in judicial manner in favour of Hindu religion, Asmita, integrity and cordiality of India.

I filed my petition on behalf of Punardwar Committee and hence, I became the plaintiff. Plaintiff means that we had filed the

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application before the Hon'ble High Court Bench, in that favour, I want to produce the facts, which came into my knowledge.

When first time I went Ayodhya, at that time I was about 10-11 years. I became intelligent till that time. At that time also I went to the Ramjanmbhoomi Temple. Volutarily stated that whenever I visited Ayodhya, did visit at that place. When I visited first time Ayodhya, it might be 1963-1964. I visited 7-8 times Ayodhya from 1963 to December, 1992. I did not visit frequent from 1993 to 1986, but visited more there after opening lock. Presuming I visited Ayodhya before opening lock 3-4 times and like this visited 3-4 times also after opening lock. I do not remember when I visited second time. I obtained Graduation Degree in 1975. After completing education, I also visited Ayodhya during emergency and thereafter. During emergency, I visited Ramjanmbhoomi and Kanak Bhaawan. I stayed in Gokuldham. I also saw Hanumangarhi, Dashrath Dwar and Nageshwarnath. After completing

education, I had knoweldge about the matters pending regarding Ramjanmbhoomi. This matter was pending between Nirmohi Akhara and Sunni Wakq board. I saw portion of three domes and outer side of disputed Bhawan i.e. Ramchabutare, where two poles fitted. I also saw live Aarti there from childhood and I myself also presented floor-coconut, I used to do so from my childhood. I filed application for impleadment in this case in 1989. Voluntarily said that at that time, the decision of establishment of Ramjanmbhoomi Punarudwar Committee had been taken.

The attention of the witness has been drawn towards document no.13A-2/1 to 13A-2/8 of the other Original Suit No.4/89. The witness stated seeing these documents that this is the application through which I prayed for making me as a party. I had filed my counter claim in this case on 05.11.1989, which is marked as Document No.42A-1. Whatever I mentioned in affidavit of my chief examination, which all

things have been mentioned in my counterclaim as per my memory.

Ld. Crossing Counsel drew the attention of the witness towards Para 7 of his counterclaim. The witness stated after reading this that Suit No.61/280 of 1985 is mentioned in the last line of it. Actually it has been mentioned due to typing mistake. 1885 must be written in place of 1985. I knew about Mahant Raghubar Das on the basis of the records that he is concerned with Nirmohi Akhara.

Ld. Crossing Counsel further drew the attention of the witness towards the application making him party. The witness said that total 11 persons names are mentioned at page no.3 of this application. I probably know all out of all these members. I neither met all and nor talked also because the names of similar thinking persons are mentioned in it. It is possible that prior written consent has not been taken from some persons out of these persons but the persons of the Committee, who were present in the meeting, some persons'

names were suggested, whose names are in this list. Voluntarily said no aim of this committee was financial or political. This committee was constituted for the service of the genuine eternal religion and for keeping peace and communal cordiality in India. Kailashji Pant, I myself, Bhagwan Dutt, O.P. Aggraawal, Dharamadhikari and one-two more persons were present in the Meeting of the Committee, whose names I do not remember at this time. Further said that Prempujari Das Ji Maharaj was also present in this meeting. Prempujari Das ji was the Chief Pujchari of Kamadagiri Temple. I am in visiting terms to him since childhood. I meet him after becoming intelligence. I talked with him about Ramjanmbhoomi Temple before 1989. I visit Kamaadgiri Temple each year. Generally I visit there. I do not know whether this temple is of Ramanandiya Vairagi sages or not because I never tried to know it that any temple belongs to which community people. I know this on the basis of my own experience that the costumes and putting Tilak are

different of the Sanyasi Sages and Vairagi Sages. Sanyasi are Saffron and they wear Rudraksh mandatorily and Vairagi Sages wear Tripund Tilak, Kanthi and Dhaval-clothes. I saw all community persons with Vairagi sages. I do not know that whether Ram Mangal Das Ji, Mahant of Gokul Bhawan was of Ramanandiya community or not. I saw him. He wore Kada in hand and leg. I did not see whether he wore Yagopavit or not. He used to put Tilak on forehead but not put Tripund, he wore white clothes. Voluntarily said that I did not ask about caste, who remembers Hari becomes Hari's. I do not know whether the synonym of Hari becomes Singh or not. Synonym of Hari also becomes take.

Temple is in small room of Gokul Bhawan. Voluntarily said that where tomb of Ram Mangaldas Ji is existed. Several pictures of God are situated in this temple of Gokul Bhawan and picture/statue of Ram Mangal Das Ji is fitted. Voluntarily said that pictures of all religions' great men are fixed there. Picture of Nabi Sahab in the form of Islam is fixed

there. I do not remember which picture of Jain religion is fixed there. Whatever pictures are fixed there are framed in glasses. There are so many communities in Hindu Religion and there are so many their gods. Shev, Shakt and Vaishva Communities are in Hindu Religion. Shev are called Matavalambi Sages, whose Aaradhyadev is God Shankar, who are worshipers of Shakti but they do not be Augharpanthi. Nathpanthi are the part of Shev. Aadishakti Bhagwati is worshiped in Shakt community. Goddess are to be Eastdev in Shakya community. God Vishnu is to be Upashyadev of Vaishva Religion's Upashako. Two complete Avtar of God Vishnu became, who are God Ram and Got Srikrishan. Complete Avtar means appearance in man shape with 16 arts. The followers of Ram in the form of complete Vishnu Avtar are called the Ramanandiya Community people. The following of God Srikrishan are Bhallabh community.

Darshan of Aadishankarcharya is Adetyabad, who established Math. Ramaanandcharya became promotor of Ramanandiya Community, who also

established all Mathas. 12 famous pupil became of Ramanand Ji, one pupil out of them was Kabir Das. Raidas was also his pupil. I visited all religious places of the India. There are so many temples of Ramanandiya Community in North India or not I do not know, I did not take darshan of temples on the basis of communities.

Religion means is of that thing, which becomes person a good man to live in the society, does not give pain to others and who by promoting his soul in this Lok or in parlok, the God welcomes him by declaring Adetbad Brahamakasya Brahmaditiyanasti, trying to find it out. Not such as that I stated the aforesaid definition of human duty but as I know and understand the religion in which form, I stated the definition about that. I studied about original system of Adetabad i.e. we are one and about Ditiyanasti. Aadishankarachary established formless God, but he composed from Sohara Lahari to Shivashtak stots, which are still part of worship of External Indian Religion. Aadishankaracharya saw the Darshan of



Form of God Shiv. I read something about Aadishankaracharya in Indian Darshan. I read out entire Darshan of Aadishankaracharya.

I remember upto where Sri Raamanandacharyaa Sriharyacharya, is Ramanandacharya of Kashi Math. The name of Sriharycharyaji is proposed in the list of committee. The name of Mahant Sh. Panjabi Maharaj Chitrakoot is at S.No.4 of Document no.13A-2/3. He wore Dhawal clothes and was sage. Names of the persons mentioned in Document no.13A-2/3, out of them, Shriprempujari Das Ji wears yellow clothes and he put Vaishnav Tilak, which had a thin line between two lines.

Ld. Defence Counsel drew the attention of the witness towards para-18 of his chief examination. The witness after reading it told that in this para it is written that 'Lord Ramlala has always been worshiped'. I heard this fact from my grandfather-great grandfather and parents. This worship of Lord Ramlala is

coming prior to Manav-Smriti. My family had a long history of doing worship by going to the Ram's birthplace. My great-grandfather's father who was the Chief Diwan of Bithur's Peshwa and was descendant of Bhamashah, he used to worship in Ram's birthplace. His name was Late Sameta Shah. Elders of my family used to say so. This detail related to my family introduction is available in written. But during British rule this material burnt down because of putting fire in my house at the time of freedom fight. The father of my great-grand-father was Diwan at Bithur's Nanaji Peshwa. I don't remember which year this fact is about. I don't remember that how many sons Sameta Shahji had. The name of my grandfather's grandfather was Sh. Hiramani and grandfather's name was Lalmani. There was difference of two generations between my father and my great-grandfather's father.

From the temple, I mean the place of worship of Hindu Opinionated.

Q. Is it not necessary to have God's residing in the temple?

Ans. Generally, there are gods-statues in Hindu Temples, but Mathura's birthplace etc. are such places which are an exception of this and despite not having gods-statues this place is more reverend and is the centre of faith because of being birthplace. I had that knowledge while filing the reply of suit. I don't remember whether I have written this fact in my reply to the suit.

Ld. Defence Counsel drew the attention of the witness towards Para-17 of the affidavit of his Chief Examination. The witness told that this para contains mentioning of Lord Shrikrishan, who was the son of Vasudev and he was born in the Mathura Jail. Name of Raja Ramacharyaji Daakore has written at Sr.No.1 of Document no.13A-2/3. He himself was not present in the meeting. I don't know him personally and his name was proposed. I don't remember that Mahant Ramchandracharya who is the resident of Daakore, Gujarat,

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whether he remained present in the meeting  
or minutes of meeting.

Confirmed after reading the statement.

Sd/-26.7.2005

Typed by the stenographer in open court on my  
drafting. The suit in same sequence be put for  
further cross-examination on dated 27.7.2005.  
The witness be sure to attend.

Sd/-  
(Hari Shankar Dubey)  
Commissioner  
26.7.2005

**BEFORE THE COMMISSIONER SH. HARI SHANKAR DUBEY,  
ADDL. DIST. MAGISTRATE/ SPECIAL EXECUTIVE  
OFFICER, HIGH COURT, LUCKNOW BENCH, LUCKNOW**

Date: 27.7.2005

DW 20/4 Madan Mohan Gupta

(Appointed by the order dated 22.7.2005  
passed by Hon'ble Full Bench in other original  
suit no.4/89).

(In sequence of dated 26.7.2005 DW-20/4  
Sh. Madan Mohan Gupta's cross-examination on  
oath is continue by Sh. Tarunjeet Verma-  
Advocate on behalf of the plaintiff Nirmohi  
Akhada of other original suit No.3/89).

In para-3 of my affidavit of Chief Examination I said the fact to construct 'Onkareshwar Temple' In Riva (Madhyapradesh). My parents and I myself had constructed this temple. The construction of this temple had completed in the year 1985-87. The temple had taken around 10 years to build. Lord Onkareshwar is sitting in the Temple and in other temple Lord Sh. Ram, Mata Janki, Lakshman and Veer Hanuman are sitting in other temple. Bajrangbali has been emplaced in third Temple. The three temples which I have mentioned, those three temples are constructed separately in same premises. Himself said this temple has been dedicated for the Public of Riva. Onkareshwar is called Lord Shiva. The vigrah of Ramchandraji which is in this temple, this is of Shri Ram having bow in his hand. The vigrah of Hanumanji is in stangnant status with cudgel. This temple has bene dedicated to Jagadguru Shankracharya Swami Swarupanand Ji Saraswarti and public of Riva. In Para-4 of my affidavit of Chief examination I had used the

word 'eternal time' (anadi kaal). The meaning of which is 'prior to my memory'. In fourth line of para 07 of my affidavit of Chief examination I have mentioned Maharaja Vikramaditya. I have read about Vikramaditya in books. I cannot say this clearly that he is same Vikramaditya, in whose name vikrami samwat operates. I could not clear the period of this Maharaja Vikramaditya. In this para I have written 'restoration of Sh. Ram birthplace Temple done'. I had read about this in books and newspapers.

In para-6 of my affidavit of Chief examination I had mentioned the manifestation of Lord Shri Ram. I mean by manifestation that Lord Ram manifested as Vishnu's incarnation. The mentioning of this manifestation is from Ramcharitmanas written by Tulsidas. This mentioning is in the bottom verse of Doha No.191 of Balkand of 'Ramcharitmanas' and Doha No.192 show the manifestation of Lord Shri Ram. This Doha is as under-

"vipra dhenu sur sant hit-linh manuj avtar

Nij ichcha nirmit tan, maya gun gopa".

Similarly, it has written in Doha No.190 that-

"Jog lagan grah baar tithi sakal bhave anukul  
Char aru achar harshjut ram janam such mool".

This is written in the Chopai below:-

"Nomi tithi madhumas punita, shukla paksh  
abhijit hari preeta, Madhya divas ati seet na  
dhama, pawan kal lok vishrama".

etc. etc. shows the manifestation of Lord  
Shri Ram at Janmbhumi place in Ayodhya. Any  
science could not translate above excerpts.

In fifth line of para-6 of my chief  
examination I have mentioned Balmiki Ramayan.  
On showing the Balmiki Ramayan I can tell this  
mentioning of manifestation. The witness told  
after seeing the tenth shloka of 18<sup>th</sup> canto of  
Balkand of Balmiki Ramayan document No.261C-1/1  
that this is found mentioned in this shloka.  
The creation period of Balmiki Ramayan is very  
old, but I could not tell the actual time of  
this creation period.

Ld. Defence Counsel drew attention towards the excerpt of fifth line of Para-6 of his affidavit of chief examination that "Balmiki Ramayan is synchronous of Lord Shri Ram. This witness told there is a acceptableness of this type. Shriramcharitmanas written by Goswami Tulsidas was written about Four hundred-Four hundred fifty years ago.

Ld. Defence Counsel drew attention towards the fourth, fifth and sixth chopaiyan of Doha No.33 of Balkand of Ramcharitmanas written by Tulsidas, document no.258C-1/2. The witness read it and told that it is written in this that in Samwat 1631 by placing my head in the god's feet I tell his story. This character appears on Navmi tithi, Monday and Madhumas or lit up, the day when auspicious songs of Lord Shriram's birth sung there, Virtuous gods of whole pilgrimages came here to hear this character.

Thereafter, third chopai of bottom of doha no.34



"Ram Dhamda puri suhavani, lok samst vidit  
ati pavani".

The meaning of it is that where Prabhu  
Shriram has taken human incarnation, the said  
religious city is famous as a very pious city  
of all world.

Bottom seventh chopai of Doha No.47<sup>th</sup> of the  
same Balkand-

On drawing attention on 'Teri Avsar bhajan  
nahi para, hari raghuvans leenh avtara' and on  
asking its meaning the witness has told that  
the meaning of this is that Lord Shri Hari  
Vishnu as Prabhu Shriram has incarnated in  
Raghuvansh to reduce the burden of demonic  
force and sin.

On drawing attention on the bottom seventh  
chopai of Sortha No.120D of Balkaand of this  
same book 'karnhi aniti jai nahi barni'  
seedahin vipra dhenu-sur dharni" the Defence  
Counsel asked from the witness that "what is  
the meaning of word 'seedahin' used in it". The  
witness told that the meaning of this is both

'to protect and to break'. The gist of it is that who will do immorality, he will fall and the Brahmins, cows, Gods and earth will be protected".

On drawing attention on Doha No.297 of Balkand of this same book the witness told that the gist of it is that the beauty of the mansion of Ram's father Dashrath is beyond the description of the poet, means this doha indicated the place of incarnation of Lord Shri Ram.

In second line of para-8 of my affidavit of Chief Examination I have mentioned 'Treta Yug', which was this Treata Yug, I don't remember this. In this regard I only know this that at that time it was the end of Treta Yug and was starting of Dwapar. I don't have this knowledge that this was 28<sup>th</sup> Treata yug or not.

The attention of the witness drawn towards the words "Bhudev Shri Ram' used in the third line of para-9 of Witness's affidavit of Chief Examination. The witness told that God incarnated on earth by leaving Baikunth Dham,

therefore, he becomes the God of this whole earth. On drawing attention towards the book namely 'Ayodhya Mahatmay' in the first line of para-12 of his affidavit of Chief Examination, this witness told that who is the writer of this book? I will tell after seeing this book. I have turned the pages of this book upside down.

In para 13 of my affidavit of Chief Examination I have mentioned U.P. Dist. Gazetteer, Faizabad-year 1960. This Gazetteer has been submitted in Hon'ble Court alongwith my written statement.

The witness himself told that 'Thaisi Gazetteer' has wrongly published in ninth line of para-13. In fact it has been written as 'same Gazetteer' the word after the previous word 'was done'. I have studied the concerned side of the Gazetteer.

In my last line of para-13 of affidavit of Chief Examination I have mentioned 'Varaah Bhagwan' I had seen him during my journey on the disputed site from 1963 to 1992.

The Ld. Defence Counsel drawn the attention of the witness towards the Picture No.9 and 10 of Shyam-Shwet Alab document No.201C-1. This is the picture of Bhagwan Varaah, who is one of the ten incarnations of Lord Vishnu. I have seen lots of pictures and statues in Uttar Pradesh and at many other places. A very huge statue of Varaah Bhagwan is placed in Khajuraho Temple. National Park Bandhavgarh of Madhya Pradesh, where the throne of kabir was, two very huge sight-worthy stone statues of Lord Vishnu's Varaah incarnation are there.

The Ld. Prosecutor drawn the attention of the witness towards First two lines of second para of Document no.312C-1/54 of other original suit no.5/89, which has also been written on page -353. Seeing that, the witness said that after reading these lines I have mentioned this in para-13 of my affidavit. Apart from that I myself had also seen this at the dispute place.

On asking that 'what was the Geographical location of the statue at the disputed place'

which the witness has mentioned in para-13 of his affidavit of Cross examination'. The witness told that my memory is weak in respect of the geographical location.

(At this stage the witness himself told that at that time I am mentally disturbed, because both the kidneys of my real brother have been damaged, due to rain it is not possible to take him to the hospital.)

The Ld. Defence Counsel draw the attention of the witness towards the first three lines of the Fourth para of Document No.312C-1/54 (Page 353) of the suit. The witness after reading it told that this proves the Thakur Yagya and Ashvamegh Yagya of Treta. I believe that any proof or evidence is required that Himalaya is a Himalaya and saying Himalaya to Himalaya. Similarly, there is no need to give any proof or evidence in respect of the manifestation of Lord Shri Ram in Ramjanmbhumi.

The Ld. Defence Counsel drawn the attention of the witness towards the excerpt

'Angels descends on earth' written in fourth and fifth line of Para-13 of affidavit of his chief examination.

The witness told that on the basis of document no.312C-1/57 and 312C-1/58 (Page-76 and 77) of the above suit I have told the facts written in fourth and fifth line of para-14 of affidavit of his chief examination.

The fact which I have said in last two lines of para-13 of affidavit of his chief examination, despite my knowledge in respect of the geographical location is very weak, I have written so because this is a thing of general experience that usually the main gates of Temples remains towards East or North Direction.

I have used the words 'meenar' and 'Vajru' in third line of para-14 of my affidavit of his chief examination. The meaning of 'Vajru' means washing hands. I have seen mosques. I had seen the disputed place. I had seen mosque of one Tower, two towers and four towers, but I have

not seen any mosque without tower and there was no tower in the temple of Ramjanmbhumi.

In Para-13 of my affidavit of his chief examination I have written this that Foreign invader Babar's advisor Meerbanki had constructed the disputed building by breaking the temple of Shriramjanm bhumi. The details related to this finds in this same part of Gazetteer, which the Ld. Defence Counsel had seen me. I have written Babar as Foreign invader because the person who neither born in India and nor grown up in India rather who attacked on this great land for killing the innocent Indians and to destroy the wealth of Indian land and who occupied this land with force and forcibly with arrow-sword will be called invader, even if he was Babar or Changez Khan or Sikandar. Their purpose was never to serve India or Indians rather their purpose was to loot the wealth of India by coming from foreign and molesting women. They have tried to divide the religion of India, therefore, they have been called barbarians in History. On the

basis of all this I have said the facts written in para-30 of my affidavit of Chief Examination.

The meaning of word 'invader' is from that person, who spread terror along with attacks, as Taliban is doing at present.

I have mentioned 12 Poles of Kasauti in fourth line of Para 14 of my affidavit of Chief Examination. During my Ayodhya visit from 1963 to 1992 I had many times seen these poles.

The Id. Defence Counsel drawn the attention of the witness towards Picture No.45 of Colour Album Document No.200 C-1. The witness told after seeing this picture that this is picture of Hanumat Dwar, which was before the string wall and the two poles of Kasauti are visible in it. In para No.14 of my affidavit of Chief Examination I have mentioned Shri Ramyantra and Toranganpati Prakar Mandir, I can identify them by seeing it in the Album. The witness told after seeing from Magnifying glass that Shriram Yantra has inscribed above



the lotus in Picture No.87, whose 6 angles are visible clearly and the elephant's truck appears in the skylight built above from this picture. On asking by the Ld. Defence Counsel about the Red plate writing visible in Picture No.87 and 88 from the witness, the witness told 'it is written in it, that the advantage of coming to this place is only when you vow to leave eggs, meat, alcohol. The aarti of Lord Vishnu is to make Vaishnav Vegetarian. The non-vegetarian person is a direct monster part. (Shri Krishna is written ahead, the witness showed his inability to read further).

The Ld. Defence Counsel drawn the attention of the witness towards Picture No.109 of Colour Album and he asked what do you see in this. The witness told that I see a vase and fractal shape of a Yaksh made below the Vase on it. After seeing the poles of this picture it not possible to tell that where was that pole, because total 12 poles were fixed inside, other two boles were placed at Hanumat Dwar. On showing the picture no.146 the witness told

that Vase in lower portion of the pole is looking very clear in this picture. This vase used to be established in the temples of Vishnu and his incarnations. This is a mascot symbol of Vaishnav Religion, because who was staying at the Sheshnag in Kshirsagar used to collect nectar in it and the same vase was decorated in the hands of Mata Lakshmi. The importance of Kumbh Melas in India is also because of this Nectar Vase. In this Pole I clearly see the broken image of Lord Hanuman above the vase, in which his first foot is behind and his Ape tail and broken part of mouth is visible.

The Ld. Defence Counsel drawn the attention of the witness towards Picture No.187 then Witness told that Vase is clearly visible in it and above the vase there is broken statue of someone in padmasan position. Padmasan is clear remaining status is broken.

I have filed the quotes of 'Babarnama' vide Document No.45A-/22 List 45-A of other original Suit No.4/89 and quotes of 'aaina-e-akbari' vide 45C-1/25, my purpose to file these

documents is that both the documents tells the history of Mugal Emperors. As it is well known that in India Mugal Emperors used to record their daily-works in History and the mentioning of this fact does not come in both these documents i.e. Babarnama' and 'Aaina-e-akbari' that Babar had demolished Shriramjanm Place. This proves this that 'the fact that Babri mosque constructed after demolishing the Ramjanm place which is written in the Gazeette of British, has been a part of 'divide and rule policy' of the British so that Hindu & Muslim could not live with benevolence and brotherhood in this Ganga-jamuni culture of India, religious malice be spread between them and both these two world's largest communities are not allowed to be one. With this view the British during their regime have thoughtfully hatched conspiracy and have done this act otherwise if Babar would have broken Ramjanmsthan or would have constructed mosque on which then certainly it would have been mentioned in Babarnama or Aaina-e-Akbari. The

quotes of Babarnama and Aaina-e-Akbari which I have filed in the Court and I could not tell from whom it have been written. Apart from that any book written by any other writer on this subject is not available with me.

I have mentioned such place in para-17 of my affidavit of Chief Examination that this place is worshiped without Statue. Apart from the place shown in this para there are many such places like Kurukshetra, Mansarovar, Kailash Parvat, Shrikrishan Janmbhumi, Kunj of Gangavan where the God has played Raas, the coast of River Yamuna where the Kalia Naag was pondered, where they worshiped without statue. Amongst above places any temple is not constructed in Mansarovar. Any temple is not constructed on Kailash Parvat, whereas temples are constructed here and there at some other places but the importance of those places is because of those pious reasons, which is in the shape of Prabhu's leela. Food is not offered to the God at above places and there is no worship

there. Divine souls practice meditation on the above mentioned places.

In para-19 of my affidavit of Chief Examination I have written that Babar had never done any wakf and nor he could have become the owner and in possession of Shri Ramjanmbhumi situated at Ayodhya. I have written the contents mentioned in para on this ground that Babar had never done any waqf. Babar had come from foreign, he was an invader, in which he had forcefully grabbed the land and money. Therefore, any ethical or social right of him could have not been made there.

The Ld. Defence Counsel drew the attention of the witness in first three lines of Para-24 of his affidavit of Chief Examination, the witness told that I have written the contents on the ground that whenever I go there, I did not find anyone reading namaj or going there. Alongwith my affidavit of chief examination I have filed Document No, 8/1 to 8/8 as enclosure. I have enclosed the quote of fourth part of Shribhakti Marg with my affidavit of chief

examination because I want to remove this misconception. According to me like Mumbai became Bombay after ablative and now Govt. of India has corrected it. Similarly when Meerabai reached Ayodhya after became 'Baavri' in the love of Lord Shri Vishnu Hari and she created a Pad 'Payo re maine ram rattan dhan paayo' since then people also started saying that place 'baavri ka sthan'. Meerabai was a devotee of Shri Krishan, but after coming to Ayodhya and on coming in the contact of Tulsidasji she had become devotee of Ram and she had created dohas related to Ram. I have mentioned a doha of Meerabai in para-24 of my affidavit of chief examination. I have enclosed this doha with affidavit as enclosure. This doha has been given on document no.8/4 (page 45).

I have mentioned anguishes of Meerabai in fifth and six line of para 24 of my affidavit of chief examination, meaning of anguishes is that when Meerabai used to dance after becoming mad in the love-devotion of Lord Shrikrishan and she was not worried about her house or

insider or outsider then people started calling her Baavri and after getting teased with this her Jeth Rana had sent a poison cup to drink, despite drinking the same Meera kept singing hymns of god and she had that pain in her mind that her own relatives are troubling her in the devotion of Lord. Goswami Tulsidas has told the solution of this pain that 'who does not beloved Ram and Vaidehi, he should be abandoned, like Bhakt Prahalad abandoned his father and Vibhishan had abandoned his brother.

The Id. Defence Counsel drawn the attention of the witness towards the last line of Doha given in the beginning of Page No.8/5 enclosed with affidavit of Chief Examination, the witness told that the meaning of this is that 'who have love with the feet of Lord Shri Ram, this is his opinion. Presently I could not tell the length-breadth of Ayodhya, that peoples are doing the circumambulation of Panchkosi and Chodahkosi, I had also done the circumambulation with them. In para 27 of my affidavit of chief examination I have mentioned

Akhand Kirtan and Paath of Shriramcharit Manas, my mother used to tell in this respect, apart from that I had seen this happening at Shivdarbar and Ramchabutara. The Akhand Kirtan and Paath of Ramcharit Manas used to happened continuously or was happened sometimes, I have no knowledge in this respect, but whenever I have gone there then I have seen the kirtan and Paath of Ramcharitmanas happening there. I had never taken any interest that from whom the Akhand Kirtan or Paath of Ramcharit Manas was conducted. I had seen this kirtan and Paath done by the devotees, in which Monks, Hermits and Stoics were also remained involved in this. The Saints' residents were either situated behind the storehouse or near the disputed premises. According to me Saints were residing in Saints' residents. In my yesterday's statement I had told the names of the persons like Kailash Chandra Pant etc. They were the members of Akhil Bhartiya Shri Ram Janmbhumi Punruddhar Samiti. Posts of Secretaries and Coordinator in the Committee, there was no post



of Treasurer because we do not believing in collection of money or doing politics. This committee has rejuvenated and constructed the temple in all over India and places. This work has been done from Narmana River Coast in Hinglaj Bhawani Temple, Dist. Narsinghpur. In Village Gote restoration of the temple of Lord Nrip Singh has been done to which we also called Lord Jagannath, who is also an incarnation of Vishnu. It is not like this that we have done this rejuvenation or construction of temple only in respect of Temple of Lord Vishnu because rejuvenation of Temple of Hinglaj Bhawani comes in the same category. This committee has not done rejuvenation of any temple of Ayodhya. The Ld. Defence Counsel drawn the attention of the witness towards the eighth and ninth line of Page-13 of this statement dated 26.7.2005, the witness told that I used to take flowers and coconut from the shop situated outside the Hanumatdwar for offering the same to God, as far as I remember there were lots of shops. All Hindu sides in

this case like Vishavhindu Parishad, Nirmohi Akhada, Ramjanmbhumi Punruddhar Samiti etc. are praying to get justice from Hon'ble Court. I have also heard the name of Shri Ramjanmbhumi Nyas.

I don't have knowledge of it that since from the very beginning Nirmohi Akhada is contesting the case in respect of present dispute or not. On asking by Ld. Defence Counsel that Name of Monks of Nirmohi Akhada is recorded on the dispute place or not. The witness told that if the name of any Hindu Party would have been recorded on disputed place then there was no reason to call this place disputed. I don't have knowledge that since from the very beginning to till date persons of Nirmohi Akhada have arranged the Aarti, worships and Prasad offered to God at the disputed place or not.

(Cross-examination of DW-20/4 Sh. Madan Mohan Gupta on oath is closed by Sh. Tarunjeet Verma, Advocate on behalf of the Nirmohi Akhada the plaintiff of other original suit no.3/89).

(Sh. Ajay Kumar Pandey, Advocate on behalf of the plaintiffs in other original Suit No.5/89 has told that he do not want to take any cross-examination from the witness).

(Opportunity of Cross-examination was given to Sh. D.P. Gupta, Ld. Counsel of the plaintiffs of other original suit no.1/89, but he also said that he do not want to take any cross-examination from the witness).

(Apart from the Ld. Counsels of defendants of other original suit no.4/89 and the defendants nos. 4,5,6 and defendant no.26 of original suit no.5/89, any other Counsel on behalf of any other defendants is not present for doing the cross-examination).

(Cross-examination from the witness on oath started by Sh. Abdul Mannan on behalf of the plaintiff No.9 and 10/1 Mahmood Ahmad).

X X X X X X

I reside in Bhopal. I was born in Riva. Since 1962 I am in Bhopal and my education was done there. I used to often go out for work. At

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present I am posted as journalist at Bhopal. I belongs to Dainik Jagran News Paper. I am the editor of Dainik Jagran, Riva. I look the work of newspaper at both places Bhopal and Riva. Although the distance of Bhopal and Riva is very far but the distances are reduced because of the arrival of Computer system, I used to control the newspaper related works from the Office situated at Bhopal. I went to Delhi as required. Now there is a direct train service from Bhopal to Riva. Prior to 1962 I was in Riva. I was born in Riva. I came to Bhopal after 1962. My office in Bhopal is of the same type similar to the other news papers. That office of mine is big. How many persons are working in the office, this can be told after confirming from the concerned Department, because I am in Editorial Department. I go to office everyday. As per assumption around 150 persons including different departments are working in this office. I am telling this detail in respect of the office situated at Bhopal. The days in which I live in Bhopal I go

to my office daily. Since from the beginning I have associated with Dainik Jagran Service, I have not associated with any other newspaper. I get Rs.18-20 thousand as salary.

(Ld. Counsel Sh. Amitabh Shukla of the defendant no.20 of other original Suit No.4/89 objected on this that this question is not related to Suit point, this question is absolutely irrelevant, therefore, permission for asking such question should not be given).

Ans.The deductions which used to be done as per rules, is also done from my salary also.

I have become complete editor since year 2000. Prior to that my father was Chief Editor, after his death I have taken this responsibility. Prior to the year 2000 I was working in editorial department. Since 12-15 years I am posted in editorial department. Prior to coming in the editorial department I was reading in Hamidiya College. I have done graduation from there. I learn writing and reading after the graduation and has taken the

training of editing the newspaper. I don't remember that how many days I have taken this training because I used to take different training from different persons and the truth is that I am learning still today and is the student of journalism. I had learnt this work for two-four years. Firstly I started the work in Dainik Jagran at Riva. At present also I am the editor of only Dainik Jagran Service. I came to Lucknow from Bombay, since last 10 days my brother is taking intensive treatment in Bombay. My brother has to go to Hospital every day, he has to go to the hospital for dialysis, earlier he was admitted in hospital. But because of the lack of space he is getting the treatment by visiting the hospital from the house. He is my real younger brother. I stayed 20-25 days in Bombay. I came to Lucknow last morning. I came to Lucknow by train. After coming to Lucknow I met with the Hon'ble Court because after my arrival I directly came to the Court. I had met with Parokar persons in the month of May, when I was appeared in the Court.

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When I came to Lucknow in May, then I had stayed only for one day. At that time I had met with my Ld. Counsels. Sh. Amitabh Shukla and Ranjna Agnihotri Ji are my counsels. My counsels had advised and said me to walk on the path of truth.

Confirmed after reading the statement

Sd/- 27.7.2005

Typed by the stenographer in open court on my drafting. The suit in same sequence be put for further cross-examination on dated 27.7.2005. The witness be sure to attend.

Sd/-  
(Hari Shankar Dubey)  
Commissioner  
27.7.2005

**BEFORE THE COMMISSIONER SH. HARI SHANKAR DUBEY,  
ADDL. DIST. MAGISTRATE/ SPECIAL EXECUTIVE  
OFFICER, HIGH COURT, LUCKNOW BENCH, LUCKNOW**

Date: 28.7.2005 DW 20/4 Madan Mohan Gupta

(Appointed by the order dated 22.7.2005 passed by Hon'ble Full Bench in other original suit no.4/89).

(In sequence of dated 27.7.2005 DW-20/4 Sh. Madan Mohan Gupta's cross-examination on oath is continue by Sh. Mahmood Ahmad -Advocate on behalf of the defendant No.9 and 10/1).

I was born in Riva and my house is also in Riva. The meaning of residing in Bhopal is not that my relation with Riva has broken. I have not keep the account that how many days I stayed at Bhopal. I stayed at Bhopal for total more than three-four years. I reside both places Bhopal and Riva, therefore, I did not keep any account that how much days happened while staying me in Bhopal. The distance of Riva from Bhopal is about 500 kilometer. There is a direct train between Bhopal and Riva and it is not necessary to go Raipur for going Riva from Bhopal. Himself said that at present Raipur went in Chattisgarh State. The railway facility in Riva had started around 12-15 years ago. There are stone mines near Riva. According to my knowledge marble is not taken out from these stone mines. Marble mines are in Bheraghat near Jabalpur. The Distance of



Bheraghat from Riva is about 250 km. I went there. I have not kept the account that how many times I have visited Bheraghat. I went to Bheraghat at different times and in different ages. Last time I went there about three-years ago. There I had seen Narmada River, I had also seen the marble rocks. The marble used to taken out by digging the rocks, Work of taking out marbles is happened at some distance from Bheraghat, because the Govt. banned the marble mining in Bheraghat. I don't have knowledge that at how much distance marble used to be mining from Bheraghat.

Que.How many times have you visited Bhopal?

Ans.I have not kept any account of this.

Riva and Bhopal both are the main places my residing. It took about 10-12 hours in going to Riva from Bhopal. Himself said there is overnight journey from Bhopal to Riva. It took total four hours in reaching Riva from Allahabad. The population of Riva was about three lakhs. Collector and Commissioner both are residing in Riva. I am editor in Riva.

One company in Riva operating Dainik Jagran newspaper, my father had started the same. My meaning from the company is Private Limited Company. Himself said that I want to clear one thing here that I am Defendant No.20, Madan Mohan Gupta. According to order of Hon'ble Court there is no role of mine that I related to any other organization or working there. According to Hindu faith I became the defendant. My Hindu faith says that 'be a good person' Vasudhaiv Kutumkam is our ideal. All human of the world are our brothers. There are so many churches in world. I went in some Churches. I did not go in a Church situated at Ayodhya. I don't remember that how many churches I have visited. I went 'Vatican City'. I don't remember that apart from church of Vatican City, at which places I have visited the church. I went in some church of England or not I don't remember this. I visited England twice or thrice. I went there prior to the year 1985. I don't remember that how many church I had seen in England. Possibly I had not seen

any church of England, when I had visited England at that time my age was about 40 years. I don't remember that how many days I stayed in England. I stayed there for some days. I guess that I had stayed in English for four-five days. I stayed in London in England. I stayed there in a hotel.

Que. After England where did you go?

(on this question Ms. Ranjana Agnihotri, Ld. Counsel of the defendant no.20 of other original suit no.4/89 raised objection that the question which have been asked till date, in no manner are related to the suit point. Only The time of Court and counsels is wasting for asking such questions. Therefore, permission cannot be granted to ask such questions).

(On this objection the Ld. Defence Counsel countered that if such type of questions does not ask in cross-examination then what will left for doing cross-examination).

Ans-I don't remember where I went from England (London).

Vatican City is not in England rather it is in Europe. I went in Vatican City as tourist. I went Vatican City from Roam. Possibly I returned from there in some hours. Then I returned to India, from there I did not go anywhere. At present my age is about 52 years.

My mother had told me that when I was a baby, then my mother had brought me to Ayodhya in her lap. After getting knowledge since the year 9-10 years I have visited Ayodhya, at that time I stayed in Ayodhya for two-three days. My mother, father, elder sister etc. had gone to Ayodhya alongwith me. Most of the time we used to stay in Gokul Bhawan in Ayodhya. Lat time I went to Ayodhya in last December. Himself said that I went to submerge the bones of my mother in Saryu River. I returned back after submerging the bones. In that travel I did not stay in Ayodhya. I have visited Ayodhya seven-eight times prior to my last visit to Ayodhya. When I first time visited Ayodhya after getting conscious then I had

visited the temples like Janmasthan Temple, Hanumangarhi, Kanak Bhawan, Janki Mahal etc.

Then I had sight of birthplace temple, Hanumangadi, Kanak House, Janaki Palace etc. I do not remember that at the disputed site mosque was constructed in the year 1528. I have never sight of any mosque. So far the question of question of Meerbaki constructing the mosque at the disputed site in the year 1528, I have filed written statement in the case and I have said in my statement that Mirbaki was Tashkandi and had come from Tashkandi. He had never construed any mosque in place of temple at the birthplace of Shri Ram as the birthplace temple had never any minaret. Ajan . (listening) is given by ascending into minaret and then only it is considered mosque. The mosque constructed by Mirabki Tashkandi had three tombs. Such details are not found in Aiane Akbari and Babarnama whereas the description of temple of Shri Ram is found is

various religious books. Volunteered that Vayu Puran is a verse:-

"Ayodhya Nagre ramie saryu teeray uttame  
tasyase cha dakshine bhage dhanush thrya  
shatanayte sthambe cheve chaturshitya nirmat  
mandir shubha raghvasya kripa sindho ishwarsyav  
Brahman"

The meaning of this is that at 300 bow distance from Saryu bank there is a birth temple of Shri Ram which is made of 84 columns.

The building at the disputed site which had three tombs. According to me at the disputed site, Babri mosque was not there. That was Ram birth place. In the said building 12 poles in inside and two poles were outside. Volunteered that this poles were of kasoti (a stone on which jeweler rubs metal for purity). These 14 poles were of black colour and were of Kasoti. Since I had checked this poles and on this basis I am telling those poles to be of Kasoti. These poles were not brought from any other

place. This is my belief that these poles were of same place. Volunteered that auspicious symbols of Hindu religion were on that the statute of God due to efflux of time and due to hampering with Ram birth place were in deteriorated position. Volunteered that we Sanatan religion address tombs as pinnacle. The middle pinnacle was big and the rest of the pinnacle which were on the sides were small. I have not seen Babri mosque in my life. I knew God Ram's birth place, no babri mosque was there.

Question: You knew about Babri Masjid?

Answer: On the disputed site I knew about Ram birth place and when I went, before the year 1986, I virtue the Ramlala behind the bars and when the door was unlocked I did virtue outside the God Shri Ramlala.

What was the size of the middle tomb of building of three tombs I would not be able to tell this because I had not measured it. What

was length and width of gradient below the three tomb, I did not attempt to know that due to congestion. The gradient below the three tomb I saw that but the people used to roam there and therefore I did not try to know its length and width. There was a place for circle outside the building of three tombs. I am not able to tell the place of circle rightly. There was a foursquare after going forward from the place of circle. What was the length and width of foursquare I do not remember. In the disputed premises the wall of bar was at the distance of 20-25 from Hanumant gate. This distance of 25-30 I have told by assumption. I never saw the foursquare from the point that whether its width is 10 ft or not. I saw the disputed premises at my age of 9-10 years. Thereafter I went there at age of 15-16 years. Thereafter I remained busy in my studies. I have earlier told in my statement that before the year 1989 I had gone to disputed premises 3-4 times and thereafter also I went there 3-4 times. When the disputed premises was



demolished I was not there. The next day after the incident I heard about this. At that time probably I was in Jyoteshwar area in Madhya Pradesh. I went there for virtue of Jagadguru Shankracharya and other God in the chariot of God Jaggannath. At that time I stayed in Jyoteshwar area for 3-4 days. I got information about the demolition of disputed area the next day and as far as I remember that my Teacher had said that the said place is of the Hindus only. I had conversation with my teacher in Jyoteshwar. Jyoteshwar is situated in district Narsinghpur in Madhya Pradesh. After the demolition of disputed building, I had read and watched the reaction of people in the newspapers and television. On asking that what kind of reaction was that, then witness said that it is not good to insult any religious place, may be of any religion. On the demolition of my personal opinion is that this is a work of some fanatic people. By fanatic I mean excited people who might want to restore the temple. I had seen in the television that

when the disputed premises was demolished at that time there was lot of congestion. There were about 1- 2 lakh people or not I would not be able to tell this even by assumption as I was not present there. After the demolition of disputed premises the remarks which were published in news papers, the entire country had come to know about that. The did not feel good about the demolition of disputed premises. The disputed premises would be demolished I had never imagined. We wanted Shri Ram birth place by justice and through the Hon'ble Court with truth, affection and goodwill for the hindu succession. We have full faith and belief in the Indian justice system and the Hindu religion has taught us that "satyamev jayate" the meaning of which is truth always wins. The disputed premises was constructed in the year 1528 or not I have no information about that as I was not even born then. Whether any information of construction of building is possible or not when a person is still born I cannot tell about this.

The learned counsel brought the attention of the witness to the FIR dated 23.12.1949 under Section 145 IPC time about 19.00 paper no. 115. The following question was asked after the witness read the same -

Question: Who lodged this First Information Report?

(On this question in original Case No. 4 /89, the counsel for Defendant No. 20, Ms. Ranjana Agnihotri objected that the witness cannot be asked about the contents of this First Information Report)

Answer: After looking at this report it is revealed that this report was lodged by Ramdev Dubey.

Ramdev Dubey had lodged this report after the next day of the incident or not I cannot tell about this. Whether this report was lodged on

the next day at 7.00 or not I cannot tell about this.

Question: If any incident is happened before your birth whether you cannot have information about that?

(On this question in original Case No. 4 /89, the counsel for Defendant No. 20, Ms. Ranjana Agnihotri objected that this question has been asked many times hence this question cannot be asked again)

Answer: This knowledge can be or cannot be. Volunteered I have no knowledge about the First Information Report.

Ramdev Dubey has lodged this report or not, I have already given answer. After reading the report the witness stated that this information has been lodged by Ramdev Dubey, Sub Inspector.

The learned arguing counsel drawn the attention to the part of the First Information Report that "after committing rioting entering into the mosque and installing the statute, the mosque has been desecrated. The persons on duty and various other persons have seen this incident". The witness after seeing the same told that the above part is not clearly legible. In my eyes and as per my belief and whatever the proof is available with me, according to that this has always been the openly the birth place of God Shriram and here always worship of Shri Ramlalla has been performed.

The birth of Ramchandra Ji took place on Ramnavmi. His birth took place at the end of Treta and before Dwapar. His birth took place several thousand year from today. I will not be able to tell the exact time of His birth. This birth took place thousand - lakh years from today. I can tell only that in this regard my information is based on the

information provided by my teach and the literature which I have somewhat read. I had read about taking birth by Ramchandra ji before thousand - lakhs years before and in this regard my teachers have told me. In this regard my teacher Jagadguru Shankaracharya had told me and many other teachers have also told me and the allocutionists of Ramayan have told in this manner. What I have said regarding taking birth before thousand - lakhs years, it does not mean that he took birth lakhs years back but the meaning of the same is that His birth took place thousand years prior to today. The saying thousands- lakhs years is a method of expression. RamchandraJi born prior to the born of Gautam Budh.

(The cross examination of DW - 20/4 Shri Madan Mohan Gupta by Plaintiff No. 9 and 10/1 for Mehmood Ahmed by Shri Abdul Mannan, Advocate closed)

(The cross examination of DW - 20/4 Shri Madan Mohan Gupta by Plaintiff No.1, 6/1, 8/1 Sunni Central Board of Waqf, Jiyadeen and Maulana Mehfuzurehman by Shri Jafaryab Jilani, Advocate commenced)

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X

I have no information that the period of Tretayug is of how many years. I have heard about Manusmriti. I have heard about Manusmriti only that in that four description has been given and it has also been given that how the composition of society should be and how we should live in the society. I have never heard about Manusmriti stating that the period of Treata, Dwapar and Kalyug is of how many years. I have no information if it is written in the Manusmriti that Tretayug's period is 12 lakh 96 thousand years, is right or wrong. If the period of Dwaparyug has been written in Manusmriti to be 8 lakhs 64 thousand years,

then I have no knowledge about it. Volunteered that I have no information about period of any era. The present time is of Kalyug.

Question: Do you know that as per Hindu religion sight, the present time is Kalyug?

Answer: This all people say in diction language and I have also information about this and hence I am giving statement.

Question: Do you not believe in Hindu Religion sight's above thought according to which this has been said to be Kalyug?

Answer: I believe in Hindu Religion sight.

According to me also this time is of Kalyug. In Dwapar era Shri Krishan Ji had born. His birth took place thousand - thousand years back. Before birth of Lord Krishna, God Ram born. I have heard this but He born how many years prior to Sri Krishna birth, I have no



information about this. Who believes in Ramchandra Ji are called Vaishnav. I am also a Vaishnav.

Question: whether in Vaishnav Society, Shri Ramanandacharya's place is extremely important?

Answer: I personally consider Jagadguru Shankaracharya as paramount professor of Sanatan religion as Lord Shri Ram had also worshiped Shiv and had won the Lanka by preparing bridge in Rameshwaram.

The belief of Vaishnav community is definitely in Adishankaracharya. I have no knowledge of the fact that the period of Adishankaracharya was prior to Adi Ramanandacharya or not. The period of Adi Shankaracharya was after Mahatama Budh. Adi Shankaracharya's various books and sources are found. The various books of Adi Shankaracharya and other sources written by him are in Sanskrit language. Adi Shankaracharya

had established four monasteries in four corners of India and hence his place/ Ashram was in four corners of India. These four monasteries are in Shringeri in South, Govardhan in West, Badrinath in north and in Dwarika in East. According to my assumption Shringeri is a different place and Kanchipuram is different place. Possibly Shringeri is in Kerala State, Kanchipuram is in Tamilnadu. The Shankaracharya of Kanchipuram is not included in four monasteries of Shankaracharya. The Shankarayacharya of Kanchipuram is Swami Jayendra Saraswati Maharaj. I am lacking knowledge of the name of Shankaracharya of Sringeri at this time. The Shankaracharya of Dwarika is my teacher Swami Swarupnand Ji Saraswati Maharaj. Goverdhan Peeth is also called Puri. According to my memory, its Shankaracharya's name is Swami Nischalanand Ji. Shankaracharya of Badrinath is my teacher only. The Shankaracharya of all the above monasteries are followers of vision of Adi Shankaracharya. Any composition of Adi Shankaracharya is in

Tamil language or not, I have no knowledge of this. I have no knowledge that how many generations have gone between Adi Shankaracharya and the present Shankaracharya. Adi Shankaracharya, during his life time only, had deputed different Shankaracharyas in all the monasteries established by him or this appointment was made after him, I cannot tell about this as Adi Shankaracharya had died in a very less age. Adi Shankaracharya had died at the age of 18 only. The period of Adi Shankaracharya is after the Gupt period or is before that, I have no information about this.

I have read about the books of Adi Shankaracharya but I do not remember the name of those books. I have read the translation of composition of Adi Shankaracharya's "Saundaraya Lehari". In the book named 'Saundaraya Lehari' the source of Goddess has been given. In this there is no description of Ramchandra ji. I have not read any other book of Adi Shankaracharya. His Life-Character is in my

library but at this time I do not remember his name. My library i.e. my collection of books is also in Reeva and is also in Bhopal. I have book in hundreds in counting in my libraries. In Hindu Religion Sight related books, I have read translation of Ramcharitmanas and Geeta. Apart from these I have also read translation of Mahabharat. I have not completely read translation of Valmiki Ramayana. I have cursorily read the books related to legend. I have read the translation of legend. The total number of legend is 18. I do not remember all the names. I have cursorily read the part of Veda which are related to my worship. I have read the part of Arthveda. The have not read the rest of three Vedas. The part of Arthveda which I have read, description of Ramchandra Ji is not found therein but description of Vishnu is there. I believe in 10 advent of Vishnu which are Lord Shri Ram, Lord Shri Krishna, Lord Shri Narsingh, Kashchap Advent, Varah Advent, Matasya advent, Parshuram Advent, etc. The first advent from all the 10 advent is

Kashchap advent in which He had rescued the earth through water. Tortoise is called 'Kasdhchap". In the form of tortoise, the place of advent of Lord Vishnu is not known to me. Any birthplace is famous or not in the world for the tortoise advent, I have no knowledge of the same. In all these 10 advents, as far as I have information, only Lord Ram and Lord Krishna are considered complete advents. The rest of the advents are not complete advents. All the other advents are called demigod. Lord Varaha is also demigod. I have no knowledge of birth place of Lord Varaha. I have no information about any temple which is called the birthplace / temple of Lord Varaha as Varaha advent is part advent. In respect of the three brothers of Ramchander Ji Bharat, Laxman and Shatrughan, it is also said that they are demigod of Lord Vishnu. I do not remember that in respect of any of the three brothers of Ramchander ji, whether their birthplace temples are anywhere or not. All the three were born in Ayodhaya and I have heard that they used to

play in Dashrath Palace. All these three brothers were born in Dashrath Palace. Where Shri Ramchander Ji had born, the same was part of palace of Kaushalya Ji. At the time of King Dashrath, Dashrath Palace was separate and the Kaushalaya Palace was separate. Volunteered that Kings used to have various palaces. In all the queens of King Dashrath, only Kaushalaya Ji had palace and whether the rest of the two queens were residing in separate palaces or not or these two queens used to reside in Dashrath palace, I have no information about this. Dashrath palace was also called Dashrath Bhawan and there was a temple. At the time of King Dashrath, where the Dashrath Palace was, the same place at present in Ayodhya, there is a Dashrath Palace or big place temple. Then said that I do not remember about this. I do not remember that in Ayodhaya there is a temple named Dashrath Palace or big place temple. I have knowledge about one place in Ayodhaya which was there at the time of King Dashrath and is also situated there and that

place is Ram Birth Place. Ram birth place is a place which is still there where it was at the time of King Dashrath. By Ram birth place, I mean disputed premises in which disputed premises of three tomb was there. According to the part of the disputed premises in which three tomb are constructed, the below part of that three tomb is Ram birth place. I consider the Ram birth place, the place in between the building of three tomb, in the middle tomb where Ramlalla were placed. This place is continuing to be at the time of King Dashrath or its original structure has been changed, the same is a part of investigation but the temple of Lord Shri Ram's birthplace, the pillar of Kasauti which were reinforced by Vikramaditya, is the original place where from era to era the worship and adoration of Lord Shri Ram is performed.

The building which was in place till 6<sup>th</sup> December 1992, the building according to me was got constructed by King Vikramaditya. The period of Kind Vikramaditya is 2000 years old or not I have no information about this. The period of Vikramaditya is 500 years old, 1000 years old, 15000 years old or 25000 years old, I have no information about this. I know about Vikramaditya that from his name Vikram Samvat had started. At this time the Vikram Samvat is running, the period of Vikramaditya must be same. Volunteered that this is also rumor that there were kings by the name Vikramditya. Hence which Vikramaditya had reinforced the temple of birth place of Lord Shri Ram, it is also difficult for me to tell. I have not read that which Vikramaditya had reinforced the Ram birth place. I have only read that Vikramaditya had reinforced the Ram birth place.

I have read in Ramcharitmanas about the temple of Ram birth place. I have read the translation of verse of Valmiki Ramayan. Apart from this I



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have verse of Skand legend. I have read the  
forth part of Bhakti Mal. I have also read the  
couplets of Meerabai. The names of the rest of  
the books are not remember to me at this time.

Read and certified

Sd/-

28.7.2005

On our dictation in open court typed by  
typist.

For further cross examination the case be  
listed on 29.7.2005. Witness to remain present.

*www.vadaprativada.in*

(Hari Shankar Dubey)

Commissioner

28.07.2005

*www.vadaprativada.in*

**12967**

BEFORE: COMMISSIONER - SHRI HARI SHANKAR  
DUBEY, ADDITIONAL DISTRICT JUDGE / SPECIAL  
EXECUTIVE OFFICER, LUCKHOW BENCH, LUCKNOW

DATE: 29.7.2005

D.W. 20/4 Shri Madan Mohan Gupta

(Commissioner appointed by the Full Bench vide  
order dated 22.7.2005 in other original case  
no. 4/ 89)

(In continuation of date 28.7.2005 cross  
examination of DW - 20/4 Shri Madan Mohan Gupta  
Plaintiff No. 1, 6/1, 8/1, for Sunni Central  
Board Waqf, Jiyauddin and Molana Mehfujurehman,  
continued by Shri Jafaryab Jilani, Advocate)

I have read one or two verse of Ayodhaya  
nobility in Skand Legend. I had read the  
translation of these verse. I have read the  
original verse. I have read only Xerox copies  
of those one or two verse as I do not have  
Skand legend. These verse are in the form of a  
paper. I had read them 18-19 years back. Some  
one had given me these verses but who gave  
those to me I do not remember. I have referred

about these verse in my affidavit of chief examination. Then said I have only referred about Skand legend in my affidavit. I do not remember the above verse of Ayodhaya nobility. I do not remember the meaning of the verse at this time as considerable time has elapsed when I read it. As far as I remember it was written in that where the Ram birth place is. I have not read the above verse in any other book in which the location of Ram birth place has been stated. What is the location of Ram birth place in Ayodhaya and where it is, I have read some parts in the books in this regard. In this regard, I have read the part of Vayu legend, part of Ramcharitmanas legend and part of Valmiki Ramayana. I do not remember this time about the name of any other book in which I have read in this regard. In respect of part of Vayu legend yesterday I have already told about the same. The part read by me in this regard in Ramcharitamans and Valmiki Ramayan, I have already told in my statement. In respect of the verse related to Vayu legend, I have

stated in my statement dated 28.7.2005 at page 39 at last four lines of first paragraph. Apart from this in Vayu legend, I have not read any other description of Ram birth place. I have only read on verse in Vayu legend. Someone has told be about this verse. 18-19 years back from today some person had told me about this. Who had told me in this regard, I do not remember his name this time as the incident is much older. The incidents of year 1959 would be called old. In the same manner, the incidents of 1963 will also be called old.

Question: You remember the incidents of 1962-1963 but you do not remember 18 years old incident, is there is any special reason for this?

Answer: The reason for this is that as a true muslim do not forget his one pilgrimage to Makka for entire of his life, in the same manner a true Hindu do not forget virtue of Ram birth place. My belief and conviction are

unwavering towards Lord Shri Ram and His birth place.

Question: So should it be considered that the facts relating to Ram birth place which have come to your knowledge, you have not forgotten them?

Answer: The eyes of human see many things but which things he considers appropriate by his heart, the same got registered in his mind and when we visit to any holy place to bow down our head with respect then we remember its incidents which are essential and give spiritual peace.

Question: So should it be considered that you believe in any incident relating to Ram birth place told by anyone and you do not consider fit to remember the name of the person who told you in this regard?

Answer: In this regard, I say that like a less educated Sikh person believes in Guruvani to such an extent like a good natured muslim brings on the verses of holy Kuran. In the same manner my less knowledge due to extreme faith on Ram birth place, has also been in the accumulation of evidence and facts from everywhere relating to Lord Shri Ram. I had also said in my yesterday's statemet that some information was given to me by my teachers and I have appeared before Hon'ble Court in the capacity of a common Hindu faith.

Question: I say that instead of giving answers to both of my above questions, you have stated to and fro so should I consider that you do not want to give answers to my questions?

Answer: I am willing and able to give all answers to your question on the basis of my less knowledge and complete loyalty.

The verse of Vayu legend which I had read in the form of photocopy of a page, the same would have been kept in my collection at Reeve. I have never seen book of Vayu legend. As per my information and belief the composition of Vayu legend would have been thousand years back. Who composed it I have no information about this. I do not have information if the exact composition period of Vayu legend as the same is old for more than lakhs of year or not. The composition of Vayu legend is prior to the lifetime of Ramchander Ji or thereafter, or not, I do not have information about this. I have also no information about the fact that the 18 legend which I had stated in my yesterday's statement were composed prior or after the life time of Ramchander Ji. The part of Skand legend Ayodhaya nobility is of its same period or thereafter, I do not have knowledge. In my statement dated 28.7.2005 which has been given at page 45, in which I have stated about Vayu legend, whilst stating its meaning, I did not state that in which

direction from Saryu bank, birth of Shri Ram took place but in the verse it is stated to be in South direction. I went to Ayodhaya 8 to 10 times. I have seen Saryu river 8-10 times only. I cannot tell in from which direction of dispute premised to which directions Saryu river flows. I cannot tell that this river flows to which directions i.e. east, west, north south from disputed premises.

I have not heard the name of Dr. Swaraj Prakash Gupta in Ram birth place case. I have cursorily read some archeological articles regarding disputed premises. In this regard I have not read any book. I have not read any book published or written in 20<sup>th</sup> century relating to Ram birth place.

The learned arguing counsel brought the attention of the witness by showing a book named "History of Ayodhaya and Archeology" exhibit in other original case no. OOS 5-3 page



no. 289 C- /1 and asked whether this book has ever crossed the eyes of witness. After seeing at the book, the witness said that this book has never crossed my eyes. In respect of this book if any articles are published in Jagran New Paper then such articles have never crossed my eyes. I am information about the fact that in the case in which I am giving statement, apart from this case three other cases are also simultaneously going on in this court in respect to disputed premises. In these cases one case has been filed by Gopal Singh Vesharad. The second case has been filed by Nirmohi Akhara. Apart from this one other case on behalf of Lord Ramlalla was filed by Justice Devki Nandan Aggarwal and the same is going on in this court. After the death of Devki Nandan Agarwal, in his place, Dr. Thakur Prasad Verma who was reader in Banaras Hindu University, has been made party. I never met with Dr. Thakur Prasad Verma. I never got an opportunity to meet him. The picture which has been published in the above book, the same is of which wharf I

cannot tell. This wharf is at Saryu bank and All the wharf in Ayodhaya are situated at Saryu bank.

The learned arguing counsel brought the attention of the witness towards paper no. 2 C-1/202 of the map in the book and the witness said that in this map Vashisht Vat and Prahlad Vat have been shown. This Prahlad wharf is at Saryu bank or not I have no information. I had given statement regarding all the wharf of Ayodhaya at Saryu bank, the said statement was on the basis of my mind and conscious. This statement of mind is not based on information about Ayodhaya but is based on my mind and conscious. In any map Rajghat has been shown, this wharf would be on Saryu bank, I can say this as per my mind and conscious. The places named Rinmochan and Papmochan shown in this map are situated at Saryu bank as I had bath there. In this map also shown is the Ram birth place Babri skeleton. On the right side of Ram birth place Hanumangarhi has been shown. Above

the right side of Hanumangarhi, Kanak Bhawan has been written. In this map Ram birth place, Hanuman Garhi, Kanak Bhawan has been shown at right places or not I cannot tell about this as I am not expert in map reading.

Question: In the above paper no. 289 C-1/202, 'Ram birth place Babri skeleton' has been written, whether it is written for one place or two different places, what you have to say in this regard?

Answer: As per my recognition and belief, from the birth of Ram to till date, the worship and prayers are being performed unshadedly at the birth place and now this place is under dispute.

Question: You instead of giving answer to my question have said irrelevant facts. Please tell that in the above map the word which has been used as Babri skeleton, the same is with

regard to the disputed premises or is regarding some other place?

Answer: I have said in my earlier statement the meaning of Babri as the devotion of Meera and dishabille-ness and I am giving answers to the question of learned arguing counsel with full truthfulness.

Question: I say that you are deliberately not giving the answer of above question and misleading the court which is a criminal act. What you have to say in this regard?

Answer: I am not doing any such act.

Question: The word 'Babri mosque' as come again and again in this case and this word has been used for that place to which you are referring to as Ram birth place and you even after knowing this are deposing falsely and are

not giving direct answer to my question. What you have to say in this regard?

Answer: I want to say in this regard that I am calling again and again that place as Ram birth place or disputed place.

Question: My only question was that the place you are referring to as Ram birth place or disputed place, the same place has been called in this case as Babri mosque but till now you have not given direct answer to this. What you have to say in this regard?

Answer: In the case, the position and name which have been stated I am in agreement with that.

The learned arguing counsel brought the attention of the witness in other original case no. 4/89, paper no. 42-A-1/1 para 42A-1/25

entablature 32 (paper no. 42 A-1/8) and asked that in this entablature line before the last line you have used Babri mosque, which building do you refer by that. The witness told that with this written word Babri mosque I meant disputed place. I have no objection from the fact that disputed place itself is called as Babri mosque.

At page 39, para 1 in my statement dated 28.7.2005, the verse which I have stated, the meaning of that verse is that 'Ramya Ayodhaya City is nestled at the bank of Saryu. 'Uttme Tasyaraya cha dakshine bhage' meaning is that in the southern part. In this verse, in the southern part of Saryu river. In the said verse, from Ayodhaya City to southern part, there is no reference of birth place or Ram birth place. In this part birth is also not referred. In the said verse in the later part, Dhaushtay is written. Dhaushtay meaning is distance of 300 bows. In the later part of the verse, the meaning of "Chaiv Chatushitya Nimit

Mandir Shubham" is the temple of 84 pillars. After that it has been written in this verse that 'Raghavsya Kripa Sindho Ishwarsyev Brahman", I will not be able to tell the meaning of every word but 'raghavsya' related to Ram. "Kripa Sindho' meaning is sea of mercy. By 'Ishwarasay' it means God and what is the meaning of 'Brahmin' here I will not be able to tell this.

Question: The meaning of entire verse which you have described, in that meaning of any word has not been told as "birth place" or "Birth" then on what basis in your yesterday's statement you described the meaning of this verse to be that birth of Shri Ram at the distance of 300 bows?

Answer: Firstly my knowledge of Sanskrit is less. Secondly the Vikramaditya had reinforced the temple of birth place of Shri Ram containing 84 pillars of Kasauti, probably

keeping that in mind I had added the word birth in place of Ram Temple?

In this verse bow has been used for measuring the distance. What was the measurement of the bow used in this verse or in that period bow used of what distance I cannot tell about this. I cannot also tell the 300 bows used in this verse, the said distance of that was 300 ft, or 300 dq. Ft or 600 sq. ft or less than that or more than that. In this verse the temple of 84 pillar which has been described, its reinforcement / restoration was got done by King Vikrmaditya, the meaning of that was that the temple of 84 pillars was already existing and King Vikrmaditya had got its restoration done... According to my knowledge and belief, the temple of 84 pillar which was reinforced / restored by King Vikrmaditya, , who had got this temple constructed, I have now knowledge about it. The said King Vikrmaditya who had go the temple reinforced or restored, before him or after Ramchander Ji on that place or at



any other place in Ayodhaya any king had got constructed temple, I have no knowledge about. The reference of King Rishabhdev has come in Valmiki Ramayan or not I do remember this. In respect of Valmiki Ramayan, at a time my teacher during discourse had told that the Uttarkand in Valmiki Ramayan was added later. On the basis of discourse of my teacher I do not consider Uttar Kand of Valmiki Ramayan as an authentic part of Valmiki Ramayan.

The learned arguing counsel brought the attention of the witness fo Ramanayan (Part II) paper no 261C-1/2. The witness tolds that that in this Uttarkand has been given from page 547 to 831. This part of the Uttarkand of Valmiki Ramayan is the not complete excerpt of Valmiki Ramayan, this was told by my teacher. This part of the Valmiki Ramayan is not composed by Valmiki. When this Uttarkand of Valmiki Ramayan was added, the same has not been told by my teacher in the discourse and neither I attempted to know about this that when it was

added. It has been written in the translation of above verse of Uttarkand of Valmiki Ramayan at page 805, I will not be able to tell that in this epic there are 24000 verse and 100 anecdote. I will also be not able to tell that in this 24000 verse, whether verse of Uttarkand are included or not. How many verse are there in Ramayan Epic or the number of verse are 24000 or less than that or more than that. I have no information about this. In the 12th verse of 104<sup>th</sup> canto of Uttarkand in Valmiki Ramayan, it has been said that the period of stay of Ramchander Ji in world of the dead has been fixed as 11000 years. Since the Uttarkand in Valmiki Ramayan is added hence I do not consider that the fact stated in this verse is correct. I have no belief in this verse. In the 10th verse of 111<sup>th</sup> canto of Uttarkand in Valmiki Ramayan, the translation which has been given in page 831, this verse is **added later** and hence I have no belief in it. In the same Valmiki Ramayana at verse no. 22 in 110<sup>th</sup> canto there is a reference of 'Gaupratar wharf' I

have no information in relation to this wharf. In Uttarkand of Valmiki Ramayan at canto 109, there is a reference of Shriram going to heaven. I have no belief in the verse written in this canto as the same is also added as being part of Uttarkand. All the given details given in Uttarkand of Valmiki Ramayan, their reference also comes in the other incidents given Valmiki Ramayan or not I have no information about this. In the second part of Valmiki Ramayan except Uttarkand the other incidents which have been given, in that at any place the reference of birth Ramchander Ji is there or not I cannot tell this as I have read Valmiki Ramayan till the birth of Ramchander Ji but the details are in First Part or the Second Part I cannot tell this. Then said, that on looking the list of second part of Valmiki Ramayan it is clear that this part starts from Sunderkand hence the details regarding taking birth by Ramchander Ji should be in first part of Valmiki Ramayan. I remember 2 or 3 verse of Valmiki Ramayan. These two or

three verse must be from Valmiki Ramayan. I will only be able to tell about two or three verse after looking the book of Valmiki Ramayan. I will not be able to tell about this orally. I do not remember those two or three verse. I only remember those verse which I say during worship as those verse are crammed to me. At the time of worship the verse which I use, none of those verse are from Valmiki Ramayan.

The learned arguing counsel brought the attention of the witness to the Valmiki Ramayan Part I paper no. 261 C-1/1 at verse no. 7 of fifth canto which has been given in page no. 41. After reading the same, the witness told that in this verse area of Ayodhaya has been written. Volunteered that in this verse distance has been written as 'Doori'. I can tell distance in kilometer but how much distance is in one Yojan (an ancient Indian unit of distance varying between about four and ten miles depending upon the locality - emphasis supplied), I have no information about

it. I have never read this verse no. 7. I have heard the word "Yojan" earlier. I never tried to know the meaning of 'Yojan'. I have seen the meaning of word 'Yojan' but as far as I remember in this the length of Yojan is not written. At that time the radius of Ayodhaya should be 7-8 kilometers but I do not have knowledge of the present width and length of Ayodhaya. By 'radius' I meant length multiplied by Width. As per my assumption, the present length width is approximately 2  $\frac{1}{2}$  kilometers. Faizabad is at approximately 27-28 kilometer from Ayodhaya. It is also possible that the distance between Faizabad and Ayodhaya is less than 27-28 kilometer. Normally I do not mistake in guessing but due to human weakness mistake can occur. The distance which I had told only 27-28 from Faizabad to Ayodhaya, I mistook due to guess. Then said it takes 12-15 minutes for reaching Faizabad from Ayodhaya by car. In this manner, the distance from Faizabad to Ayodhaya should be 7-8 kilometers. I have said in my statement

regarding normally staying in Gokul Bhawan. Gokul Bhawan is not situated at Faizabad - Ayodhya national highway. It is approximately in front of Vashisht Kund. Where the way to going Vashisht Kund connects at Faizabad to Ayodhya national highway, I have no information about that. I have virtue of Vashisht Kund. Vashisht kund is situated above the temple and below this Kund or small pond is there where Vashisht ji used to do austerity. It is said about Vashisht kund that it is from the time of Lord Ram. My belief is this regard is that Vashisht Kund has remained on the same place from the time of Ramchander ji where it is today situated. At the time of Ramchander Ji, Vashisht kund was as big or not which it is today, I cannot tell about this. In respect of size of Vashisht kund, I had no conversation with anyone regarding the size of Vashisht Kund which it was during the time of Ramchander Ji, the said size is the same today or not. Vashishst ji was prior to the birth of Ramchander Ji.

How much time Vashisht ji remained alive after the lifetime of Ramchander Ji, I have no knowledge about this. Narad Muni is considered immortal and in this regard my belief is that he is alive by being invisible or subtle even today also. I have no information regarding whether Markandey Muni is alive or not. I have no information whether the tomb of Markandey Muni is in Ayodhaya or not and I have not visited there. When the disputed premises was subsisting then I have taken rounds many times but how many times I had taken rounds I do not remember. I do not remember that during taking rounds of disputed premises how many pavements comes. This way of pavement comes after meeting the Dorahi well or is separate now I do not remember this. In all four corners of disputed premises there are pavements for taking rounds. I meant by four corners, that in east side there was road and rest of three sides there were pavements of stones. In the north side of the dispute premises there was a road by which

I used to go to Hanumangarhi. I have no information regarding Dorahi Well.

I have not seen the tomb of Angira Muni but other people used to do rigour here and used to do concentration, I have seen that place. Which Muni used to do concentration, I have no information. Volunteered that by closing eyes and remembering the God is called concentration.

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I have heard names of Garg, Gautam and Shandilya Munis. I do not remember whether I have seen tomb of Shandilya in Ayodhya. I have heard the names of Sanad, Snandan, Sanatan and Sanat Kumar sanits. Volunteered that as far as I remember, concentration places were comprised there outside the Ram birth place. These concentration places were comprised towards Singhdwar. Singhdwar was in the north side. I have heard the name of Lomesh Muni. I have not seen any four square or hermitage in the name



of Lomesh Muni in Ayodhya but the people discuss about this. I have heard the place by name 'Tulsichora' but I have not seen it. I have heard the name of Vijay Raghav Sakshi Gopal temple but I have not seen it.

It is incorrect to state that there was no pavement on any side was there on the disputed site. I have heard the name of Seetakoop but I have not seen it. I have no information that on which side of the disputed premises, Seetakoop is situated as I have not even gone there. I have heard the name of Seeta Bhawan but I have not gone there. I have heard the names of Kaushalaya Bhawan and Kekai Bhawan which is situated in Ayodhya, Ram birth place is called Kaushalaya bhawan. I have not gone to Kekai Bhawan. Whether there is no other building except the disputed premises which is famous in the name of Kaushalaya building, I do not have information about this. It is possible that the disputed premises is not called Kaushalaya Bhawan but as per my information

Kaushalaya Bhawan is Ram birth place I have no information whether in the east of the disputed premises and above Manas Bhawan, 'Kaushalaya bhawan' is situated or not. The picture of God Varaha was fixed on the eastern wall of the disputed premises. In this eastern wall, there was a door which was called Hanumantdwar. The statue was on the left side. While entering the disputed premises, this statue was on the left side. It is incorrect that the picture which I am telling the statue of God Varaha was buttress of wall because I have seen people presenting coconut there. One place at disputed site was with the name Ramchabutra. Ramchabutra was situated in front while entering Hanumantdwar but it was in east or south I will not be able to tell this. At the disputed site before Ramchabutra there was Shiv Panchayatan or Shankar Darbar. Shiv Darbar was situated towards right side of entering Hanumantdwar but it was in which direction I will not be able to tell but it was east

direction or south I will not be able to tell this.

The learned counsel brought the attention of witness towards the map dated 25.5.50 prepared by Shri Shankarlal Advocate Commissioner in other case no, 1/89, the witness said that the position of Shankar Chabutra shown in this map is wrong. Witness himself said that I have not said in my statement about Shankar Chabutra rather have said Shiv Panchayatan. I do not now any place named Shankar Chabutra inside the disputed site. Whenever I went to disputed site, I have not seen any place named Shankar Chabutra. At the disputed site there is one place named Seeta Rasoi or Kaushalaya rasoi. It is also called Seeta Rasoi and Kaushalaya rasoi. I have seen this place. Volunteered that square stove and roller which were of marble were kept there. Apart from these things, there was Paduka (sleeper) kept there which we people call Charan Ching (foot mark). This foot mark was of mother Seeta or mother

Kaushalaya or this foot mark was of Ram, Laxman, Bharat or Shatrughan, whose foot marks were I do not know. From how long these foot mark were kept there I do not know but whenever I went there these foot marks were there. These foot marks were of marble or of what article I do not remember. A throne type thing was kept there and I can be called small temple. In regard to small temple, as far as I remember 'Seeta Rasoi' and 'Kaushalaya Rasoi' both was written on that. It can be correct that on 'Kaushalaya Rasoi' would have been written on that small temple.

Question: Do you that it is said that in the time of Dashrath, the palace of Kaushalaya Ji and Ramchander Ji was separate?

Answer: As far as I have read and have come to know that inside the King's palace, the palaces of Queens and princes were used to be there.

Whose palace was where I will not able to tell this.

I have not read about the palaces of Kaushalaya Ji and Ramchander Ji in Valmiki Ramayan. I have read only two-three verse of Valmiki Ramayan. With the permission of the Commissioner, the witness told after looking at verse no. 10 of 18<sup>th</sup> canto of his copy of Part I of Valmiki Ramayan that this verse and its translation has been read by me earlier. Apart from this, I also have read verse no. 8, 9 and 11 of this canto. Except these four verses I have not read any other verse of Valmiki Ramayan. I had read these four verses for the first time as a photocopy when it was in one page. As far as I remember the photocopy of Valmiki Ramayan was published by Geeta Press, Gorakhpur.

I have read in Ramchartimans about Kaushalaya Palace or Ramchander Ji Palace. I have only

these four verses of Valmiki Ramayan. From these four verses I believed that the disputed premises is Ram birth place. These four verses are attached with my belief. The belief is that Ram birth Place is advent place of Ramchander Ji. I would have read these verses 18-20 years back from today. From the childhood I have belief that disputed premises is the Ram Birth place. Before reading these above four verses I had belief that disputed premises is the Ram Birth place.

The learned arguing counsel brought the attention of the witness to versed no. 9, canto 18 of page no. 261C 1/1 of Balkand of Valmiki Ramayan. The witness said that the translation of this verse given in page no. 69 of this book is correct. The translation of verse no. 9 of this page is also correct. In the same manner, the translation of verse 10 is also correct. The translation of verse 11 which has been given in this page is also correct. It is also correct that in these four verses, nothing

has been written about the place of birth of Ramchander Ji. On this page in the given verses no. 13 and 14, regarding birth of Bharat, Laxman and Shatrughan has been given. Nothing has been said about the place of birth of these four. In the verse no. 21 and 22 of this canto, which has been given at page 70, the naming ceremony of four child is stated. On the same page at verse 24 regarding completion of caste ceremony has been given. In these verses, the place of naming ceremony and caste ceremony has not been given.

In the 29 and 30 verse of 15<sup>th</sup> canto of Balkand of Valmiki Ramayan which has been given at page 34, the description which has been given is in the name of Lord Vishnu and is related to Ramchander Ji. I have not read this verse before today. In the first part of this Valmiki Ramayan at canto 20, which has been given at page 74-75, , the translation of verse no. 10 which has been ngiven at page 74 and 75, after seeing the same, the witness said that in

**12997**

this the age of Dashrath Ji has been given 60000 years. I do not know the period counting and measurement of that era.

Question: Do you not believe in the facts stated in the Valmiki Ramayan?

Question: I say that there are Ramayans by different poets and saints on Ram which are more than 100 in numbers but I believe in the facts stated in Valmiki Ramayan.

Read and certified

Sd/-

29.7.2005

On our dictation in open court typed by typist.

For further cross examination the case be listed on 01.8.2005. Witness to remain present.

(Hari Shankar Dubey)

Commissioner



**12998**

BEFORE: COMMISSIONER - SHRI HARI SHANKAR  
DUBEY, ADDITIONAL DISTRICT JUDGE / SPECIAL  
EXECUTIVE OFFICER, LUCKHOW BENCH, LUCKNOW

DATE: 1.8.2005

D.W. 20/4 Shri Madan Mohan Gupta

(Appointed vide order dated 22.7.2005 passed by  
the Hon'ble Full Bench in other Original Case  
No. 4/89)

(In continuation of date 29.7.2005 cross  
examination of DW - 20/4 Shri Madan Mohan Gupta  
Plaintiff No. 1, 6/1, 8/1, for Sunni Central  
Board Waqf, Jiyauddin and Molana Mehfujurehman,  
continued by Shri Jafaryab Jilani, Advocate)

I have told in my earlier statement  
regarding exceeding 100 numbers of Ramayan. I  
do not remember what Tulsidas Ji has said in  
his fabrication regarding number of Ramayan in  
Ramcharitmans. Volunteered that I remember a  
couplet regarding this which is:

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"Hari Anant Hari Katha Ananta, Bahuvidi  
Kahe Sunhe Bahusanta"

The meaning of this I that God is eternal.  
Here the meaning of Hari can be taken from  
Vishnu. His stories are eternal and He can be  
described in various means by saints and it can  
be heard in various manners.

The learned arguing counsel brought the  
attention of the witness towards 6<sup>th</sup> quatrain  
below couplet 32 Kha of Goswami Tulsidas's  
Ramayan. On reading this the witness said that  
in this Tulsidas has said that various descends  
of Ramchander Ji has appeared and Ramayan is of  
1000 crores meaning that its numbers are more  
than 100 crore. In these 100 crores Ramayan  
there are Anand Ramayan, Adhyatam Ramayan,  
Ramcharitmans, Telgu, Asamia, and Gujarati. On  
asking this question suddenly, I am getting  
names of other Ramayans. I only remember those  
Ramayan this time. The Ramayan of Tulsidas is  
not collection of other Ramayanas rather  
Tulsidas ji has described his description and  
devotion related details. In the Tulsidas's

formed Ramayan, whether there is a special place of birth of Ramchander Ji or not I do not remember this time.

The learned arguing counsel brought the attention towards para 10 of chief examination and asked whether any description comes in Ramcharitmans regarding Shri Ramjanambhumi temple. The witness said that I do not remember any such description . I do not remember any description in Ramcharitmanas regarding worship in Ramjanambhumi temple. There is description of Ramjanambhumi in Ramcharitmans or not I do not remember.

After quatrain of couplet 190 in Balkand of Ramcharitmanas "Nomi Thithi Madhumas.....Lokvishrama" there is a reference of birth of Ramchander Ji. The same I have mentioned in para 11 of my affidavit of chief examination. After couplet 191 the verse which has been given in Balkand of Ramcharitmanas,

details have given by Tulsidas Ji regarding taking birth and appearance of Ramchander Ji. Probably except in the said quatrain in the Balkand of Ramcharitmanas nowhere time of birth of Ramchander Ji has been given. In para 8 of my affidavit of chief examination I have said about citing of Ramchander Ji in Tretayug. I have given this reference on the basis of Ramcharitmans and other books which has been given in couplet no. 192 of Balkand of Ramcharitmans. In couplet No. 192 or in the Ramcharitmans there is no reference of taking birth by Ramchanderji in any place in Tretayug.

The learned counsel brought the attention of the witness to para 12 of his affidavit and asked that whether a book named Ayodhya Mahatmya had come into light in the period of Akbar and where he read this. The witness told that the learned historian have recognized this. I do not remember where I read about this. The people have no knowledge about the book named Ayodhaya Mahatmya before the period of Akbar. How and in what manner this book had

13002

come into light in the period prior to Akbar, I do not know. I do not also know the name of the producer of the book. This book is in Sanskrit language. I had read the Hindi translated version about 15-20 years back, I have not brought this book. This book is in my Reeva or Bhopal library I do not remember. I have not minutely studied this book. How thick this book is ie. 50 pages, 100 page, 200 pages or how many pages it contains, I do not remember. At present I will not be able to tell that Ayodhaya Mahatmya is an independent book or is a part of any book. I suppose that the production period of this book is before the period of Akbar. How many era old this book is before the period of Akbar or Vikramaditya period or before his or after his period, I will not be able to tell about this. I have cursorily seen the parts of this book. The part which I have read in the book regarding importance of Ayodhaya, how holy this city is etc.

Question: If the Book Ayodhaya Mahatmaya is written prior to the period of Babar then how the incidents of period of Babar is possible to mention in that?

Answer: In Hindu religion and its writings sometimes fabrications are found in which future events are mentioned such as Bhrungu writing which had been written thousand years back but people get horoscope matched with it.

Question: Whether in Bhrungu writing any future incidents are mentioned?

Answer: I have no knowledge about this.

Whether in Ayodhaya Mahatamay description of King Vikramaditya is found or not I do not remember. In this book whether description of Ramjanambhumi is there or not I do not remember. In this book whether description of

any Garhwal King is found or not I do not remember. In this book whether description of Mahatama Budh is found or not I do not remember. It is incorrect that I have not read the part of Ayodhaya Mahatmay of Skand tradition.

The learned arguing counsel brought the attention of the witness towards fourth, fifth and sixth quatrain below the couplet no. 33. The witness read the same and said that in this also the reference of birth of Ramchander Ji has come. In the same incident after couplet no. 34, in five quatrain, the importance of Saryu and Ayodhaya has been stated. The learned arguing counsel brought the attention of the witness towards couplet no. 297, after reading the same the witness said that in this the palace of King Dashrath has been described where Ramchander Ji had incarnated. Whether in Shriramcharitmanas reference of Kaushalaya Bhawan or Kaushalaya palace has come or not where birth of Ramchander Ji had taken place, I do not remember this. The reference of Dashrath

Bhawan which has come in couplet no. 297, where the same Dashrath bhawan is situated in Ayodhaya, I do not remember this. In quatrain after couplet no. 79 in Ayodhaya Kand of Ramcharitmanas, where the reference has come regarding Ramchander Ji going to exile. Below the last quatrain of couplet no. 192 in Balkand of Ramcharitmans, reference of "Narupdwara" has come<sup>3</sup>. Its meaning is door of king but in the said era if "Narupdwara" was referred to some other place, I do not have knowledge of that. Ramcharitmanas which has been written by Goswami Tulsidas, no part in it was added later on. I recognize that the entire book is written by Goswami Tulsidas.

In the Uttarkand of Ramcharitmanas after couplet no. 72 Kha, the details of conversation such as "Garun" and Kakbhusundi" are given, the same details are found in Valmiki Ramayan or not I do not have knowledge. Volunteered that I have not read the complete Valmiki Ramayan.



**13006**

I have been editor of Dainik Jagran for four years in Reeva. Director of Dainik Jagran at Reeva are different from Directors of Dainik Jagran at Lucknow and Kanpur. Dainik Jagran which comes from places like Lucknow, Kanpur and Gorakhpur, its company is different from Dainik Jagran at Reeva. Mr. Yogender Mohan Gupta is director of Dainik Jagran group newspaper which comes from Lucknow, Kanpur and Gorakhpur etc. I do not remember the name of Managing Director. The name of the Chairman of Dainik Jagran, Reeva is Yogender Mohan Gupta from which company it is published.

Question: Whether both Yogender Mohan Gupta is one person?

Answer: Both Yogender Mohan Gupta is one person.

**13007**

Managing Director of Reeva is Ashutosh Gupta. Both have different companies and its directors are different. Yogender Mohan Gupta and Ashutosh Mohan Gupta is from one family. I am working in Reeva, Dainik Jagran from last 15-16 years. Before Editor I was resident Editor in this newspaper. As far as I remember I was working for 8-10 years on the post of resident Editor. Before Resident Editor I was trainee in the newspaper. I took this training for 3-4 years. My career as a journalist was approximately 20 years. In these 20 years thousands of news would have been written by my pen and hundreds of articles would have been written by me. In these 20 years the news relating to Ram birth place, which were published in my newspaper, would have crossed by my eyes. In these news and articles I only remember UP Gazetteer and I do not remember any other book in this regard. Volunteered that I have stated about the reference which have come to my cognizance.

**13008**

I do not remember at this time that except the above Gazetteer of 1960 any other book written in 18<sup>th</sup>, 19<sup>th</sup> and 20<sup>th</sup> century.

The learned arguing counsel brought the attention of the witness to paper no. 312 C-1/48 in original case no. 5/89 and also simultaneously brought the attention of the witness to para 13 of his affidavit of chief examination and after reading the same the witness answered that it is correct that in para 13 it is stated that in the gazetteer there is a mention of inscription in the disputed premises and nothing has been written there regarding construction of mosque. I have filed reclamation of this gazetteer in the court. I have filed this along with my written statement. None of reclamation of this gazetteer is mentioned in my affidavit of chief examination. It is incorrect to state that I have not filed reclamation of this gazetteer. In original case no. 5/89 at page 312C 1/48 at annexed paper no. C312 C-1/55 is the copy of

the reclamation of same gazetteer which I have mentioned in para 13 of my affidavit of chief examination.

The learned arguing counsel brought the attention of the witness to the first line of paper no. 312C1/52 starting from "but he soon rebuilt" .....rest built a mask in Ayodhaya in 1528". The witness after reading the same told that it has been written that Meer Baki who was appointed as governor of Awadh had got constructed a mosque in the year 1528.

Question: You have written in para 13 of your affidavit that in the gazetteer of 1960 nothing has been written regarding construction of mosque whereas at page 47 of this gazetteer (page no. 312 C1/52) it has been clearly written that Baki Tashkandi had got constructed a mosque in Ayodhaya, so whether you have incorrectly written in para 13 of your affidavit?

Answer: I would say in this regard that the meaning should be concluded after reading the entire para 13. I have said that no mosque was constructed after demolishing Shri Ramjanambhumi temple. The lines in inscriptions which have been written by Meer Baki in Pharsi or Arbi, no reference is found anywhere regarding demolishing the birth place and constructing mosque rather the said place has been described as a place where angle had come.

Question: The meaning of your statement is that in the above gazetteer of 1960 a page 47 (paper no. 312C1/52), the reference of constructing mosque by Meer Baki in Ayodhya in 1952, the said mosque was not constructed on the disputed premises?

Answer: It is not clear in this gazetteer that the said mosque was constructed at the disputed place in the year 1528.

Question: Do you want to say that the disputed premises which was demolished on 6<sup>th</sup> December 1992, was not the building constructed by Meer Baki in the year 1528?

Answer: I would definitely say that the building demolished on 6<sup>th</sup> December 1992 was not the mosque constructed by Meer Baki Tashkandi in the year 1528. Volunteered that it is clear from the terrorist attack on 5<sup>th</sup> July 2005 that this is birth place of Lord Shri Ram.

(The learned arguing counsel has objected to the answer given to the above question by voluntarily facts stated by witness as the facts stated by the witness has no relevance with the question asked hence it should not be written whereas the learned counsel Ms. Ranjana Agnihotri said that the facts disclosed by the witness is completely related to the question

and the answer which has come is required to be noted essentially in this statement)

Witness voluntarily said that no real muslim would make terrorist attack on mosque and the links of this attack were attached with Taliban which is a frenetic communal organization.

The learned arguing counsel brought the attention of the witness towards part of para 13 of his affidavit of chief examination that "the advisor of Babar, Meer Baki had done this". The witness after reading the same told that it seems that there are some typographical error in this part. This typing error relates to the prior line of the last line. The typing should be 'Meerbaki had not got it done' in place of 'Meer baki had got it done'. In this regard I would say that the Ram birth place temple was neither demolished by Meer Baki nor mosque was constructed in the place of temple. The disputed building of three tombs

which was demolished on 6<sup>th</sup> December 1992, the said building was not constructed in the period of Babar. The said disputed building of three tombs was prior to the period of Babar. In the period of Babar the temple of Ram birth place at Ayodhya was not demolished. This is what I consider. In the Gazetteer of 1960, no where it is written that Babar had got constructed mosque in place of Ram birth place temple. Nowhere in the gazetteer it is mentioned that in the period of Babar the temple situated at the Ram Birth place was demolished. As per my memory, it has also not been mentioned in the said Gazetteer that any mosque was constructed there after demolishing the temple.

Question: If anything is found written in the gazetteer of 1960 contrary to para 13 of your affidavit then you will consider correct what is written in gazetteer or you will consider your affidavit as correct?

Answer: I would abide by my affidavit.



The learned arguing counsel brought the attention of the witness towards 6<sup>th</sup> line of the second para at paper no. 312C-1/53 of the above gazetteer where "Nawal Rai The Deputy of Nawab Safdarganj... By the British has been written. The witness after reading the same said that I have no knowledge about the facts written therein. The facts are correct or not I will not be able to tell this. Attention was drawn on part written in the paper "Before the middle of the... Of not very old. The witness said that I have no knowledge of facts written therein hence I will not be able to tell whether the lines written are correct or wrong. The learned arguing counsel brought the attention of the witness to para 2 of the above paper to "premonitory... Muslim Masks and domes". The witness after reading the same said that I have no knowledge of the facts written therein hence I will not be able to tell whether the facts written therein are correct or wrong. Attention was drawn on the part of this para to the "British said that at the time

of ..... And the Treta of Thakur. After reading the same the witness said I only know about the facts written relating to "birth place temple"

Question: The facts written in page 352 of the 1960 gazetteer regarding the portion asked above, the said facts are in your knowledge or not and you consider the facts as correct or wrong?

Answer: The answer of this question will come completely when the above said lines are read after "the birthplace was in Ramkot ..... in 1528 are read together.

Question: What do you consider about the last words 'the' to the words in 10<sup>th</sup> line upto "Baber's mask" mentioned in the second para of page 352 paper no. 312 C-1/53 of the above gazetteer of 1960 as the facts written therein are contrary to para 13 of your affidavit and your today's statement.

Answer: I would say in this regard that there is no contradiction in my affidavit and today's statement or in the above gazetteer of 1960 as by writing "it seems" in the gazetteer the entire correctness perhaps changes into it seems and the same should be read in this perspective.

Question: The meaning of your statement is that in the part of the above gazetteer what is written that in 1528 on the orders of Babar, this ancient temple of Ayodhya which is said to be situated at birth place of Rajkot, was demolished and in its place Babri mosque was constructed. This is unbelievable details to which you do not agree?

Answer: The words 'it seems' in itself indicate uncertainty. The words "It seems" shows the above description to be unbelievable.

The learned counsel brought the attention of the witness to the seventh line of second para of page 352 (paper no. 312 C-153) in the above gazetteer to the words as a result in 1888....and the part of second line below this page to the part "object of much litigation". The witness after reading the same said that this part is also part of above second paragraph and hence this is also not believable.

Question: Please labour to tell that the place which are describing as birth place, which part of the above gazetteer of 1960 you consider as believable relating to the said place and you agree with that?

Answer: It has been written somewhere inscription was found and I believe the facts written on stone to be more ancient and credible instead of facts written of paper.

**13018**

This facts written on stone after the 13<sup>th</sup> line of paper no. 312C-1/52 the above gazetteer in Arbi or Farsi. I suspect the part of first paragraph of the above paper no. 312C-1/52 that "the inscription in side the mask ..... And is as follows". The facts I have mentioned in para 13 of my affidavit of chief examination, I have written the same on the basis of 6<sup>th</sup> lines below the 13<sup>th</sup> line of the above gazetteer at page 47 pape no. 312 C-1/52.

After the above answer was written, the witness said that the facts which I have written in para 13 of my affidavit of chief examination the same have been written after looking at 6<sup>th</sup> lines below the 13<sup>th</sup> line of the paper. I have made the basis the part of this gazetteer while writing para 13 of my affidavit of chief examination in which the statue of "Lord Varaha" has been said to be situated at the entrance of disputed premises on the right side wall while going outside. Except the above two parts, in para 13 of my affidavit I have made

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**13019**

the basis or not any other part of the above gazetteer, I do not remember. The fact relating to Lord Varaha has been written in second para of this gazetteer at page 353 paper no. 312 C-1/54.

The learned arguing counsel brought the attention of the witness to paper no. 42C-1/1 part 42C-1/25. The witness said that this is written statement filed by me. It has my signatures. There are my signatures on every page of this written statement and on the last page signature of my counsel are there. After reading and understanding, I put my signature on this written statement. The translation of inscription which I have given in 2<sup>nd</sup> line from the above in paper no. 42 C-1/10 (page 10) of my written statement, it is the same translation of 6 lines which has been given six lines below the 13<sup>th</sup> line in the above gazetteer paper no. 312 C-1/52. I have said in second line of my written statement paper no. 42 C 1/10 that the language of inscription is

Persian which is correct. I have described the above building in which inscription was adjoining in entablature no. 34 at page 9 which has gone upto page 10 of the written statement. I have used the word 'mask' in fourth line, fifth line and 18<sup>th</sup> and 19<sup>th</sup> line of the above entablature 34, It is difficult to state that the said mask was situated at the disputed place.

It is incorrect to state that I have clearly described about Babri mosque in the last four lines of para 34 of my written statement. It is incorrect to state that in this entablature at para 26 of my written statement I have said only for disputed building.

Question: I would say that in your statement at entablature 35 the facts you have written, they are related to Babri mosque at the disputed place. What do you have to say?

**13021**

Answer: In regard to entablature 35 I would say that here situation is doubtful which have been clearly mentioned in this entablature.

The description of Babarnama which I have stated in my written statement in para 35, its refence I have filed as paper no. 45A-1/22, para 45A-1/24. The reference I have filed are related to disputed place. The reference of inscription below the title "The inscription on Babar's maks in Ayodhaya (Awadh) at paper no. 45A-1/23 is the same inscripion which has been referred to in below the 6<sup>th</sup> lines of 13<sup>th</sup> lines at paper no. 312 C-1/5 (page 47). In paper no. 45A-1/23 there is a mentioned of above inscription to be of mosque of Babar which I do not think as correct as from the beginning only I consider it a conspiracy of Britishes. The above fact I have also stated in para 35 of my written statement. I have used the word 'doubtful' in para 35 at 7<sup>th</sup> line of page 11. The said that I have read wrongly the word doubtful in 7<sup>th</sup> line, in realty it has been written dutiful. Then said that on the 10<sup>th</sup>



**13022**

line of para 11 at entablature 35 of my written statement, the word 'minor lacuna' has been used. The part written in para 11 at para 35 in my written statement, is not day rather the same is quoted part of the book.

Read and certified

Sd/-

01.8.2005

On my dictation in open court typed by typist. For further cross examination the case be listed on 02.08.2005.

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(Hari Shankar Dubey)

Commissioner

01.08.2005

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**13023**

BEFORE: COMMISSIONER - SHRI HARI SHANKAR  
DUBEY, ADDITIONAL DISTRICT JUDGE / SPECIAL  
EXECUTIVE OFFICER, LUCKHOW BENCH, LUCKNOW

DATE: 10.8.2005

D.W. 20/4 Shri Madan Mohan Gupta

(Commissioner appointed by the Full Bench vide  
order dated 22.7.2005 in other original case  
no. 4/ 89)

(In continuation of date 01.8.2005 cross  
examination of DW - 20/4 Shri Madan Mohan Gupta  
Plaintiff No. 1, 6/1, 8/1, for Sunni Central  
Board Waqf, Jiyauddin and Molana Mehfujurehman,  
continued by Shri Jafaryab Jilani; Advocate)

The learned arguing counsel brought the  
attention of the witness to the part of second  
entablature, reference paper no. 312C 1/53  
(page 352) of U.P. District Gazetteer Faizabad  
of year 1967 on "subsequently Aurangjeb also  
.... Object of much litigation". After reading  
the same the witness said that I do not agree  
with these facts. The learned arguing counsel  
brought the attention of the witness to the

words written on this page at third entablature  
'inner yard .... ner sanctum. After reading the  
same, the witness told that I do not agree with  
the lines written therein. Volunteered that I  
do not agree with the entire gazetteer of 1960  
by Smt. Isha Basanti Joshi as the same is part  
of the same gazetteer which the britishers had  
published in some year. I have referred to the  
gazetteer in my affidavit of chief examination  
at para 13 so that this gazettee and copies of  
all other gazette which states there to be the  
place of ram birth my cause gets clear that  
the dispute plac is the Ram birth place.

Question: So you only agree with the only part  
in the above gazetteer of 1960 which the  
gazetteer states the disputed place to be the  
birth place of Shri Ramchander Ji and you do  
not agree with all other things stated in the  
gazetteer?

Answer: My recogniztion is that the Britishers had given fabricated story under 'divide and rule policy otherwise there was no reason that the stone which was put by the Britishers on which both in Hindi and English language 'birth place regular journey' was written, it would have remained there outside the birth place. This gazette of 1960 has been prepared by taking those old gazette.

By old gazette I mean gazetteer or 1905. All these gazetteers were written by the Britishers under their divide and rule policy. This is my recognition. The gazetteer of 1905 was written by HR Navil. In this regard I have stated in para 35 of my written statement.

The learned arguing counsel brought the attention of the witness towards entablature 28 of paper no. 42A-1/6 of his written statement in Other Original case no. 4/89. The witness told that in this the period of Dwapar era has been stated to be of 8 lakhs years. This was

written by me earlier learned counsel Shri Agarwal. After believing on the same I had signed but since 18-19 years have elapsed from the date of giving statement hence I do not remember in this regard. In para 28 of my written statement and at the end of third line I have said regarding taking birth by Ramchander Ji at the end of Treta Era and in the beginning of Dwapar era. I cannot say if His birth took place at the end of Treta Era and in the beginning of Dwapar era.

Question: So have you wrongly written in entablature 8 of your affidavit regarding reincarnation of Shri Ramchander Ji in Treta era. Have you verified the above entablature with your personal knowledge and belief?

Answer: The facts written in my affidavit are correct but the written statement which the learned arguing counsel is referring to, the same was prepared by my old counsel and these

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are recognition of Hindu religion, it has been told by him to me.

The facts mentioned in my written statement were written after discussion with me by my counsel. The facts which were in my knowledge I had told them and in my written statement the word 'believe' is also written hence after believing the other things I have written facts in my written statement and have signed on it. At this time on suddenly asking I will not be able to answer that which facts written in my written statement are based on my personal information and which facts is written based on my belief as this written statement was filed in the year 1989.

The learned arguing counsel brought the attention of the witness to entablature 28 appearing at paper no. 42 A1/6 page (6) of the written statement and asked in this entablature which facts written are based on

his personal information and which facts is written based on his belief. After reading the same the witness told that in this entablature the facts have been written based on my belief. The facts mentioned in entablature 28 are written on my statement but has been written on the basis of telling the same by my lawyer. The learned arguing counsel brought the attention of the witness towards para 8 of his affidavit of chief examination and asked whether the facts stated in this entablature are based on his personal knowledge or the same are based on his belief. After reading the same the witness told that these facts have been written based on his personal information and belief.

Question: So you cannot tell that which facts stated in para 8 of your affidavit are true according to your personal knowledge and which fact is true according to your belief?

Answer: In this both the things are included. In this regard, there is a quatrain in Ramcharitmanas and apart from this one old book has cleared to me in which description of taking birth by Lord Ram in Treta era is there.

In para 8 of my affidavit I have written regarding reincarnation by Shri Ram Chander ji in Treta era. This has been written based on my belief and personal knowledge.

Question: So please tell on which source your personal knowledge is based upon regarding the incident occurred 8 lakh years back?

Answer: In this regard my source of knowledge is strict hindu belief and strict hindu religion in which as a major Ramcharitmanas comes. Apart from this my teachers, parents and Dharam Acharyas have told that it is found



is Valmiki Ramayana and Skand Puran also states this.

Question: So should I consider that you also consider your knowledge based on books and the facts prevalent in Hindu people as your personal knowledge?

Answer: There is a difference between normal book and ancient religious books and I have belief in religious books only. I consider personal knowledge which is received by the facts stated in religious books and the things heard from ascendant and teachers.

Question: In your today's statement you have stated regarding birth by Shri Ramchander Ji that His birth was in Treta Era of at the beginning of Dwarpar era and after a short distance you today in your statement regarding entablature 8 of your affidavit you on being

**13031**

informed that you have written the reincarnation of Shri Ramchander Ji in Treta Era, you said that 'the facts stated in your affidavit are correct. So please do labour of telling that which one of your today's statement is correct and which is wrong?

Answer: I would only be able to answer the above question after looking at Ramcharit Manas.

Question: The statement you have given today and which I have referred above, the same has been given without looking at Ramcharitmans hence given the answer to my above question without looking at Ramcharitmana.

Answer; If some time is given, I can give answer to the above question as I have doubts regarding this question and I have problems in my eyes.

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In this process with the permission of the Commissioner, the witness after seeing Ramcharitmanas by Goswami Tulsidas said that Ramchander Ji had taken birth in Treta Era. There is no dispute regarding this that Ramchander Ji had born in Treta Era.

Question: Today 15-20 minutes prior you have given statement that you cannot say that you cannot say whether Ramchander ji had born in Treta Era or Dwapra Era and now you are giving statement that He took birth in Treta Era so you did not remember the fact stated now before 15-20 minutes?

Answer: I remember about the taking birth by Ramchander Ji in Treta Era. I have stated in this regard in my affidavit but due to problem in eyes and domestic circumstances this question was not clear to me.

Question: So at that time when you gave the above statement, the question asked by me was

**13033**

not clear to you for this reason you said that you cannot say whether Ramchander Ji had born in Treta Era or Dwapar Era?

Answer: yes due to conjunction at that point of time my answer was not clear.

Question: Whether on 16<sup>th</sup> May 2005 when you had written your affidavit, the conjunction was clear to you and on 10<sup>th</sup> August 2005 the conjunction became unclear?

Answer: By conujuntion I meant the conjunction of end of treta era and beginning of Dwapar era. For this reason I had a doubt as I do not know counting of any era.

Question: I would say that you are giving completely incorrect statement that you were not clear about period counting or conjunction as you have clearly stated in entablaster 8 of

your affidavit regarding treta era. What you have to say in this regard?

Answer: In my affidavit correctly has been written about treta era but in my written statement, my old counsel had got written about end of treta and beginning of Dwapar and I believed in that and on asking question by the learned arguing counsel I could not get it clear due to doubt and bodily reasons as I do not know period counting but it is my firm belief that Lord Ram birth was in Treta era.

The learned arguing counsel brought the attention of the witness towards para 27 of the written statement (paper no. 42 C-1/5 and 42 C-1/6). The witness after reading the same said that in fifth line of para 27 of page 6 of my written statement, the word "thousand years" which I have written by the said I meant lakhs of years. In the last five lines I have stated about temple from ancient period at the

disputed site. By that I meant that the temple situated at the said place from the period of Ramchander Ji or his sons.

The temple which was from the period of Ramchander Ji or his sons, the restoration was got done by Vikramaditya. By restoration I mean repair. If the building is already there but is quite old or in dilapidated condition, then the repair is called as restoration. The meaning of restoration is with re-repair. If the building has come down completely i.e. its wall have been fallen but the foundation is there but if the construction is done on the same foundation then the said building will be called restoration.

Question: If after digging foundation of old building and building is constructed by putting new foundation then the said building will be called new construction or restoration?

**13036**

Answer: If construction is done on new foundation the same will be new construction and the construction on the old foundation will be called restoration.

If after digging foundation of old building any construction is done on new foundation, the same will be called new construction. I have used word 'reconstructed' and 'recostituted' before the last two lines of para 27 of my written statement. By the same I meant restoration. In the same manner the building which was constructed during the period of Ramchander Ji and His sons, the same building on the foundation was restored by King Vikramaditya. The same foundation is there till today this is my recognition. The disputed building which was demolished on 6<sup>th</sup> December 1992, the foundation is same from the period of Ramchander Ji and His sons on which restoration was got done by Vikramaditya. The building which was demolished on 6<sup>th</sup> December 1992 had place of putting 84 pillars. Below the

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building with three domes, the 12 pillars were there, the same were 12 Kasuti pillar left out from the 84 pillars fixed during the period of Vikramaditya.

Question: The 12 Kasuti pillars which is being said by you to be installed at the disputed premises, whether you believe that in the same size of building 84 Kasuti pillar can be installed or the temple with 84 pillars which you have told, would have been seven times big than this disputed building?

(On this question, the learned counsel for the plaintiff in Original Case No. 5 /89 has objected that this is a mixed question. Two question are mixed in one hence permission cannot be granted for asking this question)

Answer: The best answer to this question can be given by any archeologist otherwise I have a



recognition that the original part where Lord Shri Ramchander Ji had born, the same is the very same part where 12 pillars of Kasuti were fixed and in which building three domes were there. In this regard I have recognition that 84 pillar could have been fixed there in the disputed place or could not be.

I have written in para 14 of my affidavit of chief examination that the disputed premises was constructed after demolishing Shri Ram birth place. This is the same birth place temple which was restored by King Vikramaditya.

Question: Do you mean that the building, as per your statement, which was there during the time of Vikramaditya and which you have told to had been restored by Vikramaditya, the disputed premises was constructed on the foundation of the same building?

Answer: it is possible that some part of temple of 84 pillars was demolished which was got constructed by Vikramaditya but the original form of birth place is preserved and the same was not demolished and the same is the disputed place.

Question: So you want to say that the building with three domes was the building which was restored during the period of Vikramaditya and the same was continuing in the same manner till 6<sup>th</sup> December 1992?

Answer: It is possible that during interregnum repair maintenance was done by Hindu but in the original form the same could have been continuing from the period of Vikramaditya to the year 1992.

Question: Where is the basis found of the possibilities stated by you in the history books or any religious book?

Answer: May be such description is found in any religious book or history book. May be the same is not found in 'Aian-e-Akbari' or 'Babarnama' that new construction was done after demolishing temple of Shri Ram birth place and only the gazette or gazetteer are exception. The said place has always been in ownership of pupils of Ram and have scarified when the time came.

Question: On the basis of your above statement, the statement given in entablature 14 of your affidavit are proved incorrect. What you have to say in this regard?

Answer: I have already said in this regard that construction of nearby place is possible to have been demolished but the original building was there till the year 1992.

Question: I would say that in entablature 14 it has been wrongly stated that the disputed

premises was constructed by demolishing temple of Shri Ram birth place. What you have to say in this regard?

Answer: By this I meant about those parts which were found as archeological vestige but the original part of the temple which is birth place, the same remained in the same form till 6<sup>th</sup> December 1992, in which form it remained in ancient period i.e. period of Vikramaditya.

The learned counsel brought the attention of the witness to entablature 42 at paper no. 42 A-1/18 and 42 1/19 of his written statement. The witness told that the facts mentioned in the first three lines of this entablature, I meant that except the remaining portion of the disputed premises with three domes, which was demolished on 6<sup>th</sup> December 1992 whose vestige were found during archeological excavation. This part was adjoining the building of three domes but in which direction it was situated, I do not have information about this.

In my written statement I have stated about various books, gazetteers and travel account. I have said regarding most of them to my counsel but in respect of the some books, my counsel has himself said. The learned arguing counsel brought the attention of the witness towards entablature 38 given in his written statement at 42A/6 and 42A/7. The witness told that the book named "Satrband" in this entablature (Witness said that the name of the book has been wrongly given in this entablature and the correct name is 'Saituband'. The parts of Skand Puran, Mahabharat, Valmiki Ramayan have been read by me and have been got written in the written statement. Apart from these, Anand Ramayan and Van-Parv Raghuvanshi has also been read by me. Being too old, from the rest of the book, I do not remember regarding what the counsel had written or not in this regard. Ramopakhyani festival is a part of Mahabharat. Varaha festival is part of Anand Ramayana.

Question: Whether it has been wrongly written in entablature 29 that Ramopakhyan festival is part of Ramayan?

Answer: Yes. It has happened due to typing mistake.

In Ramopakhyan in Mahabharat, there is a description of life of Shri Ramchander Ji. I do not remember whether I have read the economics of Kautilya or not. The economic of Kautilya is described in relation to Ramchander Ji and due to description of India's geographical and social organization, I have referred about the book in this entablature. I have mentioned about the book of economics by Kautilaya in reference to the character of Ramchander Ji or in which reference I did so I do not remember.. I have referred about the book named Saituband regarding the life character and personality of Ramchander Ji. Who had produced this book, I do not remember this. In this book there is description of Saituband from Rameshwaram to Srilanka. I do not have

information in which period this book was written. In entablature 29, I have stated about King Praarsen in the book named Saituband, I do not know who he was. I do not remember if the description of pupil Pravvarsain in para 29 of the written statement was given by me or not. In para 30 of my written statement, I have said Goswami Tulsidas equivalent to four kings Babar, Humayu, Akbar and Jahangir and have described the period of Goswami Tulsidas in the above entablature. As far as I remember this description was given by my counsel himself. Volunteered that at the time of filing of my written statement, my counsel was OP Agarwal. Para 31 of my written statement (paper no. 42A/7 and 42A/8 have been written on the basis of my information. I have said Gandhi Ji as devotee of which Ram, the same is the said Ram who was sone of King Dashrath and had born in Raghukul. Volunteered that the popular song of Gandhi Ji is "Raghupati Raghav Raja Ram patit pawan sitaram".

Question: Do you consider Gandhi Ji as knower of Hindu religion?

Answer: Lord Ram was dear to Mahatama Gandhi but his belief was egalitarian.

Question: Whether Gandhi Ji was knower of Hindu religion or not?

Answer: Mahatama Gandhi was born in Hindu religion hence he must have knowledge of Hindu religion. This is my recognition.

Question: Whether any person who born in Hindu family he becomes knower of Hindu religions?

Answer: May be he is a person special or not but he knows Hindu religion.



**13046**

Question: Do you consider Gandhi Ji as a ordinary Hindu knower of Hindu religion?

Answer: Mahatama Gandhi was Rashtrapitah of India and a venerable person hence his general knowledge was more than a general person. This is my recognition.

I cannot comment on whether Mahatama Gandhi was knower of Ramcharitmanas or Valmiki Ramayan. Whether hypothesis of Mahatama Gandhi regarding Ramrajya was based on Shriramcharitmans or Valmiki Ramayan, I cannot comment on this but according to general knowledge the description which has been given by Goswami Tulsidas regarding Ramrajya on that respect only hypothesis would be received.

Question: Whether Mahatama Gandhi believed in idolatry?

(On the above question the learned counsel for the plaintiff no.20 in original case o. 4/89

has objected that this is personal matter of Mahatama Gandhi that he used to do idolatry or not. How the witness would know this hence this question cannot be permitted to be asked)

(on this objection the learned arguing counsel answered that the witness has accepted Mahatama Gandhi as Rashtrapitah and the witness himself is a editor of a newspaper so it is natural that he is familiar with the life and acts of Mahatama Gandhi hence he is capable of giving answer regardin this)

Answer: Mahatama Gandhi used to view temples but he refrained from untouchability.

I do not remember whether I have read any book of Mahatama Gandhi in which details of Ramchander Ji have given. I do not remember whether Mahatama Gandhi had visited Ayodhaya anytime or not. I do no remember whether I

have read or not regarding any description of Ram birth place by Mahatma Gandhi. Mahatama Gandhi used to publish a newspaper and the name of that newspaper was 'Harijan'. The copies of that newspaper are preserved even today. Unfortunately I have not read any copy of that newspaper. Volunteered that I have read the entire Gandhi Vaghamay but the copies of above said newspaper has not been cited therein. I do not have information whether Mahatama Gandhi had gone to Faizabad anytime.

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The learned counsel brought the attention of the witness towards entablature 32 of his written statement at 42A1/8, th witness after reading the same told that I had read the duplicate copies of some pages mentioned in this entablature. I have not studied the original book as I have not studied Sanskrit. The copies which I had read, the same were translated version. The translation was in English. I do not remember whether the translation of the chapter which I have

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referred in this entablature is with me or not. I would come know about this only after searching the same. In this entablature the volume 54 which I have referred, the same is volume of General. The part 1 chapter 1 - C-4-1855 of volume which I have referred, the will not be able to tell about this at this time as the same is only serial number which I have referred. In this Calcutta 1075 or 1875 has been given, the same should be year. The facts which I have mentioned in entablature 32, the same has been written on the basis of photocopies of the said book. This is my assumption but the facts which I have written in this paper on the basis of the photocopies of the books are correct. I do not remember whether I have filed the excerpt of this Journal in the court or not. All the facts written in the above entablature 32 are based on the above Journal. I have written about this book that the same was created during the period of Akbar. Then said that the book which I have referred in entablature 32 of my written

statement, the same was existing prior but this book came into light again during the of Akbar. The meaning of words written in this entablature "This ancient book.....emperor Akbar" is that the existence of this book was prior but the same came into limelight during the period of Akbar. The meaning of this is that this book was existing prior to the period of Akbar.

Question: In this entablature the book about which you have written to be 'ancient', whether you mean that this book was written much prior to the period of Akbar or you have some other meaning by this?

Answer: The meaning of 'ancient' is Prachin (ancient) but the pages of the book which were made available to me, it was not written when this book was written. Hence whether this book was written prior to the period of Akbar or

**13051**

during the period of Babar, I will not be able  
to put light on this.

Read and certified

Sd/-

10.8.2005

On our dictation in open court typed by  
typist.

For further cross examination the case be  
listed on 11.08.2005. Witness to remain  
present.

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(Hari Shankar Dubey)

Commissioner

10.08.2005

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**13052**

BEFORE: COMMISSIONER - SHRI HARI SHANKAR  
DUBEY, ADDITIONAL DISTRICT JUDGE / SPECIAL  
EXECUTIVE OFFICER, LUCKHOW BENCH, LUCKNOW

DATE: 11.8.2005

D.W. 20/4 Shri Madan Mohan Gupta

(Commissioner appointed by the Full Bench vide  
order dated 22.7.2005 in other original case  
no. 4/ 89)

(In continuation of date 10.8.2005 cross  
examination of DW - 20/4 Shri Madan Mohan Gupta  
Plaintiff No. 1, 6/1, 8/1, for Sunni Central  
Board Waqf, Jiyauddin and Molana Mehfujurehman,  
continued by Shri Jafaryab Jilani, Advocate)

The learned arguing counsel brought the  
attention of the witness towards paper no. 42-  
A-1/89 and 42-A-1/9 of page 8-9 of his written  
statement. The witness after reading the same  
told that the reference of gazetteer of novel  
in this entablature is given, I have read the  
same but whatever is written in this gazetteer

I had no belief in that. This I have said earlier also. I have referred about the same in para 33 of my written statement, even after I have no belief in the gazetteer of the novel so that impartiality and credibility of my side could be proved. I had read the photocopy form of the part of gazetteer of the novel. I do not remember this time whether I had read 'page 12 F', fifth line in para 33 of my written statement.

Question: I say that there is no such 'Page 12 F' in the gazetteer of the novel and you have wrongly referred the same in para 33 of your written statement. What you have to say?

Answer: The answer is not possible to be given on the basis of memory as more than 19 years have elapsed.



**13054**

Question: You do not absolutely remember the things more than 19 years old?

Answer: I am a journalist and hear, see and read various things and it is not possible that all the thing remain in memory.

Question: I say that you are feeling uncomfortable in giving answers to the facts written in your written statement as most of the facts written therein are wrong and therefore you are saying again and again that you do not remember those things. What you have to say in this regard?

Answer: The say of the learned arguing counsel is without any basis and illogical that I am feeling uncomfortable in giving answers to the facts written in my written statement as the same is incorrect whereas the truth is that all the facts mentioned in my written statement and affidavit are correct on the basis of my

**13055**

knowledge and belief. Volunteered that I am giving statement in this regard for the last many days on the basis of my information.

The learned arguing counsel brought the attention of the witness to paper no. 312 C-1/24 in original case no. 4/89. The witness after looking at the same told that I have read the citation of this gazetteer. On drawing the attention at page 172 (paper no. 312 C-1/26), at 11<sup>th</sup> and 12<sup>th</sup> line below the last entablature of this gazetteer, the witness told that the facts which has been written in this, the same fact have been referred from this gazetteer in 5<sup>th</sup> and 6<sup>th</sup> line of para 33 of my written statement.

The fact which has been written in 5<sup>th</sup> and 6<sup>th</sup> line of para 33 of my written statement, the same fact have been writtein in page 173 of this gazetteer. The learned arguing counsel brought the attention of the witness to paper

no. 312 C-1/26 and 312 C-/27 to the words "The maks has to.....excavation to the Bihar. The witness after reading the same told that the facts mentioned in this part, the same have been written in inverted comas in 7<sup>th</sup> and 8<sup>th</sup> line of para 33 of my written statement starting from "the mask.....and to the next page no. 9 (paper no. 42 A-1/9, at first five lines which I had quoted from the above gazetteer of the novel.

Question: In you written statement starting from 7<sup>th</sup> line to fifth line of page 9 the above referred facts have been mentioned from the page 173-174 of gazetteer of the novel. What you have to say in this regard?

Answer: In this regard I would say that it is possible that in the photocopy of the above gazetteer which was provided by my earlier counsel, the page numbers would have been different or how this has been referred in the documents got typed by my counsel 19 years

**13057**

back, I will not be able to answer this at this time on the basis of memory but the above part was taken from the gazetteer of the novel which I had read.

The paper no. 43 A-1/2 other 43 A-1/9 are the same documents which I have filed in Original Case No. 4/89 which have been filed in original case no. 5/ 89 at paper no. 312 C-1/24 other 312 C-1/30. The paper which have been filed by me in other original case no. 4/ 89 as paper no. 43 A-1/2 other 43A-1/11, the same documents have been filed in original case no. 5/89 as paper no. 312 C01/35 other 312 C1/44. The paper no. 312 C-1/52 (page 47) is the same documents which have been filed by me in other original case no. 4/89 as 43 A-1/15 the copy of which is filed as paper no. 312 C-1/53 (page 352). The same document has been filed by me in other original case no. 4/89 as paper no. 43 A1/20.

**13058**

The learned arguing counsel brought the attention of the witness towards para 35 of the written statement which is paper no. 42 A-1/10 and 42 A1/11 and on reading the same the witness told that the facts mentioned in this entablature are based on part of the Babarnama which I have filed as document number 43A ½ other 43 A 1/24.

Question: The facts which you have mentioned in para 35 of your written statement, do you believe the same to be true or you have mentioned them as your reclamation form of Babarnama?

Answer: I have written the facts in the reclamation form in para 35 of my written statement but I do not believe in them. It is my faith that this place has always remained Ram birth place.

Volunteered that the in the translation of Babarnama only which has been done by Shri

**13059**

Keshav Kumar, it has come that When Babar had gone to Gwalior to see the Hindu temples then he said that Hindu temples are small small building of stones which sometimes somewhere are of two -three stories and looks like a school and above the every room there is dome and below the dome on a four square of stone statues are kept.

Question: Shri Keshav Kumar of whose translation of Babarnama you have just stated above, What Keshav Kumar does and when did he did this translation. Please labour to tell this?

Answer: Shri Keshav Kumar is a writer and I do not have information about his place of living.

Question: My question was what is Shri Keshav Kumar and by that I meant that you tell that whether Keshav Kumar is a historian or is a lecturer in any university or is knower of

literature, by only saying writer nothing gets clear?

Answer: Shri Keshav Kumar has translated the Babarnama so to my logical mind he should be a writer relating to history but nothing happens by this that he has said in translation of Babarnama the words of Babar regarding temples of Hindu.

Question: When, where and by whom the above translation of Babarnama was published?

Answer: I will be able to answer this after the lunch break.

Question: Do you not remember at this time that when the above book and by whom it was published.

Answer: I do not remember this time the name of the publisher.

It is difficult to tell that when this book was published and its year of publication as I have read this book in new cover. By new cover I mean that this book was published few years back. I had read this book now when there was a strike going on in High Court i.e. between 2<sup>nd</sup> August to 4<sup>th</sup> August 2005 I had read this book. I had neither purchased this book nor some one has gifted this but I got this book from my friend. This book is not available with me in court. I have photocopies of some parts. I got this book in Lucknow only. This book can be made available tomorrow again.

The comment made number 1 which has been given in page no.78 (roman) in the document no. 43 A-1/24 filed by me, the same I have referred in para 35 of my written statement (document no. 42 A-1/10 and 42 A - 1/11).

Question: The above comment is opinion of translator of Babarnama A S Beverage. This is



not translation of part of original Babarnama.

What do you have to say in this regard?

Answer: I would say in this regard that the comment is translation of original Babarnama only.

Question: If this is translation of original Babarnama, as you are saying, then according to it there is reference of construction of mosque in original Babarnama as in this comment there is clear reference of order of constructing mosque and construction of mosque?

Answer: There is no reference of demolishing temple in the original Babarnama.

Question: Do you mean that reference is found in 'Babarnama' regarding construction of any mosque on the orders of Babar in Ayodhaya?

Answer: There is reference found in 'Babarnama' regarding construction of mosque.

In the translation of Babarnama done by Shri Keshav Kumar, I have not read in the part of the translation in which reference is found regarding construction of mosque by Babar in Ayodhaya. I have only studied those pages of Babarnama document no. 43 A-1/22 other 43 A-1/24 which I have filed. It could be right to say that in the original Babarnama there is no reference is found regarding construction of mosque by Babar or on the orders of Babar as I have not read the entire Babarnama. Then said reference of this is found in Babarnama.

Question: It is also my say that the translation of Babarnama by Beverage which you have filed as document no. 43 A-1/24, in its page 78 (which are written in roman), the facts written in comments as part I in below part in it, the same is not translation of part of the

**13064**

original Babarnama but the same is opinion of translator Smt. A.S Beverage?

Answer: I cannot read Urdu or Persian hence on the basis of the version available in English my written statement has been filed.

The reference of construction of which mosque is found in Babarnama, the building is the same which was demolished on 6<sup>th</sup> December 1992. The recognition regarding this is that the same is called disputed place whereas my recognition and belief is that the same is the said place where Shri Ram had taken birth.

I have given document no. 42 A-1/11-12 in para 36 of my written statement, I have mentioned 'Babarnama' of Ladain. The Babarnama of Laden, about which I have mentioned in para 36 of my written statement, Laden's had provided me this and I had read this. I had asked my counsel to write the facts in para 36 of my written statement. The facts which have been mentioned

in para 36 of my written statement in that also Gazetteer of Faizabad of 1960 has been mentioned and I have already told about my view about the gazetteer hence I have no belief in the facts mentioned on the basis of gazetteer and I have already told about this in my statement. The facts mentioned in para 367 of my written statement which has been mentioned in document no. - 42A-1/11 and I agree with the first four lines in the entablature of this document no. 42 A-1/12 as the same have been given on the basis of facts mentioned in book of Laden.

Question: On the basis of facts mentioned in para 36 of your above written statement (to which you have stated your agreement now), your today's statement that 'mention of construction of mosque is found in Babarnama', becomes wrong. What you have to say in this regard?

**13066**

Answer : My today's statement is correct in its place and in the same manner the facts which I have mentioned in my written statement in para 36 are also correct.

Question: You have written in above para 36 at page 12 document no. 42 A-1/12 that construction of mosque by Babar is completely wrong whereas today you have given statement that mention of construction of which mosque is found in Babarnama is correct. Please tell that how the above statements can be correct?

Answer: I have said in my statement that it is the recognition regarding disputed place whereas it is my firm belief that Lord Shri Ram had taken birth there and the same is Shri Ram birth place. Hence my both statements are correct in their place.

I am firm on my statement that the facts mentioned in Faizabad Gazetteer of 1960 are

**13067**

incorrect. In para 37 of my written statement I have written facts based on the same gazetteer. Witness then said that I have stated earlier that even after having no belief in the gazetteer why I have made it basis for the same.

Question: I say that the part of gazetteer of 1960 given in para 37, the same is related to the temple situated at Hanumangarhi and it has no relation with the mosque situated at the disputed place. What you have to say in this regard?

Answer: There was no mosque in Hanumangarhi. The ninth line in para 37 of written statement starting from "testified the existence of the mask ..... the committee reach to Lucknow" which have been written, it is proved from that this shows the dispute related to the disputed place.

Read and certified

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**13068**

Sd/-

11.8.2005

On our dictation in open court typed by typist.

For further cross examination the case be listed on 12.8.2005.

(Hari Shankar Dubey)

Commissioner

11.08.2005

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**13069**

BEFORE: COMMISSIONER - SHRI HARI SHANKAR  
DUBEY, ADDITIONAL DISTRICT JUDGE / SPECIAL  
EXECUTIVE OFFICER, LUCKHOW BENCH, LUCKNOW

DATE: 21.11.2005

D.W. 20/4 Shri Madan Mohan Gupta

(Commissioner appointed by the Full Bench vide  
order dated 22.7.2005 in other original case  
no. 4/ 89)

(In continuation of date 11.8.2005 cross  
examination of DW - 20/4 Shri Madan Mohan Gupta  
Plaintiff No. 1, 6/1, 8/1, for Sunni Central  
Board Waqf, Jiyauddin and Molana Mehfujurehman,  
continued by Shri Jafaryab Jilani, Advocate)

The part of para 4 of my affidavit of chief  
examination where I have stated that "where the  
statue of Shri Ram Lalla was situated", when I  
started sighting it, from then it remained  
there. Before that which statue was there I  
have no information about this. In para 4 of  
my affidavit of chief examination in first line



I have used the word "Unbegotten" (Anadi kal),  
I have used this for the disputed building.  
This disputed building was the same building  
which was demolished on 6<sup>th</sup> December 1992.  
The word 'statue' I have used in third line of  
para 4 of my affidavit, the said statue has no  
relation with the word "Unbegotten" (Anadi kal)  
stated in the first line of this para.

Learned counsel brought the attention of the  
witness to para 14 of affidavit of chief  
examination. After reading the same the witness  
told that in the first line of this para the  
reference of demolition of 'Shri Ram birth  
place temple' is the same temple which was  
reinforced by Vikramaditya. This Vikramaditya  
is the same by whose name Vikrami year runs.  
The temple restoration of which was done by  
Vikramaditya, the same was demolished by  
someone or had fallen down, I have no  
information. The temple which was restored by  
Vikramaditya, inscriptions written in Arbi  
language was found. The meaning of this is that

**13071**

it would be considered in the category of temple was demolished which was restored by Vikramaditya. The temple which was restored by Vikramaditya was never demolished. On 6<sup>th</sup> December 1992, leaving some part of the said temple, rest part of the same temple was demolished. The disputed building which was demolished of 6<sup>th</sup> December 1992, someone has tried to change its original structure but he could not successful in changing the original form of Ram birth place temple. This attempt was made by Meer Baki, this is recognition. I have written in fourth line of para 14 of my affidavit of chief examination that "in the disputed building there were 12 pillars of hallmark" (Kasauti) whereas in the temple constructed by Vikramaditya there is reference of 84 pillars. Out of the said 84 pillars, 72 pillars with the flow time had itself fallen down in the past or the same were demolished by someone, I do not know about this. I have said in para 14 of my affidavit of chief examination that "then also again the same

never formed as mosque ...arrangement of water was not there". By not stating the disputed building as mosque there were two main reasons in the above part in the main reasons but there were reasons of statues of Hindu Goddess and God and statue of Lord Varaha etc. due to which I have said that the same could not take the form of mosque. In fourth line of para 14 to 18 of my above affidavit of chief examination I have said regarding few things in the disputed building, in the said things some were of Vikramaditya and some things were from Unbegotten such as statue of Lord Varaha. The rest of things mentioned in para 14 whether they belonged to the period of Vikramaditya or before, it is clear from my answer. The statue of Lord Varaha was fixed on the eastern wall of the disputed site. I do not have knowledge of the fact that on which wall the statue of Lord Varaha was fixed, the same was from Unbegotten period or was prepared later. I do not have knowledge of the fact that the wall was part of the restored temple by Vikramaditya or the same

was prepared later on. The outer side of courtyard of Ramchabutra of disputed building was continuing from the period of Vikramaditya.

I will not be able to tell the width and length of part of Ramchabutra. It is possible that the part of Ramchabutra would have been 17 x 21 ft. The 12 pillar of hallmark mentioned in para 12 of my affidavit of chief examination, two pillar of hallmark were at the main gate and the rest of 12 pillar were placed below the building of three domes. It is possible that these 12 pillar were placed on the said place from the period of Vikramaditya or it is also possible that these pillars were placed there prior to the period of Vikramaditya. There is no basis to believe that these pillars were placed by Meer Baki. I have no knowledge regarding the fact that pillar of hallmark which were placed below the building of three domes, these were placed at the time of construction of this building or were placed later on. The two pillars which were placed at

the eastern gate, these were placed at the time of construction of eastern gate or were placed later on, I have no information regarding this. The pictures of God and Goddess which were mantled on the pillars were mostly in dismembered form but the idols of Hanuman Ji and Yaksh were clear . In the same manner, the idol of Lord Ganesh Ji were clear on monumental. The instrument of Lord Shri Ram was also clear. This instrument was on the eastern gate. The Monumental Gateway of Ganapati was also made on eastern gate. The parapet made on the eastern side or northern side, I do not remember regarding this at this time. Only the statue of Hanuman ji was made on the pillar. The statue of Ganesh Ji was not on pillar. The pillar on which the statue of Hanuman Ji was the same was on eastern door. The statues which was on building of three domes were slightly in broken state, the statues of God and Goddess in that were like trunk of Ganesh Ji and statues of God and Goddess with nectar pinnacle but their faces were in broken state. The

**13075**

demolished statues of which God and Goddess I can identify after looking at the statues and about which I have told. The rest were not identifiable. The pillars which were installed in the building of three domes, I had seen them in the year 1986 i.e. after opening the locks. The pillar in the building with three domes, I had seen from the distance of 2-4-6 ft. I do not remember how many pillars were installed at the middle door. There were three doors in the disputed site. I do not remember that these pillars were installed at every door or not. These pillars were installed on the west wall of the disputed site or not I do not remember. Whenever I had gone to disputed site I have always gone to the middle door but every time where I had gone, I do not remember. I had gone to the east and south door part but I do not remember whether I had gone from inside or outside.

Read and certified

Sd/-

21.11.2005

**13076**

The cross examination by the counsel for the plaintiff no. 1, Shri Jafrayab Jilani could not be completed. For further cross examination of the witness the case be listed before full bench on 22.11.2005.

On my dictation in open court typed by typist and the witness certified the same after hearing.

(Hari Shankar Dubey)

Commissioner

22.11.2005

**13077**

BEFORE THE SPECIAL BENCH, HON'BLE HIGH  
COURT, LUCKHOW BENCH, LUCKNOW

DATE: 22.11.2005

D.W. 20/4 Shri Madan Mohan Gupta

(In continuation of date 22.11.2005 cross  
examination of DW - 20/4 Shri Madan Mohan Gupta  
Plaintiff No. 1, 6/1, 8/1, for Sunni Central  
Board Waqf, Jiyauddin and Molana Mehfujurehman,  
continued by Shri Jafaryab Jilani, Advocate)

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The facts which are stated in entablature 15 of  
my affidavit are correct. Volunteered that by  
demolition I meant changing of its form.  
Yesterday I had given statement in page 106  
relating to demolition of temple that 'the  
temple. was never demolished', the same is  
correct. My yesterday's and today's statement  
by demolition I never meant broken but was  
changing the original form by some breaking. In  
my affidavit where the word demolition is used  
by that I normally meant the same which I have  
stated above.

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It is recognition about the said changing which I have said the same was got done by Meer Baki. According to my knowledge the above construction Babar had no hand. The facts mentioned in entabluster 23 of my affidavit is that it is recognition on the orders of Babar, Meerbaki had got above changes done in the said building. The plate which has been found, on the said basis it can be said that at the disputed site attempt were made regarding changing the temple into mosque but he could not get success in that and always there was temple and worship of Shri Ram was being done. In entabluster 24 of my affidavit the fact that in the disputed place muslim never prayed Namaj is based on facts heard from others. In entabluster 24 I have referred to in relation to Babri mosque the same is based on reading of books. Somewhere disputed place has been referred to as Babri mosque and somewhere Meerabai has come and there Meera had danced in madness hence in the book "Bhakt Mal" there is

reference of Meera's dance in madness. In the said book there is no reference of connecting any place or building with the word Bawri. It would be incorrect to say that Babri mosque has only relation with Babar. The word used for Meera has no relation with Bawri. In entabluster 30 in relation to demolition of religious place by Babar, the same is situated in Gwalior. It is related to Gwalior and not Ayodhya. I will not be able to tell the name and place of religious place demolished by Sikandar Lodhi but the said places were nearby Delhi. Sikandar Lodhi period was after the period of Babar. I have read in the books regarding demolition of religious places by Sikandar Lodhi but I will not be able to tell the name of the book. I will not be able to tell time that I have read the same in the history book or in any literature. By religious place referred to in entabluster 30, I meant the said place where the Hindu used to do worship as per their belief. The religious places are nearby Delhi such as all religious place like

Kalika temple. Sikander Lodhi had gone to Kalika Ji and Mathura. When I had prepared by affidavit in May at that time I remembered the name of religious places which religious places I have referred in entabluster 30 of my affidavit, I had knowledge about the same but at present I do not remember. I cannot tell at this time that which foreigner attacker had damaged Shri Krishan birth place situated at Mathura. Various foreigner attackers had attacked Kashi Vishwanath temple but there names I cannot tell at this time. I cannot tell at this time that which and where religious places Ibrahim Lodhi had damaged. The period of Ibrahim Lodhi is also after the period of Babar. The facts mentioned by me in entabluster 30 of my affidavit, I have written the same after reading the history and literature books. I do not remember the name of the book or writer at this time. Then said I am remembering one book of history written by Dr. Ashok Oak at this time. The name of the book is 'The grave mistakes of Indian history'.

I do not have knowledge that Dr. Ashok Oak is related to any college or university or not. He is historian of present and perhaps he is alive now. It is possible that Dr. Ashok Oak is the same person know by the name Shri PN Oak. I have read the book in which Shri PN Oak has stated Tajmahal as a temple. It is possible that the writer of the book which I am telling I have read is the same who have written book on Tajmahal. Volunteered that I am confused on this subject at this time. It is incorrect that Sikandar Lodhi and Ibrahim Lodhi were emperor prior to the period of Babar but these are emperor of period after the Babar.

Question: I say that when Babar had attacked on India then at that time in India then Ibrahim Lodhi was the king of Delhi and he had war with Ibrahim Lodhi only?

Answer: It is correct.

It is correct to say that by mistake I said in my above statement that Ibrahim Lodhi was emperor after the period of Babar.

It is correct that a committee was formed under the presidentship of Dr. Rajender Prasad and the same committee had got constructed Somnath temple. It is incorrect that no muslim had opposed the construction of Somnath temple by that committee. Molana Abul Kalam Azad had opposed the construction of the said temple who was central minister at that time.

In entabluster 19 of my affidavit I have written that Babar had never done endowment. I have written the same according to my general information. I have nowhere read this. It is on the basis of my general information that people had told me that and I have not read in any book about the fact that Babar had never done endowment. I have read the Babarnama written by Babar. I have read in Hindi. I have

the book with me. I do not remember that who wrote this and the name of its author. I have not completely read the translated version of 'Babarnama' by Smt. AS Beverage but I have read this.

I have filed document paper no. 43 A-1/22 other 24 which is in English by Beverage, which is an extract. I had read the same before filing it. In my statement at page 106 I have said about which inscription, it is the same inscription which is stated in the Babarnama filed by me in the above citation (document no. 43 A 1/23). This inscription is in Arbi language or in Farsi, I cannot say as I have not read both these languages.

The learned arguing counsel brought the attention of the witness to the pictures in colour album document no. 200 C-1, picture no. 44 other 54 and after looking at the same the witness told that in these picture the statue of Hanuman Ji is not clear. Only in picture

no. 48, there is assumption of a statue. In picture no. 44 other 54, the picture of demigod or any other Goddess or God is not clear. In these pictures, in picture no. 54 there is assumption of picture of Goddess or God. In the same manner in picture no. 50 also the same assumed. In picture no. 50 and 54 the picture of pillars located in part of dome are seen.

In picture no. 44 till 54, Shri Ram Yantra, Toran Ganpati, Prakar temple or trunk of Ganesh Ji are not visible. In picture no. 45 and 46, it seems that the picture of eastern gate of disputed site. In picture no. 78, it is picture of eastern side of entry gate of disputed skeleton. Picture no. 100 is the door of part of dome of disputed place. Picture no. 105 appears to picture of a statue but since it is demolished it cannot be said that of which goddess or God this picture is of. In the same manner, picture no. 114 appears to be of a statue but since it is demolished it cannot be said that which picture is. Picture

no. 104 to 114, the picture of pillars, the said pillars were located at the part of dome at the disputed place. It is incorrect that in the pillar of black stone, no picture of Goddess -God or demigod is visible.

It is incorrect that the disputed building was never Ram birth place temple. It is also incorrect to say that this has been a mosque from the time of Babar and from the time of Babar till 22 December 1949 salaah was being prayed there. It is also incorrect to state that there was no temple at the disputed place and no temple was ever demolished. It is also incorrect to state that the statues were kept in the dome part of the disputed building in the night of 22/23 December 1949 and prior to that no worship was being performed.

(The cross examination of DW - 20/4 Shri Madan Mohan Gupta by Plaintiff No.1, 6/1, 8/1 Sunni Central Board of Waqf, Jiyadeen and Maulana



Mehfuzurehman by Shri Jafaryab Jilani, Advocate closed)

(cross examination of Shri Madan Mohan Gupta in other Original case No 4/ 89 for Plaintiff No. 7 by Shri Mushtak Ahmed Siddiqui, Advocate commenced)

I am giving statement in this case in my personal capacity and also as the convener of Shri Ramjanambhumi Punadwar Committee. I am myself Defendant no. 20. I was originally not party in this case. After hearing my application for being party in was made a party in the year 1989. I had given application for being party in my personal capacity. In para 4 of my affidavit, by writing "Anadikal" (quite ancient), I meant the old period written in Shruti and Smriti. It is not possible for me to describe it in numbers or could tell that thid period is five thousand years old or ten thousand years old or more than that but a

period cannot be old than one thousand years. Then said ancient period cannot be less than one thousand years. In the year 1962, I had seen the statue of Ramlala along with my mother and father. I had seen from distance as the lock was opened in 1989. I had seen from outside the place of lock. Insofar as I remember only one statue of Ramlala was there. According to my memory, statue of archer Shri Ramchander Ji was not there but it was of Ramlala. My memory is not clear about how many statues were there as I was adolescent. Perhaps village council of Shankar Ji was also there. It was in disputed premise or not in disputed premises, I do not remember now village council of Shankar Ji was on which direction. It is also clearly remember to me that the said village council was inside the locked premises or outside the premises. I do not able to clearly remember that except the above statue of Ramlala and village council of Shankar Ji any other statue was in the disputed premises or not.

I cannot tell that what was the situation in eastern side of the disputed premises. Volunteered that I have already told that my knowledge regarding directions is not good. My answer is same regarding the other side of boundary i.e. west, north and south. I remember that nearby the disputed premises population and shops were there. I am saying nearby and not all sides. In my assumption there was a pavement road in front i.e. eastern side. I do not remember that there was any temple nearby the disputed premises or not. I only know that in the Ayodhya colony is situated at Faizabad district of disputed premises. I cannot tell that this place is situated in which Mauja colony, pargana or district. When we had gone to see in 1962, then I stayed with my mother in Gokul Bhawan and from there only I had gone to see the Ramlala. Now I do not remember I had gone to see any other temple or not. The basis of my writing in para 4 of my affidavit that the disputed premises is considered a place of

worship as place of birth of Shri Ramlal from very ancient times is the knowledge given by my teacher and my ancestors and personal knowledge. I have also read in the books. The name of my teacher is Jagadguru Shankaracharya Swarupnand Saraswati and Parampujya Shri Rammangaldas Maharaj who is known saint of Ayodhya who also used to tell this. Shri Rammangal Das was teacher of my mother and not mine. When I was 15 years old then he had told me this theme. Jagadguru Shankaracharya Swarupnand Saraswati used to discuss about Ramlal in his discourse. When for the first time he discussed the above I do not remember now but as per assumption he had brought it to my cognizance before starting of this case i.e. when I had filed application for being a party. I do not remember when I had heard the discourse of Swarupnand ji for the first time and I also do not remember the place. I also do not remember that when and in which year my father had told me about the disputed place to be place of worship as being Ram birth place.

The information which was given by Rammangaldas Ji, the same was given in Ayodhya only when we had stayed at Gokul Bhawan. Shankaracharya Ji had told in his discourse at Chitrakoot that the disputed premises has been consistently remained a place of worship as being Ram birth place and its reference has come in Ramcharitmanas. I do not remember the year but then Late Rajiv Gandhi was Prime Minister then there was a big saint meeting in Chitrakoot which was addressed by Swaroopanand ji. I do not remember that at that time the lock of the disputed premises was opened or was locked. I only remember that the lock was opened in the year 1986. I had heard discourse regarding Ram birth place before the discourse of Chitrakoot but the meeting of Chitrakoot and its memories are clearly remember to me. In the saint meeting at Chitrakoot, Swaroopanand Ji had said by raising hands that where the statue of Ramlala is situated below the dome of disputed site has been birth place of Ram from ancient period. Volunteered that Swami

**13091**

Swaroopanand Ji had also told that the Hindus are performing worship of that place from ancient period and would continue to do that. In this addressing, Swaroopanand ji had discussed about this dispute and also had not discussed how the building of domes was constructed and how the muslims had taken over. I have gained knowledge of Rambirth place at the disputed premised from which books includes Ayodhaya Mahatmaya of Skand Puran, Ramcharit Manas, some part of Valmiki Ramayana and the Gadar book of Amritlalnagar. The names of writers of other books I do not remember also. The part of Ramcharit Manas in which Ram birth place comes, I have filed a copy of the same in my case and have stated the same in para 6 of my affidavit. This has been cited as 43A1/29 other 43A1/35. In these record, reference of disputed place of three domes is not there as at the time when Ramcharit Manas was written, then there was no dispute hence reference of such question did not arise but it is written in that the Ram birth place was

situated in Awadhpuri Saryu Bank of Ayodhaya city. It is correct that in these pages it is not very clear that at which place Shri Ram had born. Apart from these records, in any other place also in Shri Ramcharit Manas it is not stated that where Ram birth place is specifically situated. Volunteered that in the religious book of that era, the book would have been of any religion, the description of latitude and longitude of birth of any holy man or descent were not given.

The above references of Ramcharit Manas which I have filed I have given them in support of my side. In Valmiki Ramayan also there is no pin point place mentioned where Ramchander Ji has born. It is only stated that His birth took place in Ayodhaya. I have not filed the book or reference of book of Amritlal Nagar. Ramcharit Manas was fabricated about 450 years from today. Regarding fabrication of that book at some couplet Samvat 1631 has been written.

Tulsidas Ji was a true pupil of Ram but I have no knowledge that at the time of fabrication of Ramcharit Manas he had any fear or not.

I have read some parts of Ayodhaya Mahatmay of Skand Puran. In that clear place of birth of Lord Ram has been given. In the Book of Shri Amritlal Nagar the birth place of Ram has been given but how clear it is given I do not remember. I do not have knowledge that when the Valmiki Ramayan was fabricated.

The purpose of the facts given in para 6 of my affidavit are recognitions and faith i.e. by faith and lineage I mean tradition. It is a recognition that Valmiki Ramayan is coexistent with Lord Shri Ram. The birth of Ramchander Ji is considered at the end of Treta era and start of Dwapar. I have said in para 6 of my affidavit that the birth place is Lord Ram has



been clearly stated in Ramcharit Manas but pin point place is not mentioned.

Paper no. 43A/22-224 is translation of Babarnama. I have no knowledge about the fact that the original form of Babarnama is called with what name. By this reference I want to prove that Babar had never endowed the disputed place. It is written in this that mosque was prepared on the order of Babar. It was not constructed after demolishing the temple. Then said the three lines which are written on inscription, the English translation of that is 1. By the command of the Emperor Babar whose justice is an edifice reaching up to the very height of the heavens. 2. The good-hearted Mir Baqi built this alighting -place of angels. 3. Bavad Khair Baqi (May this goodness last of ever). The meaning of above is that this place has been constructed on the orders of Babar. This is place where angels come down and it has been written further that this holy place be remain for ever. In this there is nothing

**13095**

written regarding construction of mosque and demolition of temple. By filing this reference, my only intention was that principally there is no reference in this inscription regarding construction of mosque and demolition of temple.

Read and certified

Sd/-

22.11.2005

On our dictation in open court typed by typist.

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**13096**

BEFORE: COMMISSIONER - SHRI HARI SHANKAR  
DUBEY, ADDITIONAL DISTRICT JUDGE / SPECIAL  
EXECUTIVE OFFICER, LUCKHOW BENCH, LUCKNOW

(Commissioner appointed by the Full Bench vide  
order dated 22.7.2005 in other original case  
no. 3/ 89 (Original Case No. 26/59) Nirmohi  
Akada vs. Priyadut Ram (dead) and others)

DATE: 23.11.2005

D.W. 20/4 Shri Madan Mohan Gupta

(In continuation of date 28.7.2005 cross  
examination of DW - 20/4 Shri Madan Mohan Gupta  
Plaintiff No. 7, continued by Shri Mushtak  
Ahmed Siddiqui, Advocate)

Swami Swaroopa Nand ji is patron of Akhil  
Bhartiya Shri Ramjanambhumi Committee. He is  
patron from the time when this committee was  
constituted. This committee was constituted in  
the year 1989. From that time only, I am  
looking the work of the committee in the  
capacity of convener. When during huge saint

meeting, after the open declaration by Swami Swaroopanand Ji that dispute premises is the Shri Ram birth place, no doubt remained in my mind. For marking the place, Swami Swaroopanand Ji Maharaj had told that the part of building of three domes where the statue of Ramlala is situated. Apart from this no other thing was told for making the place. It is correct to say that in various temples if Ayodhya the statue of Ramchander Ji are kept. Swami Swaroopanand Ji Maharaj had stated the disputed place with three domes, which case is pending before the Hon'ble Court. In this meeting, Swaroopanand Ji Maharaj had not told about pendency of cases with regard to disputed place.

Swami Swaroopanand Ji had told that where the disputed place is situated in Ayodhya.

Question: Swami Swaroopanand Ji had told about which place to be disputed site is situated in Ayodhya?

Answer: In the said meeting, Swami Swaroopanand Ji Maharaj with the clear and unclear oath of Goddess and God had declared that the place of Ram birth place is the same from the very ancient period where the statue of Lord Ramlala is situated in the middle dome of building of three domes.

So far as I remember, Swami Swaroopanand Ji Maharaj by not stating about any colony had said that this place is world renowned and is a symbol of faith of crores of Hindus. To my knowledge there is no other temple with three domes in Ayodhya. Temples does not have domes but does have pinnacles. The same is called dome in Urdu. I have no knowledge about the fact that the disputed building is the only one building which had three domes.

I do not remember this time that I know any Mahant Raghuvar Das in connection with the present case. It is possible in this regard some reference would have come in my written

statement but I do not remember about this at this time.

The learned arguing counsel brought the attention of the witness to document no. 42 A-1/1 other 42A-1/25. After specially bringing attention on para 7 of the written statement, the witness after reading the same said that in this entabluster reference of Mahant Raghuvar Das has come. This Mahant Raghuvar Das had filed some case in the Hon'le Court which in my eyes was 'insignificant and unauthorized on behalf of Hindu community'. I do not remember this time that when and in what capacity Mahant Raghuvar Das had filed this case.

Question: Without knowing that who Mahant Raghuvar Das was and when he had filed this case and in what capacity had filed, you decided in regard to your case that the case filed by him is unauthorized and insignificant. What you have to say in this regard?

Answer: In the above statement I have not given my decision but had expressed my opinion.

In my yesterday's statement I had stated about "Ayodhaya Mahatmay". The facts which have been written in para 32 of my written statement are based on this Ayodhaya Mahatmay and are also based upon Skand Puran. Ayodhaya Mahatmay is part of Skand Puran. The book about which I have referred to in above entabluster 32, I have read it. The book stated in above entabluster 32 is an independent book. The referred part of translation of Skand Puran which I had read, I do not remember at this time who had done the same. When this translation was done and when it was published I do not remember. From where it was published I do not remember this time. In Skand Puran or Ayodhaya Mahatmay pin point place of birth of Shri Ramchander Ji has not been given.

Question: Whether according to you, there is no special place marked in the above books regarding the place of birth of Shri Ramchander Ji in Ayodhaya i.e. the same can be at any place in Ayodhaya. What do you have to say in this regard?

Answer: The reference of the building with 84 pillars or temple is found in some books. I have given detailed answer to this question in the court.

I do not remember whether there is reference or not of building of 84 pillars in Skand Puran or Ayodhaya Mahatmay.

The learned arguing counsel brought the attention of the witness to the list 43 A-1/1 and document filed by witness on 5.11.89 in other Original Case No. 4/89, the five documents filed, the reference of which has been given in the above list, I have filed



them in my support of my say. The first document is Gazetteer of Faizabad of 1905. By this gazetteer I want to show this main fact that Ram birth place was never demolished and it has ever remained as a place of worship for Hindus. I have also said in my earlier statement that I do not believe on this gazetteer prepared by Britishers and consider this as a part of divide and rule policy of Britishers between these two main castes of India.

Question: Whether in the gazetter filed by your at 43A-1/2 other 43A-1/24, any reference is found regarding the fact that where the place of birth of Ramchander Ji is situated in Ayodhaya?

Answer: The reference of this is found in the above gazetteer. It is found in the above document in the part of second entabluster at document no. 43A-1/5 "these where the birth

place .temple.....mark the birth place of rama". I believe in the above part.

There is a colony by name Ramkot. The reference is this is found in the above part. I do not have special knowledge about the colonies in Ayodhaya. There is a reference of 'Ramkot' in the above part. Apart from this I do not have personal knowledge that colony named Ramkot is in Ayodhaya or ot but I have heard about this. Where in Ayodhaya Colony named Ramkot is situated and what is its width and length, I do not have information.

The learned arguing counsel brought the attention of the witness to the part stated in the above documents that 'in 1528 AD .....built a mask'. The witness after reading the same said that the translation of this is as follows: "Babar cam to Ayodhaya in the year 1528 and stayed there for a week and he demolished some old temple and constructed mosque.'" But I do not have belief in this statement and I

consider this as a conspiracy of Britishers. In so far as I have read I have given translation of the part above. After this it has been written that now also the said mosque is called "Babar's mosque".

I have also filed District gazetteer of Faizabad which has been edited by Smt. Isha Basanti Joshi as document no. 43 A-1 and by the same I wish to tell that the inscription which was installed by Meerbaki Tashkandi on the Shri Ram birth place. On the orders of Babar, the same was stated to be the place of angels and nothing has been written regarding demolishing of temple and preparing of mosque or worship place and to the place where angels comes we say "Bhay prakat kripala deen dayala' from the quatrain of Bal Kand we consider the place of appearance of God. By the order of Babar, stone was put in regarding place of coming down of angels.

Question: Do you accept that on the order of Babar, according to the plate, at the disputed site a building was constructed without demolishing any temple for angels to come down?

Answer: it is recognition that by interfering with the original form of the temple the plate was installed at the outer side.

The facts which have been mentioned on the plate, I consider them to be correct. In my yesterday's statement at page 120, the English translation which I had given to the above plate is correct.

The learned counsel brought the attention of the witness to the above list filed as document no. 43A-1/25 other 43A-1/28. After looking at the same the witness said that by this I have filed reference of Aiena - Babri which puts light on the events of the period of Akbar and related thereto. By this document light is put on the present dispute. Basically this

documents support the spirit that Babar had not got constructed any mosque by demolishing the temple of Ram birth place but many years have elapsed in filing this documents if attention is drawn to any special part of this document then I can answer the same but I am incapable of telling on the basis of my memory. Gazetteers were being published prior to year 1905. In so far as I remember I have not filed any gazetteer before the year 1905. I have strong belief that Babar had not demolished any temple at the disputed place. In the times of Britishers with the intention of spreading hate between two communities, this kind of facts were spread.

I heard the name of Shri Devki Nandan Agarwal during the hearing of the present casei did not meet him. My meeting with Swami Swaroopanand Saraswati Ji is from the year 1977. Volunteered that I had taken initiation from him. In his guidance attempt of resolving this dispute were being made. I have information regarding this.

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The attempt of Shankaracharya Ji were to resolve this dispute between both communities Hindu Muslim by peace and goodwill for which I had gone to the prison. He had got meeting conducted of the persons from both the communities. I have read in newspaper in this regard. I participated in such meetings. I had participated in 2-3 of such meetings. I do not remember who was there for muslim side. Shankaracharya Ji was there for Hindu side. About the rest of the people who participated in that, being a quite old fact, I do not remember the names at this time. I have no information whether any trust was established relating to disputed property. I have no information regarding the fact that on 22/23 December 1949, Ramlala had appeared or not on happening of some miracle. I did not attempt to gain information in this regard. Volunteered that I have belief that there have been worship and sacrament of Lord Shri Ram from the ancient times. During the continuation of this case, I had come to know about the fact

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that Shri Devkki Nandan Agarwal had filed a case in the capacity of case friend of Ramlala. The case filed by him is also tagged with the other cases. I have no information about Shri Devki Nandan Agarwal.

Question: Do you not feel that in this case Shri Devki Nandan Agarwal would have said anything against Shri Ramchander Ji i.e. against the Hindu population.

Answer: I have not read the case filed by Shri Devkinandan Agarwal hence I will not be able to say anything in this regard.

Due to typing error in para 7 of my written statement the case no. 61/280 of 1985 has been typed which should be 61/80 of 1885.

The learned arguing counsel brought the attention of the witness to the entablature 30 of the document no 42A-1 of the written

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statement. After looking at the same, the witness said that in this the period of fabrication of 'Shriramcharitmanas' has been wrongly typed. In the fabricated "Shriramcharitmanas' by Goswami Tulsiji the quatrain is found regarding the fabrication period according to which in 1631 Samvat this was fabricated. In Ramcharitmans no reference is found regarding mosques and offering of namaz by muslims.

The learned arguing counsel brought the attention of the witness to four lines in para 30 of his written statement. The witness after reading the same told that by these line I want to repeat my above words that In Ramcharitmans no reference of Babri mosque or offering of namaz by muslims is.

Question : if in the entire Ramcharitmanas no reference of any mosque is found or no reference of one mosque is there, as you are telling, what difference does it make?



Question: I have referred it to clear my words.

In page 10 of my written statement, (page no. 189 put by hands) at para 35, I have stated regarding 'Babarnama' of Beverge in the last three lines which are page 11 (page 190 put by hand) which goes upto first entabluster, the reference which has been given, I consider it correct. In the above reference it has been presumed that possibly during his stay in Awad (Ayodhaya), Babar had given such orders since in this reference it has been said to be a presumption, hence it cannot be considered as proof. I myself consider it wrong. I do not remember at this time that any dispute had arisen in respect to disputed building in the year 1855 or not.

The learned arguing counsel brought the attention of the witness to para 38 of his written statement, the witness after reading the same told that I have no belief in the

facts mentioned in the fourth line of this entablature.

On the basis of the structure of the disputed premises it will be called temple. There is a difference between structures of temple and mosque. Mosque contains minarets and it has place for Vajra whereas in temple does not contain none of these two. Apart from this in temple statues of Goddess and God, the holy signs of Hindu, the instruments of God etc. are etched on roof of the pillars and gates.

Question: Since in the dispute building minarets were not there and no place of Vajra was there. For this reason only it was not mosque?

Answer: It is true. The statues of God, statue of Hanuman Ji, instruments of Shri Ram, statue of Lord Varaha near the gate and Toran Ganapati were there. All the holy marks, pillars of

hallmark which were made as per ancient Hindu rites are the proof of the fact that this place was not mosque but in reality is a temple of Shri Ram birth place from very ancient times.

The pillars which were there at the disputed building, in that the pictures which were etched were destroyed by efflux of time or someone had violated them, it will be difficult to say that but till the year 1992 over the wall and specially on the entry gate, the instrument of Ram were clearly present there. The 12 pillars in the disputed premises (pillars of Hallmark) possible were destroyed statues but had not broken in two parts from above. The 12 stones of hallmark which were fixed in the disputed premises, they all twelve were chipped off. The meaning by chipped off is that some portion were broken. By chipped I meant that the above 12 pillars were in complete position but some part of it was broken and the statues made on them were destroyed. The statues on these pillars were

made by etching i.e. digging. The work of etching is done with the help of chaini and hammer. The broken part of pillar was itself got broken with the efflux of time or were broken by someone, I cannot say about this. As I have already told in my statement earlier that in what places of the above pillar and how it were broken I will not be able to tell about this i.e. it was broken in natural course or had been broken, I will not able to tell this. It is incorrect to say that I am making wrong statement on this point. It is incorrect to state that there was no breakage in the above 12 pillars. The gairu was not on them rather vermillion was thee which is put on Hanumanji and Ganesh Ji. For preparing vermillion, gairu is not used.

The learned arguing counsel brought the attention of the witness on para 20 of his affidavit of chief examination. After reading the same the witness said that in this entabluster I have criticized the acts of

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Babar. In this regard I have already told in my yesterday's statement i.e. 22.11.2005 that Babar had demolished the temples at Gwalior. It is correct to state that in this entabluster 20 the facts which have been given are not related to demolition of any temple in Ayodhaya. The temples in Gwalior which the Babar had demolished, there was no birth place of Shri Ramchander Ji. In the above entabluster 20 I have stated regarding snatching of birth place of wordshipped Idols and giving to others. This statement of mine is in relation to temples at Gwalior. Which birth place of worshipped by Hindu has been referred to in above para 20, I will not be able to tell this as Hindus have many worshipped Idols. Someone worshipped Idol out of them is referred in this entabluster. I do not consider Lord Ram in those worshipped Idol as I consider Him in the category of God. I know about them which worshipped idols have been mentioned in entabluster 20. Hindus have various mediocrity idols out of which, which worshipped idol have been referred in this

entabluster I do not remember. At the time when I had filed by affidavit of chief examination, at that time I had remember about the reference of which worshipped idol is being given in para 20 of the affidavit and who were they as I have read in the books regarding them. During this five months which have elapsed after filing the affidavit, I have forgotten regarding the above worshipped idol. I will not be correct to say that I am deliberately hiding in this regard. I had read in a Hindi book regarding snatching of birth place of Hindu worshipped idol in Gwalior by Babar. This book was related to journeys of Babar but at this time I do not remember the name of the book, the name of the writer and the name of its publisher. I am not confused at this time. In the said book details of Babar's journey to Gwalior, and Delhi journey were given. In the said book the clear number of demolished temples were not given. I had read in the said book about demolishing of temples near Gwalior. I had only read some selected

portion in the book. I had cursorily read the said book on the basis of details given in the beginning of the book.

The learned arguing counsel brought the attention of the witness, he said that in the first two lines of para 19 of my affidavit of chief examination It has been written that Babar could not become owner and took possession of the Ram birth place at Ayodhya. According to my information, Babar had not made a single attempt to become owner and take possession of Shri Ram birth place. By the above two lines I wish to tell that the confusion which the Britisher had spread through their gazetteers, I have tried to clear these confusion by these two lines. Even though in entabluster 19 of my affidavit of chief examination there is no reference of any gazetter and also no reference of Britishers but from the spirit of my affidavit it gets clear that the facts mentioned therein can be conjointly read and appreciated. In the

affidavit there is no reference of spreading spirit of hate by Britishers but these have come in the documents filed along with the written statement.

Question: You have not criticized the gazetteers in para 13 of your affidavit rather you have presented it in support of your side and say. What do you have to say in this regard?

Answer: These gazetteer have been annexed only to prove my say whereas in my original written statement I have written about spreading of hatred between these two great communities by Britisher and in my entire statements I have stated that the gazetteers written by the Britisher were written under a conspiracy.

Question: Even after stating the gazetteers to be conspiracy of Britishers, you have in



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para 13 of your affidavit have believed such gazetteer, whether it is right to say?

Answer: It is not correct to say.

Perhaps I have read about this that Babar had praised about gardens and the atmosphere of India. I have not read the book 'the history of mughal architect' by Prof. R. Nath. I have not heard the name of Prof. R. Nath. I have not read any book regarding Mughal architect.

I have also filed references of the book 'Shri Bhagatmal' along with the affidavit of chief examination which are in the form of part of my affidavit as document no. 8/1 to 8/6. The year of publication of this book named "Shri Bhagatmal" is given Samvat 2047. This is the second edition of the year. On reading the above document no. 8/2, the year of first publication does not come to know. I have also

no knowledge about the year of first publication of this book. I wish to tell by this document that Meerabai had letter communication with Tulsidas Ji in which Tulsidas Ji had said that "Jake priya na ram videhi, tijeya tahi koti bairi sum, yadhapi param snehi". By this letter inspiration of Tulsidas Ji, Meerabai had come to Ayodhaya and simultaneously with Krishna devotion, she fell down in Ram devotion. In madness she started dancing near the Ram birth place temple and started singing 'payo re maine Ram rattan dhan payo' and started singing 'Meera ho gayi Bavri' (Meera has become mad) due to which people started calling Meera as mad and later on this became the degenerated name of Meera.

At this time I am not able to remember the documents which I have filed as document no. 8/1 to 8/6, the reference of coming to Ayodhaya by Meera is there or not. The facts which I have stated about Meera coming to Ayodhaya and about her dancing, I have said the same on the basis of the book named "Shri Bhagatmal" and in

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support of my statement I have filed suitable references from the book named "Shri Bhagatmal" as document no. 8/1 to 8/6. Where such suitable references are written, I will not be able to tell as I do not remember at this time. The facts stated by me is in the references filed by me or is somewhere other place in the book "Shri Bhagatmal", I will not be able to tell at this time in this regard.

In para 24 of my affidavit it has been stated. The facts which I have stated in para 24 of my affidavit, some of the same have been filed along with references with my affidavit in this reference the first three lines are not there in above entabluster 24. All the other things are there in the reference filed by me. All the above facts are in the book named "Shri Bhagatmal" but the rest of the facts are there in the reference or not I do not remember. This reference has been filed by me with my affidavit after selecting the same. I have

annexed it after consider it comprehensive and relevant.

I have heard about the bok "Sondarya Lahiri" written by Adishankaracharya. When this book was first published I have no knowledge about this. This book is old more than 100- 200 years. "Shivashtak Strota" are eight verses relating to Lord Shankar. I have no information regarding the fact that which one out of the above two prayers is more older. This is one book only as in Saundarya Lahiri, Shivashtak prayer has been given. This is not a big book.

The learned arguing counsel brought the attention of witness to the part of the statement written at page 16 where "during Unitarianism Adishankaracharya.... in Indian religion is part of worship". The witness told that it is correct.

Question: Whether on reading this it is not clearly seen that from Saundarya Lahiri to Shivashtak prayer, it was a long period and during this anatomy there are more books?

Answer: it is not correct. Saundaraya Lahiri is a book in which in which Adishankaracharya after taking prayers of Jagat Janni Aadh Shakti Mother Lalita, had fabricated the prayers of worship Gods Shiv, Vishnu and Brahma.

Question: I say that you have stated about various fabrications from the above part of Saundarya Lahiri to Shivashtak prayer. What you have to say in this regard?

Answer: By fabrications I meant the verses regarding different Gods and Goddess which have been fabricated by Adishankaracharya.

By the above word 'fabrications' I meant various verses. It is incorrect to state that I have no information regarding the disputed case. It is also incorrect that my statement is based on my wishful thinking. It is also incorrect to state that I have no information regarding the disputed place. It is incorrect that the fact which I have said regarding construction of which building without demolishing temple in the year 1528, was mosque. According to my information always there was Ram birth place temple. It is incorrect that the said place was always a mosque and today is also mosque and will remain mosque. It is also incorrect to state that from the period the disputed premises was constructed, five times saalah and Aajan was being performed there. It is also incorrect to state that till the evening of 22/23 December 1949 there was no statue in the disputed premises and neither any worship was being performed there. It is also incorrect to state

that in the night of 22/23 December 1949 some people have kept statues secretly.

(The cross examination of DW - 20/4 Shri Madan Mohan Gupta by Plaintiff No.7, in other original case no. 4/89 was closed by Shri Mushtak Ahmed Siddiqui, Advocate was commenced and closed)

Thereafter, for Defendant no. 6/1 in other original case no. 3/89, Shri Irfan Ahmed, Advocate and for Defendant no. 6/2 in other original case no. 3/89, Shri Fazle Alam , Advocate on in other original case no. 5/89 for defendant no. 26, Shri C.M. Shukla, Advocate had adapted the arguments of Shri Abdul Mannan, Advocate, Shri Jafaryab Jilani, Advocate and Shri Mushtak Ahmed Siddiqui, Advocate.

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The arguments on behalf of all the defendant is  
closed. Witness is discharged.

Read and certified

Sd/-

23.11.2005

On my dictation in open court typed by  
typist.

(Hari Shankar Dubey)

Commissioner

23.11.2005