

OPW-3 DR. S.P. GUPTA
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IN THE HON'BLE HIGH COURT OF JUDICATURE AT
ALLAHABAD LUCKNOW BENCH, LUCKNOW

OTHER ORIGINAL SUIT NO. 5 OF 1989
(REGD. SUIT NO.236 OF 1989)

BHAGWAN SHRI RAM VIRAJMAN
AND OTHERSPLAINTIFFS

VERSUS

RAJENDRA SINGH
AND OTHERS DEFENDANTS

STATEMENT OF OPW-3

DR. S.P. GUPTA

BEFORE COMMISSIONER SHRI H.N.S. SENGAR, ADDITIONAL
DISTRICT JUDGE,
GAUTAMBUDH NAGAR

(ORIGINAL SUIT NO.5 OF 1989)
(SUIT NO.236/89)

BHAGWAN SHRI RAM VIRAJMAN
AT SHRI RAMJANAM BHOOMI
AYODHYA ETC. PLAINTIFFS

VERSUS

RAJENDRA SINGH
AND OTHERS DEFENDANT

I, O.P.W. 3, Dr. S.P. Gupta S/o Shri O.N. Gupta, aged about 70 years, Resident of B-17, Qutub Institutional Area, New Delhi-110016, solemnly affirm on oath as under:

My educational qualifications are MA, LLB, Diploma in Archaeology Ph.D. Diploma in Environmental Archaeology, D.Litt. In it, foreign qualifications are also included. I have got qualifications from London University and Paris University. My post-graduation subject has been Archaeology. There are two special subjects in Archaeology - Excavation and Exploration. Epigraphy and Art History is also included in Archaeology I have taught in India and have given series of lectures in foreign countries. By lectures, I mean series of lectures. Field Archaeology means excavation and exploration as I have already stated. In India, I did exploration in the valley of Himalayas. After that I did in West Bengal and Bihar and afterwards in Tamilnadu, Andhra Pradesh and again in Rajasthan and

Uttar Pradesh. I have done excavation work. I did excavation work as a student of MA in 1952 in Kaushambi, Nagarjun Konda (A.P.) and afterwards in Tamilnadu, Kunnatoor and then in Gilund in Rajasthan and again in Kalibangan, Rajasthan, Sardargarh (Rajasthan) and again I did excavation in Ayodhya. In foreign, I did excavation in France.

In India, I have taught in the Institute of Archaeology and National Museum Institute. The science of Museum is called Museology. I had studied Geology also. I have been attached with Museum and archaeology in France, Germany, England, America, Russia, Mongolia, China, Japan, Israel, Iran, Egypt, South America etc. There are three types of work, which I did. I have been going to these countries in connection with archaeological survey, lectures, archaeology and Museology and seminar. In India, I am director of Centre for Research and Archaeology, History and Paleo Environment, which is run by Indian Archaeology Society. I have been teaching Art History and museology etc. subjects for approximately seven years in National Museum Institute. I have been an employee of Central Government. I retired as Director in 1990 from Allahabad Museum. Besides Hindi, I have the knowledge of English, French and Russian languages. I have written many books and have edited an International Magazine namely Archaeology. I had contacts with international magazines 'Man and Environment' and have edited 'Itihas Darpan' also. I was the founder member of 'Man & Environmental journal. Now-a-days, I am the President of Indian Archaeological Society. Before that I have been Organising Secretary of Indian History and Culture Society. I have been examiner of M.A., Ph.D and D.Litt. of various Universities, i.e. Banaras University, Ranchi University etc. I got three awards on the

subject of Archaeology — two Gold Medals and one international prize. The name of international prize is 'Sir Martimar Wheelar for excellence in the field of Archaeology. I got 'Maulana Azad Gold Medal for securing highest marks in the field of Archaeology. I got Centenary Gold Medal for excellence in Archaeology.

I know the relevant site and disputed site and its building involved in this suit. The building was in dilapidated condition. I have been to the disputed site of building before and after dilapidation. I went there as an archaeologist. I saw that building of disputed site before its fall. As an archaeologist, I did excavation work there. I did this work in 1992. Before that, I was associated with Prof. B.B. Lal in excavation. At that time, Professor B.B. Lal was the Director of Indian Institute of Advanced Studies, Shimla. The name of B.B. Lal's excavation project was "Archaeology of Ramayan related site". "The Ramayan related site" was related to the survey and excavation of sites of birth place of Sri Rama and his exile. At this site before Professor Lal's excavation was got done in 1990s by Professor A.K. Narayanan of Banaras Hindu University. Short reports of both these excavations were printed periodically in a journal of Government of India, namely "Review of Indian Archaeology". I have read these reports. I visited this disputed site in 1991 as an expert in Archaeology as a Member of a Committee, which was constituted by the then Prime Minister Shri V.P. Singh. There, I studied and took photographs also and had shown the articles of that building to all members of the Committee. I took photographs of that site, inside the building and outside of the building also. I went there in 1992 in the month of July and October. At that time also I took photographs. First time, I went there in the beginning

of July on 2nd and 3rd to study more than forty archaeological articles regarding which I went to review the statements printed in the newspapers on 18th June 1992, afterwards I went in the middle of July for excavation work personally. When I excavated second time, I found that the whatsoever pieces of stones were found on 18th June, were lying in a very old pit and I also found that this site had remains of several cultures and the last remains related to medieval cultures. After the demolition of building I went there on 12th December 1992. After that I went in 1997-1998 and 1999. Myself and three of my colleagues - Professor B.R. Grover, Shri Devendra Swarup Aggarwal, the name of the other person is not coming to my mind at this time. Again said we four persons filed an application in the Supreme Court, in which we requested that these articles which were found on 6th December 1992 and afterwards also in January 1993 should be fully protected and all the inscriptions, which were found should be got stampage and should be made available to scholars for reading. On our application, the Hon'ble Supreme Court delivered the judgement that the Government of India should provide full protection and by stampage these should be protected by the Government of India. The orders of the Hon'ble Supreme Court were implemented fully, although there were deficiencies in providing full protection, but were removed in due course of time. This stampage, as far as I know, was prepared by an expert of ASI, Shri Kutty, who belonged to Karnataka. The short name of Archaeology Survey of India is ASI. ASI is an institute of Government of India. This stampage was done by M.N. Kutty, who at that time was the Director, Epigraphy in A.S.I. After conservation I have seen the articles. These articles were videographed also. At the time of videography, I was present there. Besides we, there were other persons also.

These included Professor BR. Grover. Dr. Sudha Mallayya, Dr. D.P. Dubey etc. Before the fall of building and after the fall, at both the times when I took the photographs, other experts were also present.

On this issue, the black and white album prepared by the U.P. Archaeological Organisation, having photographs was shown to the witness. The witness after seeing the photograph No. 1 to 107 of the album said that all the photographs relate to inside, outside and surroundings of the building. The album of the colour photos of the disputed site, which was prepared by the UP Archaeological Institute, Lucknow was shown to the witness, who said, after seeing the photo No.1 to 201, that he has seen the photographs minutely and these photographs relate to the inside, outside and surroundings of that building.

The attention of the witness was drawn to the document No. 11 8C -1/35 filed along with original suit No.5/89, after seeing that, the witness said that this was a special publication. This magazine was published by the organisation of Historians of a Historian Forum, Delhi. This publication runs into several pages. This No.118C-1/35 is of ten leaves, i.e. 20 pages. The organisation which has published this book, I was also a member of that which included Dr. Y.D. Sharma, Dr. K.M. Srivastava, Prof. A.P. Nautiyal, Prof. B.R. Grover, Dr. Sandeep Mukherjee, Shri Devendra Swarup Aggarwal and Dr. Sudha Mallayya. All these were either archaeologists or historians.

The attention of the witness was drawn towards list No.286C/1&4 filed along with other suit No.5/89, ref. application No.250/1999, after seeing that the witness stated that he has seen the photo album filed with the

document No.286C-1/4-A (all photographs) very well, which are total in No.64. All the photographs which this album contains, in which there is no mart, all relate to the disputed site. Photograph No. 1 relate to disputed site, but photograph No.2 does not relate to disputed site. All these photographs have been taken after the fall of building. I was present there when these photographs were taken. At that time, the advocates of various parties were present there. In photo No.2, the then Commissioner Shri S.P. Singh was present there. He is present in this photo.

The attention of the witness was invited to document No.254,C-1/3 which runs into 84 pages, which was filed in other original suit No.5/89, on seeing it, the witness said that it was 'Itihas Darpan' journal, Vol.3, No.2 and relate to December 1996. From page 62 to 72 and table 4 in the magazine and Epigraphy table 1 printed in the book denotes the contents of that inscription, King Aayushchandra, who was king of the Ayodhya, got constructed a temple of big rocks at the place and at the top of which he put golden pinnacle and dedicated the temple to 'Vishnu Hari'. (On this the learned advocate Shri Zaffaryab Jilani of defendant No.4 objected that the statements of the witness relate to a document which has not been accepted in the dispute and is not admissible as evidence in the suit and there cannot be any statement relating to the contents of that inscription.)

(The learned advocate Shri Mushtaq Ahmed Siddiqui of defendant No.5 objected that the witness can make statement as per his knowledge can make statement on the contents of the document admitted in the record. This document is not on the record as such this statement can not recorded.)

The learned advocate of Plaintiff Shri Veereshwar Dwivedi said his question was not about the contents of document 254C-1/3, but his specific question only relate as to what is the subject matter of above page No.62 to 72 table 4 and table paleography table No. 1.

Continuing his statement, the witness said that its title was the inscriptions of 'Vishnu Hari' temple of Ayodhya. Its contents go upto page No.66. On this subject at page No.67, there is a short note of Aanandi Vishnu Hari temple inscription of Aayushchandra. The first is written Jointly by Dr. G.C. Tripathi and Dr. D.P. Dubey, whereas the second article's writer is also T.P. Verma, again said that it is G.C. Tripathi and D.P. Dubey. The subject of page No.69 is 'Paleographic evidence of the Ayodhya inscriptions'. The writer of this article is Dr. T.P. Verma. Now, he is a retired reader of Banaras Hindu University. He was a lecturer of that department, which is called Ancient Indian History, Culture and Archaeology with specialization in Paleography. He has got specialization in Paleography. I know Dr. G.C. Tripathi and Dr. Dubey. Dr. G.C. Tripathi is Director in Sir Ganga Nath Jha Research Institute, Allahabad. Dr. Tripathi has got specialization in Epigraphy. Dr. D.P. Dubey's specialization is in Epigraphy. He is reader in Ancient History Culture and Archaeology Department of Allahabad University. I have seen both the scholars while reading and writing.

On this issue, the attention of the witness was invited to paper No.24C-1/8. On seeing this, the witness stated that it contained the signatures of Dr. D.P. Dubey and Dr. G.C. Tripathi. The learned advocate Shri Mushtaq Ahmed Siddiqui of defendant No.5 objected that there is no proof

of the existence of these two persons and not coming to the court and as such the signature of such persons cannot be verified and the signatures which are being shown were not original, but photocopy.) (Learned advocate Shri Zaffaryab Jilani of defendant No.4 objected that the paper about which statement is being given, is a photocopy and the signature is also on photocopy and nothing has been said about the originality. Therefore, this evidence is not admissible and there can be no statement on this.) Continuing the statement of witness, the learned advocate of the Plaintiff Shri Virendra Dwivedi, invited the attention of the witness towards document No. 107C- 1/166, filed along with Original Suit No.5/89, and said that this was from 107C-1/166 to 107C-1/186. The subject is "Ram Janam Bhoomi controversy : Passions a part what history and archaeology have to say on this issue." This article has been written by me. As far as I remember, it was written in 1990. (On this the learned advocate of defendant No.4 Shri Zaffaryab Jilani objected that the document, on which the statement is being given, is a photocopy and is not admissible as evidence. On this point, the learned advocate of defendant No.5 Shri Mushtaq Ahmed Siddiqui objected and said that unless it is proved that the original document has been misplaced, secondary evidence cannot be accepted as evidence.) Continuing his statement, the witness said that this article was first submitted by him on 23rd December 1989 in the 23rd Annual Conference of Indian Archaeological Society as a Presidential address, which was brought out only as a Photostat. The learned advocate of the plaintiff Shri Virendra Dwivedi invited the attention of the witness towards paper No.118C-1/65 to 115C-1/144 filed along with Original Suit No.5/89. On seeing this, the witness said that the said article had been written by him in Vol.2, No.1&2 1995 of 'Itihas Darpan'. (On

this, the learned advocate of defendant No.4&5 Shri Zaffaryab Jilani and Shri Mushtaq Ahmed Siddiqui objected that the number of volume and number of year of 'Itihas Darpan' has been added in the statement by the witness from a book which he brought along with him without the permission of the court, which is totally unjustified and illegal. The witness should not be allowed outside the book without the permission of Commission.) Continuing the statement, the witness said that this was 'the same magazine about which I had earlier referred to. This article seems to have been written in 1993. The learned advocate of the plaintiff Shri Virendra Dwivedi invited the attention of the witness towards paper No.118C-1 to 128 filed along with the original suit No.5/89, on seeing it the witness said that this paper was written in 1992. This was written by him. On 10th -13th October 1992, a national seminar was organised by Indian History and Culture Society in Ayodhya. I participated in that seminar. At that time, many Archaeologists and Historians participated in that seminar. The attention of the witness was invited towards paper No.118C-1/129 to 118C-1/144 filed along with Original Suit No.51 On seeing this, the witness said that the relevant paper is related to that seminar. (On this, the learned advocates of defendant No.4&5 objected that this document is a photocopy). Further continuing the statement, the witness said that in it nearly forty scholars participated, which included Dr. Y.D.Sharma, Prof. V.P. Sinha, Shri R.C. Aggarwal, Prof. K.V. Raman etc. During this seminar of three days, a tour and inspection of the disputed site was organised, a discussion was held and in the end resolutions were passed. This paper is a text of the resolutions passed and all the scholars who came there signed it. Whatsoever photographs have been attached, all are related to the articles found at the disputed site.

I saw these articles at that place itself, where these were kept. In that building, I saw fourteen pillars of black stones, which in my opinion certainly were the remains of some Hindu temple. These pillars which in local language of that place are called kasauti stones were really made from the rock called 'Shistoj' Its Hindi name is not known to me, but this is a geological term "Shistoj" rock come in the category of sedimentary rocks, the colour of which is black and dark blue. All these pillars were of black colour. On these pillars, the paintings of God and Goddess, pictures of Hindu idols, flowers, leaves and birds sacred for Hindus have been engraved. The construction style of these pillars is called Gahadwal style. This was prevalent in north India in the eleventh and twelfth century. During this period, King Govind Chandra ruled Kannauj, who was the descendant of Gahadwal. These pillars were erected at that place on which some position of the building was kept. These pillars were seen by me for the first time in 1975. Besides pillars in July 1992, I saw some forty such rocks which were excavated on 18th June 1992 and on the basis of formation & carving, I can definitely say that these are the remains of some Hindu temple. This excavation was done by the Government of Uttar Pradesh while levelling the land. I reached there along with other experts on 2nd & 3rd July to study them because the news of this kind was published in many newspapers and it was a natural curiosity for us to study them. This is true that an earthquake rocked Gujarat on 26th January 2001, the news of which appeared in the newspapers that several historical buildings have been damaged. For checking this, I went there also with a full team. We went there to study the articles found after the fall of buildings. The articles which I saw before and after the fall of structure, I found that both

types of material relate to one building complex, which have a direct relationship with Hindu temple architecture. The basis of my finding is that both type of articles are related to the following type of temple architecture: 1- Aamlak, which are always adorned at the top of the temples of Nagar style in north India, 2- Chhadya. This is also a part of temple architecture, which is fixed on the pillars, from where ceiling starts. Third is Vitan, this is under the roof which we call as ceiling. Specially at the front of womb (Garbh Griha) in Antral or in front of that also in a porch—mandap. The forth one fixed in the inner side of door are door pillars on which pictures of God-Goddess, guard and creepers are engraved. These are shown under full Kumbh pillars, which shows that door pillars and all other pillars come out of water. Yakshagan - Purnghats are shown on the shoulders of Yakshagan, who are called load carrier God powers. In the adornment of Gandharv and Gandharvi temples pictures of Gandharv and Gandharvi are coming from sky to land are shown who carry garlands of flowers in their hands, which denotes that the Gods of the sky do also prey in this temple. Creepers at the top of the temples of Nagar style of north India - from downwards to upwards with engraved flowers, leaves and other design, which ends below of Aamalak.

Verified the statement after hearing
Sd/-

S.P.Gupta
28.6.2001

Typed by the stenographer in the open court. In continuation of this, for further cross-examination on 29th June 2001 . Witness be present.

Sd/-

H.N.S. Sengar
28.6.2001

Commissioner, Additional District Judge

Gautambudh Nagar

29.6.2001

In continuation of statement of Shri S.P Gupta (O.P.W. 3) dated 28.06.2001 - Beginning on oath:

Besides, heads or capitals have also been found on pillars, the structure of which is similar to that of lotus, which we call as Padamvallary. This also is found in Nagar style of Hindu temples. In addition to this, rocks of 'Kapot' of "Adhisthan" have also been found which show that these rocks were also used as part of architecture of Hindu temples. After this, I would like to draw attention towards door branches, on which besides creepers, there were several sculptures of Lord Vishnu. There were several idols which were found as damaged, i.e. which were knowingly damaged. Besides several rocks were found at the backside of the temples which prove that the remains were of the temple and it was constructed on a high pedestal ground. Inside the remains, rocks decorated with Sun and Lotus were also found which were adorned and which were part of the upper mouldings of Gajthar and Asliwathar of temples, which were directly related to Sun, i.e. Lord Vishnu. Besides, this on the lintels of temple lotus in full blossom and half blossom were also engraved, which were directly related to Hindu temples and symbols I would specifically like to mention about the guards at the gate, on the heads of which were articulation crown, garland in the neck, spear in one hand and the second hand is shown in Varad postures. Such type of pictures of guards are found in Vaishnav temples only, i.e. the guards of which temples have such characteristics by seeing that it can definitely be said that it was the Vaishnav temple. This is called "Science of Iconography". In Hindi, this is called "Image characteristics". In these rocks, I have seen those rocks also which are used as beam, which had the same type of

carvings, which we had seen in twelfth century in the temples of north India. Furthermore, in the end, I came across to several such rocks which relate to Vaishnav temples of 12th century But I would like to mention specially of those three rocks (inscription, after reading of which the pygraphists (scholars) have told that the temple of which these inscriptions belong and the temple is dedicated to that God of Hari Vishnu, who killed Bali raja and finished Dashanan also like this (The learned advocate of defendant No.4 and 5 Shri Zaffaryab Jilani and Shri Mushtaq Ahmed Siddiqui objected that the statement which is now being recorded is out of pleading and the inscriptions which are being referred to are not on the record. Therefore, the statement is not admissible as evidence. The learned advocate of the plaintiff argued that the court after pleadings and hearing the parties framed the suit points. The evidence of this witness relate to those points only.

The learned advocate of defendant Shri Zaffaryab Jilani argued that in the aforesaid circumstances, the statement of the witness may be written in question-answer form as provided in order 18, Rule 11 of CPC. The learned advocate of the plaintiff Shri Vireshwar Dwivedi invited the attention of the witness towards a black and white album of photos (pictures) prepared by the UP Archaeological Organisation which has been filed along with Original Suit No.5/89. After seeing the picture No.55, the witness said that I want to state that in this picture at the lower portion of pillar, there is a full pot which is being carried by two loaders Yaksha on their shoulders. A creeper is shown emerging from a full pot. At the centre of full pot, a flower of lotus is shown as emerging, the flower of which is headed by the picture of Dev Kanya's, which has been

destroyed by tinkering. Above this, there is middle portion of pillar, which has eight facets. Above this, there is a chain of beads meaning string of flowers. At the above of this in the end, there is in the head of capital, the carving of which upper portion shows a lotus. After seeing picture No.56, 57, 58, the witness said that all these three pictures do not relate to one pillar, but picture Nos. 56 and 57 relate to one pillar. The details of picture Nos. 55, 56 and 57 have been given by me above, which all are related to Hindu temples. Picture No.58 relate to other pillar of black stone, the carving of which is also of the same type which shows that both these pillar of stones would have been used in one part of the temple. Picture Nos. 59, 60 are also detailed photos of pillars from top to bottom and they also contain the same characteristics, which I have stated above, Picture Nos. 61 and 62 are photos of pillars of another black stones. Although they have the same characteristics, but these have two plates also like Aamlak, which are definitely shown as a symbol in temples of 12th century. Picture Nos. 64, 65 and 66 are also photographs of the pillars of black stones, the structure of which and adornment of upper portion is full of those symbols which was the specialty of Hindu temples during 12th century. Picture No. 63 is photo of a pillar, which has been adorned with broken pictures of Yaksha, picture of full pot, photo of lotus coming out of full pot and is decorated with flowers-leaves. I have stated about this above. Photos of picture No.71, 72, 73 are also of pillars of another black shisto stone, the carving of which is of a different nature. On the top of this, there are Yaksha and full pots (Purnaghats) in descending position but along with lotus coming out of the full pot in another flower on the other side. The garlands on this pillar are of different type and leaves, flowers engraved on the top or capital are shown falling from upside towards

downside. Therefore, these pillars are also temples of 12th century. The details of pillar of photo No.74 is at No.76 which at one corner shows a flower coming out of full pot. By showing photo No.87, 88, 89, 90, 91, 95, 96, 97, 98, 99, 100, 101, 103, 102, 104, 105 and 106, in response to a question put by the pleader of plaintiff the witness said that photo Nos. 87, 88 both are detailed photographs of photo No.86. This pillar was also constructed from a rock of Black shistoj. The photographs which I am seeing on this are all symbols of Hindu temples of 12th century. In the picture of photo No. 87, on top in the middle of flower petals garland beads have been shown in lines, below that in the centre there are two panels. The upper panel is in half moon shape on the top of which are flower petals. They have been shown as if a lotus on its pericorp is decorated with a bunch of petals. In the panel below this, there are panels repeating four lotus and its circular petals. Both the symbols are found in Indian temple architecture, which are known as Hindu symbols in the whole Indian literature. Picture No.89, 90 & 91 also show various parts of another pillar. At the top of these, there are reverse petal symbols, whereas in the middle is garland and jewel as a symbol. In picture No.91, there are signs of flower bead and leaves coming out of the full pot, which shows that the full pot had water and all the Hindu symbols were coming out of it. This also shows the Hindu temple architecture. Photo No.97, 98, 99, 101 are also other pictures of a pillar of shistoj stone. The carving on which is also of the same type, about which I had mentioned about the said stone. Photo No 101, 102, 103 are other pictures of the pillar of black stone, the engraved Images of God & Goddess have been mutilated at stone pillars, their other specialties are also the same about which I have told earlier. Photo No 104, 105 & 106 also relate to such pillars of black stones which contain

images of lotus garland, Aamlak, full pot, yaksh etc But photo No 106 is lotus of the branches emerging out of full pot Emerging out of upper portion is a picture of peacock also, which has been slightly damaged and it has got facets. i.e. there is a peacock and behind peacock, are its feathers which are going upward and falling as creeper. Swan is one of the Indian symbols, It relate to Vaishnav dharma because swan is related to Saraswati also, and still it is. These facets which I have told are above lotus. In picture No.24, there is a stone in the front on which some thing is written, beneath that is written Ram Janam Bhoomi in Hindi and beneath that Janam Bhoomi is written in English also. In picture No. 1 ,2 & 3, there is nothing on the basis of which I can say that this position of the building is a part of the Vaishnav temple constructed in 12th century. Picture No.70 is a photo of that ceiling which was designed under a dome of the building. This is an architecture of bricks which is plated with a thick plaster. In the centre, there' is a photo of petals of lotus, which was made with colours and in the middle of which is hanging an iron chain. The learned advocate of plaintiff Shri Veereshwar Dwivedi invited the attention of the witness towards the coloured pictures of album which was prepared by the UP Archaeological Organisation, on seeing that the witness said that in picture No.44, there is a plate of red stone on which is given No. 1. Janam Bhoomi is written in Hindi and beneath that Janam Bhoomi is written in English also. After seeing picture No. 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, the witness said that when you go inside the building, there are two pillars of black stone on both sides of the door, these photos are of that. Picture No.55 is also a photo of boundary wall of that building. Picture No.59, 60, 66, 68, 69, 70, 71, 72, 75, 73, 76, 77, 78, 79, 81, 82, 84 all are photos of inner structure and have been taken from inside. I have seen all

these pictures carefully No.104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 136, 138, 139, 140, 141, 142, 143, 114, 145, 146, 147, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, L6, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199 & 200 and all these coloured pictures are made of the same black shistoj stone, which are called "kasauti" in local language. These photos are just like black photos, there is a difference of colour only but I would like to invite attention towards photo No. 186 & 187 in which there is lower portion of a picture of some Lord sitting on lotus in the posture of Padmasana, the upper portion has been destroyed fully. As per my knowledge, this picture is an evidence of a idol shown in a yogmudra of Lord Vishnu. This also supports all the evidences as I have stated above that these pillars might have been of the temple which had direct relation with a Vaishnav temple, which is dated 12th century because the idol of Lord Vishnu is in yoga posture engraved in such a style was a specialty of 12th century. On seeing picture No. 134, 135, 174 of this album, the witness said that this photo is also of the ceiling beneath dome in which petals of lotus are painted in colour and an iron chain seems to be hanging in the middle. About this also, I have stated above. In these pictures, the specialty in my view is the photo of lotus with eight petals. In that building, there were three domes. The ceiling beneath one dome, which was made of bricks, which had a coat of plaster, this is the photo of that.

The learned advocate of the plaintiff Shri Vereshwar Dwivedi invited the attention towards document No.286C-1/4A of the album, which was filed along with original suit No.5189. (On this, the learned advocate of defendant No.4

and 5 Shri Zaffaryab Jilani and Shri Mushtaq Ahmed Siddiqui objected that negatives of the photographs of this album have not been filed and this is not admissible as evidence. The witness continuing his statement said that all photographs of this album were taken at a time when I was also present there. Photo No.2 was taken when all persons, including myself, were present there. In this photo, Shri Jilani and other advocates are present. I am also present in this photo. Out of these, there are pictures of advocate Shri Ranjit Lal Verma, advocate Shri Ajay Kumar Pandey, advocate Shri Madan Mohan Pande, advocate Shri Mushtaq Ahmed Siddiqui. All these photos relate to Ram Katha Kunj and Sri RamJanam Bhoomi. In photo No.2, there are Shri D.P. Dubey and Smt. Sudha Mallayya, who are scholars of Archaeology and Art History. In this photo, Shri Devendra Swarup Aggarwal is also present who is well known Historian of India. In this photo, it seems to be a picture of a well known figure of medieval history wearing a coat and tie, who is not now present in this world, but he was Prof. B.R. Grover. In picture No. 1, Prof. B.R. Grover and Dr. Sudha Mallayya are present. Picture No.5, 6, 7, 8, 9, 10 are the photos of various parts of the inscription which was found on 6th December 1992. On this point, the learned advocate of defendant No.5 Shri Mushtaq Ahmed Siddiqui objected and said that this inscription is not on the record and no question can be asked regarding this. This photo is a picture of an inscription which was found on 6th December 1992 from the evening and was kept in Ram Katha Kunj. This inscription was read by scholars of archaeology in my presence and told. The names of the two scholars are: Dr. D.P. Dubey and Dr. Sudha Mallayya. In photo No.4, there are two inscriptions. These inscriptions were also read by the same two scholars and told. Prof. B.R. Grover was the Chairman of Indian Council of Historical Research. Photo

No.19 to 26 relate to the pictures of the pillars. All these pillars were kept in Ram Kunj. Photo No.29, 30 are the pictures of Gate. I had not seen these pictures before the fall of structure. The photographs of Gate, I had not seen earlier. Picture No.11, 12, 13, 14, 15, 16, 17, 18 all these are pictures of Hindu God- Goddesses. They were photographed in Ram Katha Kunj in front of me. All these are photographs of stone idols, I had seen them. This picture of Vaishnav temple, which was constructed in north India in the style of 12th century in the photo of different parts of its architecture. In picture No.26 there is a picture of mine, the picture of Dr. Sudha Mallayya and Prof. BR. Grover. A person is also present in the picture whose identity I do not remember. Photo No.63 is a picture of that time when videography of these things was being done. In it, there is a photo of the then Commissioner, Shri S.P. Singh and along with him is a photo of the then SP and I am also there.

Professor B.B. Lal excavated this site in 1975 and 1980. During excavation, he found pillar bases and he wrote many articles about this. I totally agree with his report. The articles found by Prof. A.K. Narayan during excavation in 1970. I saw them in B.H.U. I totally agree with that report also. The scientific system by which I have studied the remains of this temple are:

1. Architectural style of a north Indian temple of 12th century AD.
2. Art Historical, i.e. whichever image was found that was carved examination of all those in artistic style.
3. The construction of letters used in the inscriptions, on the basis of which the date is determined.
4. Epigraphy. I myself have studied architecture and Art History. The research was done by other scholars.

(The learned advocate of defendant No.3 Shri Ranjit Lal Verma objected that this evidence was being repeated.)

The inscription is carved on a rock of "buff sand stone" I have written many books on archaeology, but about Ram Janam Bhoomi archaeology, although I have written many articles, I have written only one book and that too with one of my colleague Shri T.P. Verma jointly. He has written historical aspect position whereas I have written archaeological aspect. I have brought this book along with me. The name of this book is 'Ayodhya Ka Itihas evam Puratatva (Rigved Kal se ab tak). I want to file this book.

(The learned advocate of defendant No.4 and 5 Shri Zaffaryab Jilani and Shri Mushtaq Ahmed Siddiqui said that this book cannot be filed without the permission of the court, hence it is not possible to file, because Commission has no jurisdiction over this).

A seminar on Ayodhya was held in Ayodhya. A resolution was passed in it. I agree with that. This seminar was held in Ayodhya.

xxx xxx xxx xxx

(Cross-examination on behalf of Nirmohi Akhara, defendant No.3, through Ranjit Lal Verma, Advocate).

I agree with the pleader about the meaning of "Archaeology" word which includes all articles, which are made and used by human beings.

It is true that the meaning of archaeology is a system

of evidence compilation. Sir Mortimer Wheeler is considered to be the father of archaeology in world. It is true to say that he told that Archaeology is primarily a subject of finding the fact. It is not necessary for a person having knowledge of Archaeology to have full knowledge of history. For an Archaeologist, it is necessary to have knowledge of survey and excavation. To know about archaeology, whatever man made articles are found during survey and excavation, they all become the main source and basis for an Archaeologist. It is not necessary to know epigraphy for acquiring the knowledge of archaeology. Similarly, knowledge of numismatics is also not necessary. Similarly, it is not necessary to have knowledge of literature. For archaeology, it is not necessary to have knowledge of the following five - historical books, Literary books, religious books, accounts of foreign travels, epigraphy and coins. It is true to say that through historical books, the period is determined. It is true to say that through historical books, evidence is found about the period of inscriptions and pillars. It is correct to say that historians provide details of poets and literature of kings of that period, on the basis of which the period is decided, it is true to say that through history, we come to know about the living, food, clothing, and utensils of that period. In India, Vedas are the source of knowledge of religious books, I agree with this saying. It is correct to say that Purans provide knowledge of dynasty of kings. It is true that there is mention of Brahmin dynasty in Vedas. Aitrayiya in Rigved, Taitiraya and Shatpath in Yajurveda have been discussed. It is correct to say that Purans can be classified in the following five periods: 1- Sarg - which mean primitive period, 2- Pratisarg - creation after devastation, 3- Dynasty - of Gods and saints, 4- Manvantar, i.e. mahamanav Manu of Kalps. 5- Dynasty character - Dynasty of ancient kings.

In Garun Puran, the dynasty of Pourav, Ikshvaku lineage is given. It is true that Purans contain ample material of history. It is correct to say that Maryada Purushottarn Ram were from Ikshvaku lineage. In his lineage, there were Raghu, Dilip, Aj, Dashrath, Ram respectively. It is true to say that Puran has ample material of History. It is true to say that one can know the history of the previous period upto the Gupta period. It is correct to say that Baudh literature were written alter the Brahmin literature which include Tripitak, Jatak, Deepvansh etc. It is correct to say that Baudh literature starts from B.C. Sixth century. The Gupta period begins from the fourth century. It is correct to say that to know about the history for one thousand years, i.e. B.C.600 and after that 400 years, we will have to take recourse to religious books. It is not correct to say that inscriptions and epigraphy were found after the period of Gupta. But the truth is that these began from Ashoka period which was B.C. third century. At that time, inscriptions and pillars writings — both were available. It is not true to say that a large portion of ancient period can be called as pre-stone age. It is true to say that Vihangan Lubec has divided pre stone age into two parts. Pre-stone age is recognised as approximately forty lac years old. I cannot say as to how many years are there is a Yugabd .As per Hindu tradition, on the ancient religious basis there are four periods, respectively: Satyug, Treta, Dwapar and Kalyug. Treta is prior to Dwapar. I do not agree to this fully that if there are two proofs of any fact then that will be fully proved, but the truth is that possibility of their truth increases. There is no standard as to how many proofs can prove any fact. I have heard about Ramayana and Mahabharata, but have no full knowledge.

It is true to say that there have been both surveys and excavations about Mahabharata. I mean about the knowledge, survey and excavation about events, details etc. mentioned in Mahabharata. Excavation was done at Hastinapur place which is related to Mahabharata. This excavation was carried out in 1950-51. It is true to say that as per tales, Hastinapur was the capital of Kauravas. Related to it, Viratnagar was also surveyed. This is the same place where Pandavas had to hide themselves in exile. Panipat, Sonapat, Bagpat, Indrapat and Tilpat were surveyed. It is true that these are the same five villages which the Pandavas had asked from the Kauravas. Mathura is the same from where Krishna came. After survey and excavation of these places, painted grey wares were found beneath it. It is connected to Mahabharata period. It is true that Hastinapur, which was surveyed, was devastated by floods. As per history, it is true that King Parikshit used to live in Hastinapur. It is also true that the name of Abhimanyu's son was Nickshu, who was a character of Mahabharata. Fifth dynasty of Nickshu used to rule Hastinapur, when floods came. Due to floods, the capital was shifted to Kaushambi. In Kaushambi, the name of king Udayan is known. King Udayan was contemporary of Gautam Buddha. It is true to say that it is possible to compare the grey ware of Hastinapur and Kaushambi. From the evidences of archaeology, it can definitely be said that all events of the fiction Mahabharata were not imaginary, but true also. He said that he partially agrees to it.

Research work relating to Ramayan was first started in 1990 in Ayodhya by Prof A K Narayan. It is true to say that Ayodhya is situated in the south of Saryu river. In the south of Ayodhya is Bharat Kund. Nandigram is situated on Tamsa river and south to it is Bisui river Gomti river is also

there. In south of Ayodhya is Sandika river, the new name of which is Sai river, which is near Pratapgarh and in south is river Ganga South to it is Bhardwaj Ashram and south to it is Sangam, which is a meeting place of Ganga and Yamuna and in south is Chitrakoot in Banda District. It is true to say that names of rivers and places are the same which are mentioned in Ramayan. It is correct to say that Prof A.K. Varayan did excavation work relating to Ramayan in Ayodhya in 1969 twice. Shri A.K. Naravan was a Professor in Banaras Hindu University. It is correct to say that Prof. B.B. Lal, who was Ex—Director, Archaeological Survey of India, did excavation work in Ayodhya at fourteen places in the year from 1975 to 1980. He did this work with the financial assistance from Central Government and it was carried out with the full co—operation from Department of Education and Culture. It is true that at that time, Prof. Nurul Hassan was the Education & Culture Minister, Government of India. To say that Mahabharata and Ramayan are not imaginary, can only be proved when assistance is taken from archives, epigraphy, classic books etc. From the excavation at Ayodhya, evidence is found that northern black polished ware was found from the lowest portion of Ayodhya, but the history of Ayodhya can be much older, I agree to it. During excavation, no painted grey ware was found. Northern black polished ware, which was found, is a very beautiful, durable, baked in high heat, is a earthen pot of thin plate, which contain several colours, i.e. red, black, silver, golden etc. It is true to say that in Mohalla Ranowaii of Ayodhya one inscription was found. It is mentioned in this inscription that during the time of Pushyamitra King Dhandev had protected Ayodhya by defeating aliens. At a distance of 25-30 kilometer from Ayodhya, one inscription was found in Karamdanda, in which mention of Ayodhya is given. There a brahmin

resident of Ayodhya was given a complete village. This inscription is carved on the back of Shivling.

The period of Sung Vansh is second century and first century B.C. This is not proper to say that Brahminvad was renovated in Sung period. This is true that the unprecedented progress of Vaishnav Dharam was held in this period. Vaishnav dharma means more prestige for Lord Vishnu and his disciples. As God Lord Vishnu had four weapons, i.e. Padam, Gada, Chakra and Shankh. Kamal (Lotus) is also said to be one of his symbols. It is held that Lord Vishnu had four Avatars, out of which one is Ramaavatar. There has been a Krishnaavatar also. As Ramavatar of Lord Vishnu a bow is shown in the hands of Rama, that is why he was called Shangarin. One inscription was found in an inner village of Gazipur in which the image of Lord Ram was called Shantrigarin. Shringverpur site, which is related to Ramayan period and situated at the banks of river Ganga was also excavated. It is correct to say that in Shringverpur, stages were found prior to NBPW (Northern Black polished ware). Excavation was also done in Bhardwaj Ashram. Whatever was found in the Bhardwaj Ashram, they all related to Gupta period, buildings were also related to Gupta period. They related to fourth and fifth century of Gupta period. In Shringaverpur pottery was found belonging to 1500 B.C. In Chitrakoot, partial excavation was taken up. This is correct that Chitrakoot had very large population. Horizontal excavation could not be held at the ancient mount at that site.

Kalidas's period is known as Gupta period. Raghuvansh was also written in that period and Malvikagnimitram was also written in that period Vikramourvashyam was also written in that period in which

there is love story of Chandragupt Vikramaditya. Meghdoot was also written in that period The kamsutra of Vatsyayan was also written in that period In these books, the daily living and dresses also find a place, e.g. the ladies used to wear sarees and kanchuki This is also true that such details are found in Balmiki Ramayan also Such dresses were also mentioned on the inscriptions found at Ram Janam Bhoomi, in the Gandharav and Gandharis's pictures I have heard that Patanjali was contemporary of Pushyamitra Sang. Maukhari dynasty is somewhat contemporary of Gupta period and some relates to afterwards. Manjushreemulkaalp is an ancient volume of Mahayan Baudha Dharma In this volume, there is mention of approximately 1500 years dynasty which is assumed horn 700 BC to 700 AD. It is true that in south of India Sri Lanka exists now-a-days also and is known by that name. It is true that Ram regarded his birth place as Ayodhya about which he himself mentioned in a reference of Srilanka that one's birth place is more dearer than heaven.

Chinese tourist Fahyiyan came to India. He came in Gupta period. A Chinese tourist whose name is Huensang, came during the period of King Harsha.

The monism of Shankar believe in total unity and integrity of man and God. It is true that after Shankracharya came Ramanandi in whose philosophy though man and God being two separate entities were inseparable from each other. Their God was Lord Ram. Ramanandji was from Kashi and Kabirdas was also one of his disciples. The sect started by Ramanand is called Ramanandiya sect, whose followers are spread from Kashi to Ayodhya and in Ayodhya there are several temples dedicated to Rama. I agree to this that there are seven Akharas in Ayodhya which are

related to Ramanandi sect, out of which there is one Nirmohi Akhara.

(The learned advocate of defendant No.3 Shri Ranjit Lal Verma, invited the attention of witness towards the album of black and white photos prepared by Uttar Pradesh Archaeological Organisation and after seeing the picture No.29 and 30, the witness stated that this was the photo of 'Ram Chabutra'. On this point, after seeing the photos of picture No.58 of the colour album, the witness said that this was the photo of the images below Ram Chabutra. This is true that there were many other temples in the compound and in those temples, and according to my knowledge, Muslim brothers were not allowed and nor ever they went there. I had no knowledge as to who used to manage these temples. I went to these temples first time in 1975. Since 1975 and till today, I have no knowledge as to who controlled these temples. I do not remember their numbers because I never tried to know the numbers. In our book, there is a reference of Nirmohi Akhara. But that whole portion was written by Dr. T.P. Verma, who was a historian, whereas I was not. In my knowledge, the whole dispute relates to the fact as to whether any temple existed before the Babri mosque was constructed at Ramjanama Bhoomi complex. I am not aware as to how many parties are involved in this dispute. I have not even tried to know about it. I and my organisation was only interested in going to Ram Katha Kunj although several Hindu Organisations invited me and my colleagues because of our individual ideas. I spent most of the time with Justice Shri Devki Nandan Aggarwal, who lived in Allahabad near my house. I have no knowledge whether ex-Justice Devki Nandan Aggarwal is a follower of Aurobindo Ashram or of Vaishnav Dharma. I never paid any attention to the fact as to whose

board is hanging outside his house. I saw only that plate which bears his name. This is not true to say that while getting photos of Ram Katha Kunj, I did not take photos of damaged idols lying there and neither I gave their particulars in my report. But the truth is that I paid particular attention to all the items which belonged to 12th century. It is true to say that there, i.e. in Ram Katha Kun modern idols too belonged to Ram and his family members and I had photographed them. This is wrong that I was a sympathiser of Vishwa Hindu Parishad. This is also incorrect to say that when the two parties which went to Prime Minister, at that time, I was a member of Vishwa Hindu Parishad. I used to participate in those discussions as an Archaeologist. I had not done it for my own interest or benefit, but I went there only when I got an invitation. The Hindus invited me as an Archaeologist. Specially, I used to go because of Devki Nandan Aggarwal which is a party to Ram Lala. As per my archaeological knowledge, prior to 6th December 1992, the outside structure of the building was that of a mosque and in the inner structure, images of Ram Lala existed. As per architecture, one portion of the building was decorated with architecture of temple. Where there was raised platform, its historical proof of Ram Chabutra that it was always a Hindu temple. I have said with clarity that the nature of domed architecture of the building resembled with the architecture of a mosque. It is true that upto 12th century, the sculpture of temples of north India was different to that of sculpture of mosque, but afterwards both the sculptures established similarity. As per my knowledge, any sculpture of mosque has neither been mentioned in Hadis nor in Quran Sharif. Although before and after 12th century also some books were written on architecture of temples, but it is true that it was not at all necessary that temples will have any particular kind of

sculpture. It is true to say that God' at any place and in any shape is known as temple of God and it is even today. The place is important and not the architecture. Whatever I am in my private capacity, it has no relevance in this episode. I believe in Hindu Dharma which is ingrained since birth.

(Cross-examination on behalf of learned advocate Shri Ranjit Lal Verma, advocate of defendant No.3 concluded).

Verified the statement after hearing

Sd/-

S.P.Gupta

29.6.2001

Typed by the stenographer in the open court on being dictated by me.

Sd/-

Commissioner

29.6.2001

Dated: 20.5.2002

In continuation of dated 29.6.200 , the statement of O.P.W.3 - Dr Swarajya Prakash Gupta begins on oath.

(Cross-examination on behalf of Sunni Central Board of Waqf UP defendant No.4 by Shri Zaffaryab Jilani, advocate).

The thesis of my Ph.D. was related to archaeology. The topic was 'Burial practice in ancient India'. I did this research under Romila Thapar I did the research in the decade of 1960, just possible it may be the decade of 1970. I got my Ph.D. degree from Delhi University. At that time, Prof. Romila Thapar was holding the post of a reader in Delhi University. The special branch of Prof. Romila Thapar was in Ancient Indian History. Her book probably "Decline in Mouryan Empire" was published by that time. For our research work of Ph.D., the University of Delhi had appointed two guide one was Romila Thapar and the other was B.B. Lal. At that time, Shri B B. Lal was an officer in Archaeological Survey of India. Probably at that time he was Joint Director General or Director General, which I do not remember at this time. Prof. Romila Thapar was at that time reader in Delhi University and as per rules of the University, she was the first guide and our thesis as recommended by both, i.e. Prof. Romila Thapar and B.B. Lal. Till that time, Prof. B.B. Lal was not a teacher in any University, i.e. neither reader nor professor. But after retirement from the Archaeological Survey of India he was appointed to the post of Professor in Jiwaji University, Gwalior. At that time I cannot tell about the appointment at the post of Professor was in the decade of 1970s or when. My thesis was published as a book, the title of which was "Disposal of the dead and physical types in Ancient India". The subject of my thesis covered whole of India. It was not

limited to any particular area. After that I did my D.Litt. from Magadh University. The heading of the subject was "Archaeology of the Soviet Central Asia and the border lands", which was published in two volumes. The year when I was awarded the degree of Litt. is not remember to me, but I completed it before my retirement. I do not remember even the decade whether it was the decade of 1970. Then said that just possible it may be the decade of 1970s or 1980s. In MA, our subject of Archaeology was included in Ancient History.

I got the certificate of Institute of Archaeology from London University in the year 1963. The course of this certificate was three months. I got the certificate of Diploma in Museology from a school in Paris, namely Akole the loovers in 1962. Except these two above mentioned certificates, I have no degree or certificate from any outside University or School.

I first joined as Technical Assistant in the year 1956 in Archaeological Survey of India and served there till 1961. I served in National Museum from 16th January 1961 to 1990. I worked as Deputy Keeper in National Museum and afterwards retired in 1990. During this period, I went on deputation as Director in Allahabad Museum approximately from 1989 to 1990. After the year, 1990 I did teaching job in National Museum Institute. National Museum Institute, Delhi has been established by the Government of India and has got the status of a deemed University. At this Institute, I gave lectures for the course on contract basis. I conducted three months course there. Art History, West Asia, Central Asian Art of MA level were the subjects there. For the teaching job, there I was appointed by the Director of that Institute. At that time, Dr. G .N. Pant was the

Director of that Institute. Besides I have done teaching, work in Centre for Research and Training in History, Archaeology and Paleo Environment in Delhi. It is not an Institute run by the Government of India, but is an autonomous Institute. This NGO is also run by this name. This Centre was established by Shri K.N. Dixit. He had been Joint Director General in Archaeology Survey of India (ASI), and on 5.5.2002 at the time of inspection of disputed site of Ayodhya by this court was present there. I do not remember as to when Shri K.N. Dixit retired, but retired in the decade of 1990. In this Centre, no recognised course of any University is taught, but has been recognised by the University Grants Commission for teaching refresher course in Archaeology. This course is meant only for University teachers. In this Institute, I give 10-12 lectures in a year. This is a three weeks course each, which is held twice a year. Except these two Institutes, I had no direct connection with any institute in teaching. I have not given any lecture by appointment in any outside University. I have given lectures as a guest lecturer. There were one or two lectures in Philadelphia, Howard, Cleveland, Berkley University, America. All these lectures were held in the decade of 1980s. I do not remember the year or month. But this much I remember that all these lectures were held during two months in America. To deliver these lectures, I was invited by the Professor of Anthropology of that University. In America, archaeology is taught under Anthropology, i.e. the subject of Anthropology includes Archaeology also. Beside USA, I have delivered lectures in Leningrad and Moscow University of Russia also. There I went to deliver lectures under Cultural Exchange Programme of Government of India. I went to Russia in the decade of 1970s, but do not remember the year or month. In Russia also, I had delivered my lectures on the two

above said subjects in the University. My subject in all the four subjects was related to comparative studies of Archaeology of India and Russia. In America, I gave lectures on Indian Archaeology, i.e. they were related to Harappa Civilisation. Besides America and Russia, I have delivered lectures in other countries like China, Mongolia, Japan, Israel, Jordan, Egypt, Iran etc. At these places, I was not deputed by any University, but was deputed under several programmes by the Government of India and in these programmes. I delivered lectures as a representatives of Government of India.

In a seminar related to archaeology, I went to America only. The said that last year, I went to Pakistan also to attend a seminar. To attend seminar in America, I went there two-three years ago. The American seminar was organised by Etkin Museum & it was an international seminar, in which I was invited. In which city this Museum is situated, I do not remember this. The topic of the seminar was: On the cusp of an era, which was related to Art. In that seminar, I was invited from there itself. The subject of the seminar was: Indus Valley Civilisation. This was an international conference held by UNESCO. I was invited by Pakistan Government and UNESCO to attend this seminar. For Pakistan seminar, besides myself, Prof. B.B. Lal and Dr. R.A. Bist was also included by Government of India. None else from India went in the American seminar. Besides me, Shri Jha participated in Nasik seminar. In addition, I attended seminars and conferences organised by World Archaeological Congress held in England, Kenya, Croatia, Brakissimato etc. I attended the above mentioned conferences during the decades of 1980 and 90. The Croatia sammelan was organised in the decade of 1990, but was held after the year 1992. Besides World

Archaeological Congress, I do not remember if I have ever attended any other conference or delivered any lecture. This is true that except these, I have not gone any other conference or seminar held by any other world organisation. World Archaeological Organisation is a private organisation. The headquarter of World Archaeological Organisation is changed after every five years. I do not remember the year of establishment of World Archaeological Congress. I cannot confirm if it was established 10-15 years ago. Then said it has a history of last twenty years only. I was the elected south Asia member of this Organisation. When this Organisation was first established in England, then I was elected as a member for five years. After that I was never elected to this organisation. Then said that this organisation might have been established perhaps during the decade of 1980s, when I was elected. I, last time attended the Croatia conference of this organisation. The conference of this organisation was held in India in the year 1994, as far as I know. This was held earlier to Croatia conference. It was held in Delhi. This conference in India was held by India chapter and I also made a contribution in its organisation. The Government of India had given a grant for this conference. At that time, the general President of that conference was Prof. B.B. Lal and B.N. Mishra (Poona) was the General Secretary. In this conference, Prof. Ramsaran Sharma also participated as a representative. At the time of organisation of the conference in India, the headquarter of the World Archaeological Congress was in England. At present, I do not remember at which place the headquarter of this congress is. A newsletter is published from the headquarter of World Archaeological Congress. Antiquity magazine, which is published from England, has no connection with it. It is true that Antiquity magazine is world famous for archaeology. None of my articles have

been published in this magazine. In this magazine, articles written by Prof. B B. Lal have always appeared. In the field of archaeology, my many books have been published - The roots of Indian Art, The Indus-Saraswati Civilization are important. Both these books have appeared in English: In addition to these. I have written book with Dr. T.P. Verma the title of which is "Ayodhya Ka Itihas evam Puratatav". This book is filed in this suit, the number of which is 289C-1 in Hindi, another book has also been written by me along with other scholars. The title of which is "New Archaeological Discoveries". This book has been printed in English and Hindi both simultaneously. This book is also filed in this suit, the number being 118C-1/35. "The roots of Indian Art" was published during the decade of 1980s. Self said that French translation of this book was done either in the late 1980s or in the beginning of 1990s, but at present I do not remember the date. My second book "Indus-Saraswati Civilization" was published during 1990s. My book "Roots of Indian Art" is connected with the Art and Architecture. The book edited by me include - "Mahabharata: Myth and Reality", "Indias Contribution to World thought and Culture" etc. I have not edited any book related to the dispute of Ayodhya. Except my two books (389C-1, 118C-1/35), I have not written any book related to Ayodhya dispute. Volunteer: that even out of these two, the book at 118C-1/35 has been written along with other writers, i.e. this book also comes under the category of editing. I have written many articles relating to Archaeology and History, but do not remember their title nor I remember as to where they were printed but out of that some were published in daily newspapers. Publication started after 1989, but with regard to publishing, I do not remember if some of them were published in the Indian Express daily newspaper. I edited two journals, namely "Puratatav" and

"Itihas Darpan" for some time. The former journal is published by Indian Archaeological Society. This journal is being published for the last 32 years. I edited this journal during 1960s, then said that it was during the 1960s and 1970s. This journal is published in English language. Indian Archaeological Society is not like NGO. But a registered society and it has no connection of whatsoever with the Government. Now-a-days, I am the President of this organisation. I am its President for the last 5—6 years. At present, I do not remember that just before my Presidentship, who was the President of the above mentioned organisation. I do not remember the names of elected Presidents after 1986. This organisation has one General Secretary. Now-a days, Shri K.N. Dixit is the General Secretary of this organisation. At present, I do not know that after 1986 till the election of Shri Dixit who was elected as the General Secretary.

The journal namely "Itihas Darpan" is published under "Itihas Sankalan Yojana, Delhi". Its publication started during the period of last ten years. The above organisation is an autonomous organisation. I do not know if it is registered or not. This organisation has no connection with the Deen Dayal Upadhyay Research Institute. I have edited this journal only for two years as Assistant Editor. When I was Assistant Editor at that time, Dr. Ganeshi Lal Verma was its Chief Editor. I was co-editor of this journal only after 1992. I myself said that I was a member of Editorial Board and on that basis, I used to co-edit the journal. This journal is published both in English and Hindi - some articles in English and some in Hindi. The journal "Man and Environment" which is published from Poona, I had been Editor of its monograph series. I do not remember the year, but perhaps during the 1980s I had edited the said series. I

do not remember as to for how many years I did its editing work.

Out of these three journals, except "Itihas Darpan", two journals have articles of foreign archaeologists and historians, but I cannot tell the names as I do not remember this at this time. Amongst Indian Archaeologists, whose writings have appeared in these journals, include: Shri B.N. Mishra, my own and Dr. Shashsi Asthana, Prof. B.P. Sinha etc. Articles of Prof. B.B. Lal Also appeared in this magazine. Prof. R.S Sharma's articles were published. Articles of Prof. Suraj Bhan and Prof. Romila Thapar also appeared in the Journal, but I do not remember if the articles of Prof. Shireen Ratnakar, D. N. Jha and Prof. Suveera Jaiswal were printed or not. About Suraj Bhan said that whether his article was published or not, this I do not remember exactly. In Vol. No.8 of "Puratatav" articles of Prof. R.S. Sharma and Prof. Romila Thapar were printed. Prof. B.B. Lal's article was included No.10, I have no knowledge of others.

None of the books written by me is included in the syllabus of any University or Colleges course, although it is included in the curriculum of University Grants Commission. I do not remember if my book is included in the curriculum of any foreign University. When I was examiner in Ph.D. in Banaras Hindu University, I do not remember as to who was the Head of Department at that time, nor I remember in which year and for which candidate I was appointed the Examiner. I do not remember as to who was the Supervisor of which candidate at that time. I had never been an examiner of any course in Jawahar Lal Nehru University, Delhi University, Jamia Millia University. I was also not an examiner in any course or Ph.D. of any foreign University.

I was a member of the Executive of Indian History and Culture organisation and still continuing. The institution was established during 1970s. Prof. Devhuti was the founder of the organisation, who was reader in Delhi University. The said institution is also a private organisation and has no connection with the Government. Indian History and Cultural Society and Indian Archaeological Society never organised any international conference. In my knowledge both these societies, i.e. Indian History and Culture Society and Indian Archaeological Society have approximately 200 and more than 300 members respectively. Most of the members of Indian History and Culture Society are lecturers of History in Universities and Colleges and a few are outside the Universities and Colleges also. Any person who has interest in History and Culture can become member from outside. Any person who has any interest in archaeology can become member of Indian Archaeological Society from outside.

I had received two gold medals and one prize Diploma in Archaeology as a student of Archaeology, about which I have mentioned my examination in chief on page No.3. I passed diploma in Archaeology in the year 1960. Both the gold medals were provided to me by the Government of India through School of Archaeology. Sir Martimar Wheeler prize was given to me through School of Archaeology. This prize is given to students of School of Archaeology., Delhi only. Since Sir Martimar Wheeler was a renowned Archeologist, as such this prize is generally known as international prize.

I had given four papers in the final year of MA, namely: Field Archaeology, Epigraphy, Numismatic, Art and Culture.

Epigraphy include general knowledge of Paleography also. After doing MA, I did not acquire knowledge of Sanskrit and till the studies of MA, also I never studied Sanskrit. So I cannot understand Sanskrit by reading because I have no knowledge of Sanskrit. It is true to say that since I have no knowledge of Sanskrit language as such I cannot take out the meaning of Sanskrit and its grammar after reading. If any inscription has got something written in Sanskrit then I myself cannot understand that. If some words of Sanskrit have been used in the Hindi Language then I can understand a few words of them and not the others. At present, I have no knowledge of French and Russian languages, but as I have said earlier, that I could read and write these languages earlier. Then said that before going to France in 1962, I acquired general knowledge of French language. After that for five- six years, I had knowledge of that language but due to non-use of that language, I forgot that language. Similarly, I had acquired knowledge of Russian language during 1960s before going to Russia and due to no-use of that language after three years, I forgot it. It is correct to say that at present, I have knowledge of only two languages, i.e. English and Hindi.

In Himachal, I did exploration work in 1959 or 1960 in the valley of Ban Ganga. This project was guided by Prof. B.B. Lal. I went there as a student. At that time, I was studying for Diploma in School of Archaeology. I do not remember if the report of exploration of Ban Ganga was published in Indian Archaeology — A review (I.A.R.) or not. But Prof. B.B. Lal got that report published in journal, namely "Ancient India". This journal also belong to Archaeological Survey of India. I do not remember the year or volume when this journal was published. My name was not included in the names of the team. Second exploration I

did in the valley of Kansawati river in West Bengal. In this project, I was included as a student along with Prof. V.D. Krishnaswamy, Archeologist. This project was also undertaken in 1959 or 1960. Kansawati River flows through Bankura District of West Bengal. The report of that project was not printed in 'Ancient India' book, but was printed in A.I.R. or not is not known to me. As I joined this project as a student as such there is no question of inclusion of my name in the team of the project for the purpose of printing. In Bihar, I did exploration in Gaya as an independent archeologist during 70s and middle of 80s, as far as I remember I did exploration of sites relating to Maurya period and the above project was also linked to that. I did not submit any project report of this work to any institution, ASI or any Museum. Nor this project was related to any University. I did not obtain any clearance from Government or any other institution as it was not required. This work was published as a book "The Roots of Indian Art". After doing exploration work, I did not undertake the excavation work at that site. Besides, I did no other exploration work in Bihar. As a student of Ph.D., I did exploration and exploration work at Kurnatoor under the guidance of V.D. Krishnaswamy. I did this work in the year 1956. My name was not included in the report of this project. The report of this project was printed in AIR. This work was related to a place connected with Megalithic culture of Iron age. Besides, I did no exploration or excavation work in Tamilnadu. I joined as Technical Assistant in Government of India project in Nagarjuna Konda (AP) valley I did this work continuously for two years in Nagarkunda from early 1956 to the middle of 1958. In this project, Dr. Sita Rai was also with me. He was also associated as a Technical Assistant of Government of India. It is true to say that I and Dr. Sita Ram Rai were doing the same type of work on that

project. I did exploration work at a place namely, Bairat in Rajasthan. The exploration in Bairat was also connected to Maurya period's studies. Besides, I did exploration work along with Prof. V.N. Mishra at Didwana near Jodhpur. The work at Didwana was perhaps done by me in 80s. The report of that work is yet to be published. This project was undertaken at the instance of Deccan College, Poona.

I did exploration work at Kaushambi and Sarnath in Uttar Pradesh. Except this, no other exploration work was undertaken by me in Uttar Pradesh. In Kaushambi, I did work as a student of MA. In its report my name was not printed. The said report was printed in IAR or not, I do not know. But the Allahabad University had published that report in the shape of a book. The name of this book is Kaushambi excavation. This work at Kaushambi was undertaken under the guidance of Prof. G.R. Sharma. Exploration of Sarnath was undertaken by me independently. I did this work between 70s and 80s. I do not remember it correctly. The report of this work was also published in the book, namely "Roots of Indian Art".

Besides above, I am also doing exploration and excavation work in Gujarat independently. Except this, I undertook no exploration work anywhere in India.

In France, I did the exploration and excavation work. I did this work under the guidance of Loray Guhan. He was a Professor in Paris University. I joined that project as a student of Archaeology. I worked at this project approximately for one and a half month. Whether its report was published or not anywhere is not known to me. Besides France, I did exploration work in Tajikistan also along with a Russian Team under the guidance of Prof. V.A. Renaf. I did this work for three weeks as a representative of

Government of India and as an Archaeologist. I joined this work under Cultural Exchange scheme. I do not remember if report of the said project was published in any journal or book or not but the studies which I did was included and published in Vol.I of the book, namely "Archaeology of Soviet Central Asia and Indian Border lands". Besides this, I did exploration work in Mangolia, Germany, England, America, Russia, China, Japan, Israel, Egypt, South American city of Brakissamato. I do not know whether reports of the said exploration were printed by the respective archaeologists and officials of those countries or not. In a majority of said projects, I joined in the exploration work under Cultural Exchange Programme. I was not invited by any of these countries direct but I went there under the Cultural Exchange Programme of Government of India and joined the exploration work in those countries. The exploration work in those countries, which I did, was a part of Cultural Exchange Programme. In most of the cases, I joined Cultural Exchange Programme for a maximum of two weeks to three months at one time. During above mentioned Cultural Exchange Programme, I sometimes did work relating to Museology, such as in France and England. In rest of the countries, I did no Museology work.

In 1952, I joined the exploration work in Kaushambi Distt. of Uttar Pradesh as a student of MA. The duration of excavation is not known to me at this time. Besides Kaushambi, I participated in excavation work in Ayodhya in UP. I have not done any excavation work beside these two places. The excavation work done near the disputed site in 1975-76, which was done by Prof. B.B. Lal, in that I joined the team as an Observer since I was perhaps working as Deputy Keeper in National Museum. I joined there as an Observer of my own out of curiosity. I was not deputed by

the Government or any other authority. There was no need to take permission, I went on leave. I stayed in Ayodhya for three days. In those days, Prof. B.B. Lal was also present in Ayodhya. During my stay in Ayodhya, perhaps excavation work was in progress. I exactly do not remember whether this work was being done in the west or south of the disputed site. Even today, I do not remember whether excavation work during 1975-76 was carried in west or south of the disputed site or at some distant place. I went to Ayodhya for the first time. Second time, as far as I remember, I went to see the excavation work being done by Prof. B.B. Lal in 1977. At that time, I went to Ayodhya after taking leave from National Museum as a matter of curiosity and this time, also I stayed in Ayodhya for two days. At that time perhaps Prof B.B. Lal was also present there at the excavation site. At present, I do not remember as to which place was under excavation at that time. As the work of excavation was going on at several places, so I cannot tell as to which place I inspected the excavation work. Third time again for two days, as far as I remember, I went to see the excavation work, which was under progress there under the guidance of Professor B.B. Lal near the disputed site, in 1979-80. As far as I remember, Prof. B.B. Lal was present at the excavation site. That time, some excavation work was being done in the south of disputed site. But work was not complete. I do not remember as to who were included in the team of Prof. B.B. Lal during my three visits and who was doing the excavation work. But I remember that one K.N. Dixit and one K.B. Saundrayarajan was present. Once Shri K.K. Mohammed also met me, who was participating in the excavation work as a student of School of Archaeology. As far as I remember a short report of second and third excavation which was carried out in the vicinity of disputed site was published in A.I.R. Except this,

I do not remember that besides these two short reports, any other report about disputed site was printed or not. As per my knowledge, there is no question of the report being published in A.I.R. of another year regarding excavation because according to the rules, the report is published in that year's review only in which year the excavation work was carried out. All the three excavations by Shri B.B. Lal in Ayodhya, which I went to see, were done under a project of Government of India, namely, "Archaeology of Ramayan related sites". I do not know whether Prof. B.B. Lal submitted full report of the said project to Archaeological Survey of India (ASI) or not. In this project, a part of the report of Part I of "Excavation at Shringverpur" was submitted to ASI by Prof. B.B. Lal and ASI printed the report by the same name. It was published before 1990, but I do not remember the date. Again said that it was published after 1990 and before 2000. Besides report of the project whether any other report was submitted by Prof. B.B. Lal to ASI is not known to me.

I went to Shringverpur and Bhardwaj Ashram to see the excavation work done by Prof. B.B. Lal which was related to Ramayan sites. Except these two places, I did not go to any other place to see the excavation work. I have no knowledge whether excavation report relating to Bhardwaj Ashram was published by ASI or not. I went to see the excavation work at Bhardwaj Ashram for two days, but I do not remember the date or year. I even do not remember whether I went during 80s or 70s. I do not remember in which year I went to see the excavation work at Shringverpur during the 1970s. During 1960s, I went to Kalibanga in Rajasthan to see the excavation work there. At that time, I was holding the post of Deputy Keeper (Archaeology) in National Museum and stayed there for

two-three days. Prof. B.B. Lal was present at excavation site when I went there at that time. At that time, Prof. V.K. Thapar was working as his associate. During the pendency of this project, I went twice, in total three times I went to see tile excavation site. As far as I remember, Prof. Lal met me twice. As far as I remember, the work of Kalibanga project was also almost completed in the year 1960s. My name was not published in the report relating to excavation of this project because I went there only on an inspection tour in connection with my studies. I myself took no part in that excavation work. Similarly, I did not take part in the excavation project of Sardargarh project (Rajasthan). I went to see the project only for studies and took leave. In the excavation being done in third site in Rajasthan, i.e. Gilund, I took part during the period of that project I remained there for three months.

This project was carried out under the guidance of Prof. B.B. Lal.

Verified after reading the statement

Sd/-

S.P.Gupta

20.5.2002

Typed by stenographer in the open court on being dictated by me. In continuation of this for further examination on 21.5.2002. Be present on 21.5.2002

Sd/-

20.5.2002

Dated: 21.5.2002

Before Commissioner Shri Saidujama Siddiqui, Additional

District Judge/OSD, High Court, Lucknow Bench, Lucknow.

O.P.W.3 — Dr. S.P. Gupta

(Appointed Commissioner by order passed dated 21.3.2002/20.5.2002 by Special full Bench of Hon'ble High Court, Allahabad, Lucknow Bench, Lucknow in Other Original Suit No.4/89 (Original Suit No.12/1961) Sunni Central Board of Waqf, UP etc. Vs. Gopal Singh Visharad)

(In continuation of dated 20.5.2002, the statement of OPW 3 Shri Swaraj Prakash Gupta begins on oath).

Two reports of excavation work done by Prof. B.B. Lal between 1975 and 1980 in Ayodhya, which were published in I.A.R: I saw them. One report was printed in 1976-77 and the other was printed during 1979-80. On seeing this report, which was filed along with document No 291/C-1/1, 107C-2/62 and 107C-1/63 in Original Suit No 5/89, the witness said that this was the photocopy of B.B. Lal's report, which was printed in I.A.R. 76-77. I fully agree with whatsoever is written in the report. The witness was shown document No 291C-1/15, 291C-1/6, 291C-1/16A, 291C-1/17, after seeing which the witness said that this document is a photocopy of B.B. Lal's report in IAR 1979-80. Whatever B.B. Lal has written in this report, I totally agree with it. It is true that IAR 1979-80 report says that he did excavation work in Ayodhya at fourteen places. Out of these fourteen places, I have not seen places, the number of which is not remember to me. It may be 2—3 places or even 5—6 places and it can be any number. All these fourteen places were almost in Ayodhya city. Nandigram is outside Ayodhya city. His report does not relate to Nandigram. As far as he remembers, this report of 1976-77, 1979-80 does not relate to Nandigram.

In the report for 1976-77, Prof. B.B. Lal has written that from the bottom stages in N.B.P.W. (which in Hindi is called Uttari opdar kaala Mridbhand), archaeologists consider it as have begin from the early age of Buddha. The date of Buddha is told as sixth century BC. As far as report of Prof. B.B Lal is concerned, his view is that the population in Ayodhya started from the seventh century BC.

(On this point, cross-examiner learned advocate invited attention to another document No.107C-1/63 filed along with the Other Original Suit No.5/89, that in para 6, it is written that "The Antiquity of Ayodhya, on the basis of these excavations, is ascribable to the early seventh century BC", on reading this, the witness said that he agrees with it. The witness was asked to read first paragraph of document Then the witness said that he is agreeable to this also because in it, the same thing has been said which is written in the above lines.)

After the excavation, which was described in 1979 report, in my knowledge, no other archaeologist has done such excavation, which may have different conclusions.

The witness was asked to read para 4 of document No.107C-1/63. "After the early Special interest", then the witness said that he agrees to this view partially. In this report, Prof. B.B. Lal has expressed the view "Entire late period was devoid of any special interest", I do not agree with this view. In this report which was published in 1976—77, mention has been made of those excavations only which were conducted at Ram Bhoomi site, which we call as mound. In how much area this mound may be, I cannot tell it by remembering. The length and breadth of

this mound may be thousand feet by thousand feet or more than this, I do not remember. I do not even remember that the length and breadth of this mound may be two kilometer by two kilometers or may be more or less. I do not consider the probability of its being 16 kms. in length.

Question: Your, view that the said report relates to the mound of birth place is totally wrong, because in this report there is mention of excavation in Nandigram also, which is at a distance of nearly 16 Km. from Ayodhya?

Answer: I do not agree to it because in this report, there is neither detailed description of excavation in Nandigram, nor there is any photo of the excavation.

Question: May I take it that in this report, there is detailed description of the excavation of birth place?

Answer: This is not true. My intention is only this that whatsoever details are given about Nandigram, more than that are given in this report about the excavation of Ram Janam Bhoomi.

In my view, the area of Hanumangarhi does not come in the mound of birth place, but the area of Sita Rasou is covered under it.

Question: In the report of 76-77, whichever place is mentioned in the excavation, the area of Hanumangarhi is also included in that then do you admit that it is related to the said birth place mound?

Answer: In my view, this place is one out of those fourteen places, but is outside the Janam Bhoomi. The

limited description of excavation in Hanumangarhi is given in this report.

Question: In both these reports, the findings based on the excavations are totally related to the population of the entire Ayodhya?

Answer: This is Prof. Lal's own view, that is based on the facts of his own excavations, which is partly true.

My own view is that there are many places in Ayodhya which are yet to be excavated. Therefore, it cannot finally be said that in these findings, nothing new will be revealed after the excavations, which will not change this view of Prof. Lal. It is just possible that it may change.

Question: My view is that whether in the present circumstances, do you not fully agree with Prof. Lal's findings?

Answer: I agree to Prof. Lal's findings partially.

Question: At this stage, the witness was told about his today's statement on page 48 that "Whatsoever is written in this report, I totally agree to it" and he was told again about his statement of today that "the last line of his statement at page 49 that I partially agree to it", and was asked as to which statement is correct?

Answer: My second statement is correct.

Question: The statement of the witness at page 49 "this report does not relate to Nandigram" was read and told; the witness then said that he had told this report does not relate to Nandigram in detail and this is true.

The statement of the witness on page No.50 was read and told to him that "In this report which was published in 1976-77, mentions only those excavations which were concluded at Ram Janam Bhoomi, which we people call as mound" and asked that his this statement is against that report and is also contradictory of your later statement, then the witness said that at that time also he used the word "detailed", but why was that not typed, is not known to me.

Question: In the above statement, the words "mention has been made of only those excavations" have been used, there is no justification of using the word "detailed". Therefore, I say that you are making incorrect statement?

Answer: I do not agree to this statement of yours.

Question: In this above statement at which places the word detailed was used?

Answer: I have repeatedly used the word detailed the way I have used the word "partially". I do not know about the illusions due to which these mistakes are being committed in English and Hindi typing.

Question: My question is only that at which place you had used the word "detailed"?

Answer: My answer is that whenever there is mention of excavations and it relates to Ram Janam Bhoomi, I have been using this word. Thus, it will apply at each place.

Question: My view is that in the above statement "detailed" word cannot be used at any place from any angle and instead of giving a direct answer, you are

talking of sundry things and are not telling as to which place in the said statement 'detailed' word has been used?

Answer: I repeat my reply that your this allegation is unjustified because whatever answer I have already given is true.

Question: May I take it that your statement noted at page No.50 that "In this report only those excavations have been mentioned which took place at Ram janam Bhoomi site", is wrong?

Answer: As per my above statement, "detailed" word should have been why this was not typed, I do not know?

Question: This fact you will admit that in the above report there is mention of other excavations held beyond the Ram Janam Bhoomi site?

Answer: There is a mention about it only. No detailed report is there about them.

Question: And there is detailed report about the mound?

Answer: In it, there are more details in relation to others, although they are also not complete because full report has not been published till now.

Question: On this point, the learned cross-examining advocate invited the attention of the witness towards document No.107C-1/62 and 63 filed along with Other Original Suit No.5/89 and was read and asked what details of these are there about the excavations of the mound?

Answer: These contain the following type of details relating to excavation of the mound-

1. In it stratigraphy of excavations of Ram Janam has been given.
2. There is mention of remains of certain buildings, which were found.
3. There is mention of terracotta sculptures found here.
4. There is mention of some other antiquities.

All these four facts find place separately in this report.

Question: In the said report at which place and in which paragraph there is mention of stratigraphy of the excavations done near the so-called Ram Janam Bhoomi?

Answer : The Stratigraphy means the stages of various periods which have been mentioned in separate paragraphs. Therefore, it is not correct to say that there is no mention of stratigraphy of Janam Bhoomi mound in this report.

Question: My question was not this that there is no mention of stratigraphy of mound in the said report, but my question was that the word "stratigraphy" has not been used in the report?

Answer: This does not make any difference because there is a mention of various stages in it, occurrence or non-occurrence of any particular word do not convey its full effect because many words are used to convey different shades, and it depends upon the learned person that at which place what word he uses or not.

After seeing the report No.107C-I/62-63 the witness said that there is mention of Hanumangarhi in it and the

facts relating to that are as follows:

1. There is mention of remains of buildings of N.B.P.W. and remains of buildings of later periods.
2. There is mention of ring wells, which were of many types out of which one was made of badge type bricks which were found in the later half of N.B.P.W. at various other places of India.
3. There is mention of various sculptures made of terracotta which were found in the excavations near Hanumangarhi, specially those which were related to first and second centuries and which were found at many places of North India and relate to this period.

The word figuring, which has been mentioned in this report means mini—sculptures and details of these sculptures have been given in this report. Although macro-sculptures were also found which were made of terracotta. There is no mention of macro- sculptures. In para 2 of this report (document No.107C-1/63) it was written that “on the basis of occasionally massive proportions”. I am saying that there is mention of macro— sculptures in this report.

Question: In this report, the main details which relate to any sculpture is of “Jain Kaivaleen”?

Answer: As per Prof. B.B. Lal, its particular reference in this report has been made because such type of sculptures were not found by them anywhere before B.C. fourth century.

Question: In this report, there is no mention of any Vaishnav sculpture or shape?

Answer: In the report of 1976-77, Prof. Lal has made no special mention of any Vaishnav sculpture,

although he has mentioned about the recovery of several images, because the reports published in I.A.R. are not very exhaustive or in detail. Therefore, he might have not considered it necessary to mention.

As far as I know, the excavation work done by Prof. Lal at fourteen places in Ayodhya, the complete report of not even one site has been submitted to the Archaeological Survey of India. Nandigram, is out of fourteen excavations of Ayodhya. Whether he has submitted report relating to it or not to A.S.I, I do not know. After seeing facts mentioned in para one to para fourth of document No. 107C— 1/63, said that this portion written in the style of Prof. Lal shows that his intention was about the findings of whole antiquity of Ayodhya, that related to fourteen excavations.

The ringwells which have been mentioned in this report and photos of which have been enclosed, the bricks and rings used were found at many places of north India in the later half of N.B.P.W. I agree with the findings of Prof. Lal that their period is later half of N.B.P.W. This is found on 1st -2nd century AD also and in the excavation, which I am now-a-days doing at Sanjan in south Gujarat, there also these are found relating to eight—ninth century. In the copy of the photograph of document No.107C-1/2, the bricks which are seen, relate to buildings of various periods, the fortification wall is of baked bricks, these are considered of third century B.C. and as per the report of Prof. Lal, he found the remains of all the buildings built with baked bricks. In my view, these bricks can be of sixteenth century AD. Then said that if these belong to later period then I may not be able to guess fully about them. After seeing document No.291C-1/17, which is a photocopy, the witness

said that as per Prof. Lal, the remains of the building which are shown in this photo, have bricks of Gupta period. In my view, the opinion of Prof. Lal is correct and I agree to that. By Gupta period, I mean from fourth century AD to sixth century AD. I cannot say anything in this respect whether this photograph relates to excavations of Hanumangarhi or Janam Bhoomi mound. When I went to Ayodhya then I do not remember whether I had seen this trench or not. After seeing the photograph of document No.291C-1/2, the witness said that in this respect, I agree to whatever has been written in this respect in the report of Prof. Lal, but I do not agree totally. I agree with the view of this photo that the articles found in the stages of eleventh century do not seem to portray his interest in it. This fact has been mentioned by Prof. Lal in his report which is written in the last line of para 4 of document No. 107C— 1/63. I cannot say whether this line relates to photo No.291-C/2 or not. This photograph is a part of Prof. Lal's report.

Question: To which portion of Prof. B.B. Lal's report relating to photo document No.291C-1/2 you do not agree?

Answer: Because there are many other buildings also in the photograph, which have not been mentioned in this report of Prof. Lal, but are visible. Therefore, I do not agree with that part of the report about which I have mentioned.

Question: Does the mention of the aforesaid photograph (Document No.291C-1/2), which is shown in plate No.49, is found anywhere else except in the last para of said report document No. 107C-1/62?

On putting this question, the learned advocate of plaintiffs Shri Ved Prakash objected that this question was a confusing one. Because plot No.49, which runs from page No.52 to page No.53, document No.107C-1/62 & 107C-1/63, relates to this.

Answer: I agree with advocate Shri Ved Prakash. (Again said — that almost agree). Many things about the excavations at Ram Janam Bhoomi are mentioned in other paragraphs also besides this paragraph.

Question: My question relates to document No.291C-1/2 only. Whenever that has been mentioned in this report may kindly be told?

Answer: In my view in this report of Prof. Lal the subject relating to trench is reflected in document No. 10-C1 /63, Para 4.

Question: Besides this paragraph 4, is there any mention of said photograph in the relevant report page 52, document No. 107C- 1/62 or not?

Answer: In my view, there is mention of it in document No.107C-1/62, para 2 of Ayodhya Report and the word which starts with excavation.

The last six lines of this paragraph are related to other excavations. In my view, five lines in the beginning may be related to this photo. There is a mention of this plate (Photograph document No.291C-1/2) in last para of this page. Except the last two lines of this paragraph, all lines are perhaps related to this photo.

In my view, a diary or notebook might have been

maintained relating to all excavations of Ayodhya by Prof. Lal. Definitely, he might have prepared sections and plans and may have taken in-situ photographs. Site notebooks of different excavations might also have been definitely maintained separately. About this, I have no personal knowledge whether Prof. B.B. Lal had deposited all documents and photographs with Archaeological Survey of India or not.

Question: Did you ever try to find out whether these documents or photographs have been deposited with the ASI or not?

Answer: I made no such effort.

Since 1980 to—date, I have met Prof. Lal a number of times, the number I do not remember. I cannot say whether it is in hundreds or thousands. It is more than five—ten.

Question: Your meetings may be more than 50 times or not?

Answer: I do not remember.

I definitely met him in the year 1980. My last meeting with him was a week before. During these meetings, I did not consider it proper to ask whether he has deposited the said papers with ASI or not. Because this was his personal matter, which does not relate to me.

Question: Did you ever try to see the said documents and photographs in ASI?

Answer: During a visit of Purana Quila in Ayodhya Cell, some of these papers were depicted there by ASI. During that visit, I was also present, so along with others, I also saw them at a glance for sometime.

I did not obtain any copy of these documents. At present, I do not remember whether during this visit besides me, Prof. B.B. Lal and Prof. D.N.Jha were present. I do not remember whether Dr. T.P. Verma was present or not. As per my estimate, there might have been 12-15 persons, which number may include Government officials also. I do not remember the number of Government officials. I also do not remember whether besides Government officials, Archaeologists and historians were also present there or not. I do not remember the year of this visit. I also do not remember whether this was during the time of Prime Ministership of Chandra Shekhar or afterwards. These papers were shown in the office of Purana Quila of ASI.

Question: Whether these papers were shown to you by the officials of ASI?

Answer: I do not have knowledge about this.

Question: Who invited you to see these papers?

Answer: This I do not remember.

I also do not remember whether information was given in writing or orally. I completely do not remember whether that was the season of winter, summer or rainy when I saw these papers. About season, I do not remember exactly, but must be noon time. The officials in whose presence I saw the said documents were mostly from the Ayodhya Cell of Government of India and some were from ASI. Out of these officials, as per my knowledge, one was Shri Dhall. He was an official of Ayodhya Cell. At present, I do not remember whether Shri Naresh Chandra was the in-charge of Ayodhya Cell at that time or not. I do not remember the name of any official of ASI, who was there. At present, I do not even

remember whether at the time of display of these papers, talks were going on or not. Again said as per my memory, talks had started. These talks started from the time of State Home Minister Shri Subodh Kant Sahay. I also do not remember whether the display of papers took place before or after the talks which were started during the time of Prime Ministership of Narsimharao. Talks had started between Vishwa Hindu Parishad and Babri Masjid Action Committee during the Prime Minister-ship of Chandra Shekhar. I was included in that as an independent archaeologist.

Question: Did you not participate in those talks from the side of Vishwa Hindu Parishad?

Answer: In those talks, all historians and archaeologists declared themselves as independent historians and archaeologists. At present, I do not remember whether in first meeting of these talks, besides Shri Subodh Kant Sahay, Shri Sharad Pawar, Shri Malayam Singh Yandav and Shri Bhairav Singh Sekhawat were present and I was also present in those talks. I do not remember as to which place this first meeting was held. Just possible the first meeting might have been held in Delhi, but I do not remember this at this time.

Question: Whether meetings of these talks were held outside Delhi also?

Answer: I do not remember this.

Question: Were you not included in all the meetings held?

Answer: I do not remember this also.

As far as I remember, the meetings for these talks

were held in one of the buildings of perhaps Maharashtra or Gujarat Governments.

Question: How many years events do you remember?

Answer: I do not remember fully the full talks because these negotiations continued for many years.

Question: These talks were held within 10-12 years. But you do not remember matters relating to these talks. May I take that you do not remember things of 10-12 years?

Answer: Your statement is not correct, because at present, I have given details of many things and have told the names also. I have mentioned about showing the documents also.

Question: Do I take that you remember the event of 10-12 years?

Answer: As is the natural phenomenon of the body and mind of a person, he remembers something and do not remember other things. So being a human being, I remember few things and do not remember few things, as is natural with every human beings, as the time passes.

It is not correct to say that I say that I do not remember about those things which I want to conceal. Full reports of those talks are available with the Government in which I was included and if those reports are shown to me then I will recall and I can give full details exactly after remembering them.

I do not even remember whether invitation for the meeting relating to talks, which was held during the Prime Ministership of Shri Chandra Shekhar, was received by me

from the Government of India or Vishwa Hindu Parishad. I also do not remember whether that invitation was oral or written.

Question: Do you remember that to take part in those talks you went alone or went along with someone?

Answer: In each talk besides me several other were also present.

Question: My question was whether you went alone or had gone with someone?

Answer: In each talk, I used to go myself individually.

I do not remember as to how many meetings were held during the Prime Ministership of Shri Chandra Shekharji. I also do not remember that the meetings for these talks were discontinued or not after the fall of the Government of Chandra Shekhar.

Question: Do you remember that after the election of Shri Narsimharao as Prime Minister, these talks were continued or not?

Answer: As per my knowledge, these talks were held during the period of Prime-Ministership of Shri Narsimha Rao also.

I used to participate in the meetings held during the Prime Minister-ship of Shri Narsimha Rao also. I do not remember the gap between the last meeting held during the Prime Ministership of Chandra Shekhar and first meeting of the Prime Ministership of Shri Narsimha Rao Ji. I also do not remember as to who invited me for the first meeting held during the period of Prime Ministership of Shri Narsimha Raoji. As per my memory, all the meetings of

these talks were held in Delhi. Some of the meetings were held in the Vigyan Bhawan and I do not remember the place of some of the meetings.

Question: Do you remember that in those meetings who used to participate on behalf of Vishwa Hindu Parishad?

Answer: Sometimes, a few people were seen probably from the side of Vishwa Hindu Parishad, whose names I do not remember because I had very little personal contact with them. I used to see some of them in the meetings. Personal talks were held rarely.

I had seen Shri Ashok Kumar Singhal once or twice during the meetings at the time of Prime Minister-ship of Shri Chandra Shekhar. I saw in the meetings held in Vigyan Bhawan. I met Shri Ashok Singhal before and after these meetings but I had no talks with him in this connection. In my view, Acharya Giriraj Kishore did not participate in those meetings. I saw Vishnuhari Dalmia also sometimes, but cannot say whether he took part in the meetings or not. I had meetings with these two persons before and after talks. Talks were held specially with regard to history and archaeology of Ram Janam Bhoomi. As far as I remember, direct meeting about these talks were seldom held. As per my remembrance, these people did not ask me personally to participate in the talks. It is correct that the proceedings were noted down about every meeting in which signatures of all the persons were. But I cannot definitely say whether this happened at all the times. I do not remember the year, month and date of the last meeting of these talks during the period of Prime Minister-ship of Shri Narsimha Rao. It is true that after the last meeting, Shri Narsimha Raoji had

invited everybody for dinner, in which I also participated. This last meeting was held before 6th December 1992, hut do not remember whether it was held or not after the declaration of the date of 6th December.

Verified after reading the statement

Sd/-

S.P.Gupta

21.5.2002

Typed by the stenographer in the open court on being dictated by me. In continuation of this for further examination be present on 22.5.2002.

Sd/-

21.5.2002

www.vadaprativada.in

Dated : 22.5.2002

Before Commissioner Shri Saidujama, Additional
District Judge/OSD, High Court, Lucknow Bench, Lucknow.

O.P.W. 3 — Dr. S.P. Gupta

Appointed as per order dated 21.3.2002/20.5.2002 passed by the Special full bench of Hon'ble High Court, Allahabad, Lucknow Bench, Lucknow in Other Original Suit No.4/89 (Original Suit No.12/1961), Sunni Central Board of Waqf, UP etc. Versus Gopal Singh Visharad etc.

(In continuation of dated 21.5.2002, OPW 3 Dr. Swaraj Prakash Gupta's statement begins on oath).

This is true that after seeing the book paper No.289C-1, that this book has been written by me and Dr.Thakur Prasad Verma jointly. The introduction, background and archaeology portion has been written by me. Chapter 11 has been written by me. The map and photograph, which is a part of this book, were prepared by me and Dr. T.P. Verma jointly. It is original reference book and contents have been compiled by Dr. T.P. Verma. Chapter 1 to 10 have been written by Dr. T.P. Verma. I am a member of that publication institute which has published this book. The name of this institute is Indian Council of History and Culture, the Chairman of which was Dr. K.S. Lal, who has recently expired. At this time, the post of Chairman is vacant. I do not remember the name of Vice-Chairman and Secretary. There are nearly two hundred members in this organization and approximately one dozen office bearers. This is a society, whether it is registered or not is not known to me. This organization was established during the decade of 1970. This is wrong to say that this organization was constituted by Rashtriya Swyamsevak Sangh because

the credit for its establishment goes to Dr. Devhuti, who was reader at that time in Delhi University and before that she was doing teaching work in Australia and she was even not remotely connected whatsoever with the Rashtriya Swyamsevak Sangh. She was an independent historian. She died nearly ten years ago. For this publication, D.K. Printworld Pvt. Limited, which is a commercial organization, invested their money and printed this book. We do not receive any royalty for this. It took more than 4-5 years to prepare this book. I do not remember as to when this book was finally written, but changes were being made in it upto 2001. I gave the manuscript of this book for publication in 2001 but the month is not remembered by me. After completion of manuscript, I saw it finally. The owner of this firm is Shri Sushil Mittal to whom the manuscript of this book was given, for printing. The maps and photographs were inserted after page No. 177, and its headings were mainly written by Dr. T.P. Verma. Its map paper No.289C-1/205 and 206 were the sections prepared by me and their headings was also written by me. The heading of this photograph 289C-1/208 was written by me and this photograph was taken by Prof. B.B. Lal. I do not know as to when this photograph was taken. These photographs were given to me by Prof. B.B. Lal himself. This photograph was given to me by Prof B B Lal prior to 1991, the date and month is not remember to me. I do not remember even the year, but probably two-three or more years before 1991 Document No 289C-1/210 and 211 is a photograph of one inscription, which was taken in my presence. This photograph relates to an inscription which was taken in Ram Katha Kunj. But I do not remember the month and year of this photograph. The photograph of the inscription was taken as per orders of the High Court in the presence of Commissioner, Faizabad. In so far as I remember, along

with this photograph. the photograph document No 289C-1/212 placed at No. 4 photograph No 289C-1/213, placed at No 1 and 4, document No.289C-1/2 placed at No.1 and 3 and document No.289C-1/215 placed at No 2 and 3, photograph displayed vide document No 289C-1/216, and photo displayed vide document No 289C-1/217 placed at No.1 and 2, photo displayed vide document No.289C-1/219, placed at No.3, photo displayed vide document No.289C-1/220, placed at No.1 and 2. photo document displayed vide document No 289C-1/222 placed at No 4 photo displayed vide document No.289C-1/223, placed at No.2 and 3, photo displayed vide document No.289C-1/225, placed at No.1, were all taken at one time when this photograph was taken. The other photograph, displayed vide document No.289C-1/225, was not taken in my presence, but it was published in "India Today" and I also got it printed it from there. The heading of this in this book was written by me. These rock are not related to pillars. I have no knowledge about the place where this stone was fixed in the mosque. As per my knowledge, this stone is kept at some place in the custody of Commissioner, Faizabad, safely. In which building this stone is kept, I have not seen that. I saw this stone in Ram Katha Kunj in the presence of Commissioner. I do not remember the date, we went there with the permission of the court. The year in which we went there is not remembered by me. I do not remember if it was 5-6 years ago or more than this. But this was after 1992. When we took the said photographs at that time, this stone was kept in Ram Katha Kunj. The photo of that stone was taken by me and some portion of that are printed in this book. Its portion are shown in photograph document No.289C-1/115. The first photo printed in document No.289C-1/226 was given to me by some photographer in Ayodhya. When this was given, I do not

remember this. This was given after 1992 only. I do not even remember as to after how many days of 1992 this was given, whether after two years or ten years. I do not remember the photographer who gave this. Where is the shop of that photographer in Ayodhya, about this also I do not know because I had not taken this photo from any shop, but someone gave me himself. This photograph was given to me by someone in Ayodhya. At that time, I was staying in Janaki Mahal in Ayodhya, where I frequently used to stay. The same photographer told me the fact that these photographs were taken by him on the 6th December 1992 itself. He did not give the negative of that photograph nor did I ask for it. At this time, there is no question of the negative being with me. The heading written beneath it is correct because I was told of this fact by the same photographer. That photographer told me that people (Kar Sewaks were taking the archaeological items for collecting the same at the Ram Katha Kunj. As far as I know the Ram Katha Kunj Bhawan, which was situated there, was at that time being used by Vishwa Hi Parishad. I do not know whether Ram Katha Kunj was the property of Vishwa Hindu Parishad or was taken on rent. I also do not know who constructed Ram Katha Kunj Bhawan and do not even know the time since when the Bhawan was being used by Vishwa Hindu Parishad. Before 1992, I went to this Bhawan only once. How much before, is not remembered by me. As far as I remember, I went in this Bhawan only after 1986.

Question: Between 1986 and 1992, you went to Ram Katha Kunj Bhawan with what purpose and to meet whom?

Answer: I neither went there to meet particularly any one nor there was any purpose of mine. Part of that being Ram Janam Bhoomi and in the vicinity of it

being archaeological mounds, I went there to study them and incidentally I saw this also.

Question : May I take it that you did not go inside the Ram Katha Kunj Bhawan?

Answer: Ram Katha Kunj is a complex and there is open space in front of these buildings. I went just to see the open space. This open space is in the north of Ram Katha Kunj and some portion of it lies in the east.

I did not meet any employee or office-bearer of that complex. I just went to study a mound, namely "Neel". In its way the complex exists. I do not know whether this stone was there afterwards also or not. The last photograph displayed in document No.289C-1/226 was taken when the Prime Minister Shri Narsimha Rao ji invited us for a dinner at his residence and we were sitting there on the chairs before dinner and were having informal talks with each other. In the photograph, in which I am talking to Prime Minister, in that Shri Dalmiya is also seen there. As is written in the heading of the photograph. As per my memory, the invitation for this dinner was received perhaps from Prime Minister's office. Whether it was in writing or oral, I do not remember. Section document No.289, number 1/205 and 206, July 1992 was prepared by me. These are the sections of Ram Janam Bhoomi mound. There are the directions of mounds east of mosque and south. Both sections are of one mound. Section map No.289C-1/205 is a cut towards east of mosque and the distance of the mosque is not known but it is very near. It is attached to the barricade put by the Government. Therefore, its distance from mosque is less than ten metres. May be it is 8.80 metre. The length and depth of section of document

No.289C-1/205 is 13 meters and 2.90 metres respectively, which may be more also due to the site being uneven at some places. Because the pit which is photographed here was in length below this photograph also. Such even place was for a little distance only. The excavation of this section was done by PWD, UP earlier. I did partial excavation and scraping of this section. I maintained a diary of this excavation and scraping and that is with me even today. Site note book and diary was the one and the same. As per archaeology site note book and diary is one and the same. I have not published its full report till now. The description given in this book and another book namely, "New Archaeological discoveries", about which document No. is 118C-1/35, have got its description, i.e. very brief. For writing it completely, it may take me more than four or five years. I came to know the description about its excavation from the newspapers on 18th June, 1992 that the Government of Uttar Pradesh did it during levelling the site.

Question: Did anybody related to this excavation, met you?

Answer: When I went there in the beginning of July, 1992 then I had a talk with other persons working there at the site.

Those people told me that they got the articles from that site during excavation and on that day also, they were busy in doing their work of leveling. I do not remember anybody's name because they were ordinary people. They were not experts and they were present there during excavations in their capacity as labourers or other Government servants. This I do not know as to which post they were holding. Whether there was any Engineer or Junior Engineer, this much I do not know. This is also not known to me whether any person belonging to Department

of Archaeology was there or not. I went at this site on 2 July, 1992. Along with me, there were other Archaeologists also. Amongst them along with me were Dr.K.M. Srivastava, who was Director in Archaeological Survey of India, Dr. Y.D. Sharma, who was Deputy Director General in ASI and other Archaeologists, whose name I can tell after consulting the book because their names were published there. They may be six in numbers. I had taken all the tools which are used in mining and Scraping, such as excavation knife, excavation axe, excavation pick axe, excavation brushes, excavation scrappers etc.

Question: Did you obtain license or permission from Archaeological Survey of India with regard to above said excavation?

Answer: In excavation, for the work done after excavation or in connection with the work of scrapping or studies of the already excavated section, there is no need to take the permission of ASI.

Question: Did you not do any excavation yourself?

Answer: Section scrapping is a kind of excavation, which I did myself.

Question: Do section scrapping is called excavation (digging)?

Answer: As I have stated above, in Archaeology, section scrapping is a kind of excavation and that system is also called as a division of excavation system.

Question: Did this section scrapping was done by you only or did the other Archaeologists also took part in it, who were with you?

Answer: This work was done by all members of team jointly.
Although I was their head.

Photograph No.3 relating to section displayed at document No.289C-1/205, No.289C-1/217 and both the photos displayed at page No.3 of document No.118C-1/35 are of the same. These photographs were taken by my photographer, the negatives of which are with me. These have not been filed in the court because this is my personal property.

The excavation shown in photo No.1 of document No. 289C-1/207, is of the east of the mosque along with barricades. These photos are also a part of scrapping of this section which is shown in the document No.289C-1/205. The photograph of one portion of section displayed at document No.289C-1/205 is of the middle photo displayed at page No.11 of document No. 118C-1/35. In this photo, left portion (southern part) of eastern section is shown, full portion is not seen. It is correct that the photograph displayed on page No. 11 belongs to newly constructed chabootra's southern part. These excavations were done at different heights of 10 to 12 feet. Photograph displayed at page No.4 of document No. 118C-1/35, in which barricades are shown, was taken from a corner. In it, photo of mound of southern and eastern part of the mosque is seen and along with it, the other photo, in which my face is also seen, seems to be of south-east corner of the mosque. Besides me, in this photo, Dr. K.M. Srivastava, and Dr. Mishra of Archaeology Department of Awadh University and three labourers are seen. The photograph displayed at page 2 of this booklet is of southern section of the mosque. In it the same excavation is shown which was being done by the

Government of Uttar Pradesh since June 1992 continuously. This photo was also taken on 2.7.1992. Its section was also prepared by me which is displayed at document No.289C-1/206. I have shown its length as 25 metres and height nearly 4 metres. I never did my excavation work in the west of mosque. Therefore, I did not prepare any section of photograph of document No.289C-1/207. Prof. B.B. Lal did excavation work in the west. Its photo has not been printed in this book but was published in I.A.R. After seeing the document No.291 C— 1/2, the witness said that it was the photograph of excavation work done on western side. The photograph published on the back of the cover of document No.118C-1/35, is of the site along with the southern wall of the mosque. I cannot say anything about the ring well which is seen in document No.291C-1/3, as to which place it belongs. Nor I can tell whether it is taken from the distance or near the mosque. I will not be able to tell about the photo displayed along with document No.291C-1/17, whether it is from the distance or near the mosque.

Question: The witness was told about his statement dated 29.6.2001, which was on page 20, second paragraph, which was related to the excavation of 1975 and 1980 done by Prof. B.B. Lal and was asked that in second line of this para of this statement that 'I totally agree with his this report', if it was true or not?

Answer: The witness replied after reading the statement that — in this question the second line of this para has been concealed by the learned advocate, where it is clearly written that 'at this place, pillar bases were found in excavation and he has very cleverly not mentioned the third

sentence also. Thus, if both the lines are read then I will still adhere to my statement.

Question: The pillar bases about which you have mentioned in the above said statement, in which report of Prof. Lal these have been mentioned, i.e. in the report of 1976-77 or 1979-80?

Answer: As per my knowledge, there is no mention of this in these reports in my statement, which is given at page No.20, I have clearly said, "that and he had written many articles on this subject". Therefore, my statement should be read along with these articles and not separately.

Question: Does such an article was published in "Indian Archaeology — A Review" (I.A.R.)?

Answer: For the sake of learned advocate, I think it my duty to tell that no article is published in I.A.R., only reports are published. As such his question is not correct.

Question: Why there is no reference of these pillar bases in the report of Prof. B.B. Lal which was published in I.A.R.?

Answer: The format and scope of I.A.R. is related to archaeological explorations done in a full year in the whole country. Therefore, there is scope of publishing the report in a brief format only. It is not possible for publishers perhaps to provide more space to one site in comparison to another site. Therefore, perhaps either the person doing excavation work or publisher might not have considered it fit to include that, it cannot be my personal opinion because this subject does not relate to me. I have no knowledge that any other

report of Prof. Lal in this respect was published or not. Whatsoever excavation work is done with the financial assistance from Government of India, it is necessary to submit a report of that, but no time limit is prescribed. One part of this project related to excavation of Shringverpur, one part of its report was published by ASI, I do not know about the rest. I have no knowledge whether its full report was published or not. As far as I remember, the excavation at Ayodhya was done earlier and afterwards in Shringverpur. As per my knowledge, it was for him to tell whether the excavation work is to be continued or not or has to be stopped at that stage, because this was not my project. I do not even know when he did his work finally at this project. I do not remember whether any excavation work was done or not on this project after 1980. This is also not known to me whether Prof. B.B. Lal is at present working on any project or not. I do not know whether Prof. Lal has done any excavation work or not after 1980. The age of Prof. Lal may be approximately 80 years, therefore, I cannot say anything about his health. In my knowledge, he still moves out of his home. One week ago, when I met him at that time, I did not talk anything about his health. I had talks with him for about fifteen minutes at his house. I am personally not in a position to say anything about his health.

After seeing document No.292C-1/4-6 and reading his previous statement, the witness said that there is reference of this report in para 2 at page No.20.

Question: In your aforesaid statement, you have also said that you fully agree with the report. Your said statement is correct or incorrect?

Answer: There are two parts of my above statement. One part is — “the excavation work done by Prof. A.K. Narain around 1970, I had seen those articles in Banaras Hindu University.” In this context, I said that “I totally agree with his report also.” But the learned advocate has invited my attention to a report published by Prof. Narain in I.A.R., the last para of that report relate to remains of buildings at that place found during excavation of Kuber Tila, which could have neither been brought in Banaras Hindu University, nor that was brought, therefore, I had never seen them. Therefore, I have never expressed my opinion regarding his report on the subject, nor I am in a position to express. I agree to his remaining report, except the last paragraph. From his excavations, three cultural periods emerge. First, the period which he had described N.B.P. Second, on the basis of period of coins, the period is called early historic period’, whereas the period in between has been linked by him “coarse grey and associated red wares”. The period of N.B.P. starts from 700 B.C. “Coarse grey ware” period starts in India from 3 century B.C. and continues afterwards. As per now-a-days information, it continued upto early historic period. Most of the scholars consider early historic period from second century B.C. to third century A.D.

Question: In the last para of first page of the said report, it is written that the site remained deserted after the second period. What was the period of this deserted period?

Answer: Ayodhya was a large segment and people lived there at various places during several periods. At some place, they lived for a few years and lived at another place in sequence of separate periods. Therefore, people did not live at a particular place in one period, which we call as "desertion". Only an excavator can tell about it. Unfortunately, the excavators have mentioned desertion only after two periods, but have not given any details of the period. Therefore, I cannot tell about the date of period of "desertion".

I am unable to tell the area of the region because I never measured that region.

Question: Where have you read that the area of Ayodhya is large?

Answer: The report published in I.A.R. by Prof. AK. Narain and Prof. B.B. Lal contains the description of sites, and on that basis, I state that the area of Ayodhya is large.

The excavators have named the sites such as Prof. Narain has mentioned three sites of Ayodhya — Jain Ghat, Lakshman Tekri and Nal Tila. Whereas in the 1979-80 report, document No.291C-1/16, Prof. Lal has mentioned that in Ayodhya, he did excavation at fourteen places, whereas in report No. 107C-1/162, he has mentioned the surroundings of Hanumangarhi, because all these places:

are situated at a very short distance from each other. Therefore, in my view, Ayodhya is a large area. By large area, I mean Ayodhya city. I call the present city also as big city. As per archaeology, we will call present Ayodhya as a large area. In the seventh line of page 25 in the statement that "it is true that..... had protected", after reading this, witness said that an inscription has been published in it, because epigraphy is not my subject, therefore, I am not in a position to tell that the article published on this inscription was published when and where. I do not remember as to when and where I read this article. This inscription is in Sanskrit language and written in Brahmi script. I myself cannot read it. I read its description, in English language in some other book. I do not know that in this inscription, it is written or not that at the time of King Pushyamitra, Raja Dhandev defeated foreigners and protected Ayodhya.

As per my knowledge, this is the oldest inscription found in Ayodhya. Since I am not an inscription expert, so I may not be able to tell as to how many more inscriptions were found in Ayodhya.

Question: If you are not familiar with the inscriptions relating to Ayodhya. Then how you have written chapter in your book document No.289C-1?

Answer: In chapter 11, as an archeologist, there is mention of inscription being found, which was written by me. As to what is written and which scholars have read these, about all this my colleague writer Dr. T.P. Verma has contributed. In my whole book, I have not claimed anywhere that I am an expert in inscriptions or I myself have read them or have expressed my opinion after

reading them myself. Whatever ideas are given in this book and in this chapter, all are based on the statements given by epigraphy experts, and which have been published by others also, about which mention has been made in the appendix of the book.

Question: May I take it that you have not even read the translation of inscriptions found relating to Ayodhya?

Answer: I cannot even claim to read all the inscriptions relating to Ayodhya through English medium. My answer will be same with regard to reading them through Hindi medium.

Question: How many inscriptions relating to Ayodhya are known to you?

Answer: I have seen at a glance only a few inscriptions relating to Ayodhya. By a few, I mean limited to five or six inscriptions.

Question: The inscription about which you have described on page 25 of your statement, which was said to have been found in Ranopali, its mention and translation is given on page 54 to 58 of Epigraphia Indica 1929-30 (Vol.20) published by ASI. Are you aware of it?

(On this question, the learned advocate of plaintiff Shri Ved Prakash. objected that the question which has been asked is related to the record and is not there in the file of the dispute. therefore, to ask any question about such a record is confusing, for which permission should not be given.)

(On this question, the plaintiffs other Original Suit No.1/89 Shri Puttu Lat, Advocate objected that no question can be asked from this witness under Indian Evidence Act on the basis of Epigraphia Indica Vol. No.XX 1929-30 of 1983 published by the Director General, ASI, because this so-called document has not been submitted by neither of the parties in documentary evidence. The witness can be asked only those questions which are filed in the dispute as a documentary evidence — therefore, this question is not admissible).

Answer: I do not want to say anything about this.

Verified after reading the statement

Sd/-

S.P.Gupta

22.5.2002

Typed by the stenographer in the open court on being dictated by me. In continuation of this for further examination be present on 23.5.2002.

Sd/-

Commissioner

22.5 .2002

Dated: 23.5.2002

Before Commissioner Shri Saidujama Siddiqui,
Additional District Judge/ O.S.D., Hon'ble High Court,
Lucknow Bench, Lucknow
O.P.W. 3 – Dr.S.P. Gupta

Appointed Commissioner as per order dated 21.3.2002/20.5.2002 passed by the Special full bench of Hon'ble High Court, Allahabad, Lucknow bench, Lucknow, in Other Original Suit No.4/89 (Original Suit No.12/1961) Sunni Central Board of Waqf, Uttar Pradesh etc. versus Gopal Singh Visharad etc.

(In continuation of dated 22.5.2002 — O.P.W. 3 - Dr. Swaraj Prakash Gupta's statement begins on oath).

On page 70 of my statement, I have mentioned about a Tila, namely, Neel, how it got this name I do not know. I do not know if this name was Ramayanik or it was named afterwards. Whether this Tila has got any historical importance or not, I do not know. But I have published the photo of the image found there After seeing book document No 118C-1/35, the witness said that the photo printed at page 13 of this book was excavated from this Tila and I have published this photo in document No 289C-1/21 8 When I went at the site on 2nd July 1992, then I saw this image there I found this image at Nal Tila as described in document No.289C-1/167. This Nal Tila is at a distance of approximately 200 metres from the south-eastern corner of Nal Tila Masjid, after cutting which a road has been carved out The mound where the mosque is situated is at more height than Nal Tila Alongwith that mound were kept archaeological earthen pots articles etc. These articles were kept in the open because a road was constructed

there. There was no shade etc. at that place, the labourers kept it as such. I did not take the photograph of the articles kept there. The photo given in document No.118C-1/35, page 1 is of the southern side of disputed site in which few labourers are having spades in their hands because the work of leveling was going on. These photos were taken by my photographer on second July. When I reached on this site at that time all the archaeological articles were lying on this site like this as I have photographed. But labourers told that these articles were excavated from here. I do not know whether those labourers working on 18th June were working there till second of July. On 2nd of July also digging work was going on where labourers have been shown taking spades in their hands. The tractor shown in this picture was being used for leveling work. I myself said that the pit was very deep and wide enough. When the photo was taken at that time, the depth of the pit was 10 to 12 feet but uneven. I did not ask labourers as to which dates the stones in the picture were found. It was published in the newspapers, which I read in Delhi that whatever material was found during leveling work was lying there Except this, there is no other source about the date on which these stones were found, nor did I ask anybody.

Question : The stones which are shown at page 1 of document No 115C-1/35, till which time they were lying there and when these were removed?

Answer : On 2nd and 3rd July 1992, these stones were lying there under the custody of the Government After that, with the written permission of the then District Magistrate as far as I know, these were transferred to Museum the charge of which was taken by the Head of Museum, but I do not know the date when this Museum was transferred to

the Museum established by the Government of Uttar Pradesh in the complex of Raja Ayodhya at that time.

This Museum was at that time situated in the Kothi of Raja Ayodhya. As per my knowledge, this Museum has now been transferred from that place to some other place This is a Government Museum. At this time, I do not remember as to who was the head of this Museum at that time These articles might have been shifted after 3rd July 1992. I do not remember as to who made the inventory of this. I do not remember if I stayed in Ayodhya for a few more days after 3rd July 1992 This also I do not remember if I returned from there or not on 3rd July. I also do not remember whether the persons who went along with me came back at different times or along with me. At that time, I stayed in Janaki Mahal Along with me Shri Krishna Murari Srivastava, Dr Y D Sharma and Prof Grover etc. all people stayed in Janaki Mahal. The Janaki Mahal is managed by a private agency. It is not known whether it is a society or trust. Here rooms are available for the stay of the guests. As per my knowledge, this has no connection with Vishwa Hindu Parishad. The photographs given in book document No 118C-1/35, were all taken by my photographer on 2nd -3rd July 1992. Again said that the photos of some pillars were taken earlier, i.e. two pillars at page No.11 and first two portions of the last page. Similarly, two photos of first two photos of the gate printed on page 10 were taken earlier. The photo in document No 118C-1/35, page No 2 the right side gate shown thatched roof in the photo is that of eastern gate of mosque. The three big stone in photo at page No.1 of this document, show mortar of lime, pieces of gravel and lime etc. These stones were not cleaned when this photo was taken. This I do not know whether later on at

the time of keeping them in the Museum or afterwards these were cleaned. This is also not known to me if the lime mortar and pieces of gavels were conserved or not. I did not try to collect information about this. The date of 8 June given in first paragraph of page 1 of this book is based on the news published in the newspapers. The stones which are seen in the photos at page No.2 of this book are the same stones which were found during leveling work. These are the same stones which were transferred to the Museum. Whichever photo of these stones were taken from a short distance, some of them and the upper photographs are published at page No.5, 7, 8, 9 and 14, which are given in book document No.118C-1/35. In the photo displayed at page 1 of this document, the number of remains is more than forty; the photos at page No.2, are of a few of them. Upto 3 July 1992, the administration got that place cleared and kept there stones through labourers along side eastern section. My photograph at page 1 was taken on 2nd July 1992 and the photo at page 2 was taken on 3rd July 1992.

Question: Are the stones published in photograph at page 1 are the same which are included in photograph printed at page 2?

Answer: Yes,, many of them are included in these.

The stones which are seen on page 1 on the 2nd July, were first kept along with southern section and kept after clearing the section on 31st July. I had written the comments inside the photograph on page 2.

Question: In this note, you have written that this pit is covered by a floor. By this floor you mean the surface which is seen in this photograph or some

other floor?

Answer: This means the picture displayed in some dark colour in the section below section of barricaded surface in this photograph, not the surface of today.

The description of the surface which is published in this photo, that is at substantial height on which stones have been kept. This floor may be approximately half metre below the barricaded surface. This floor is made of gravels and lime which is seen in the section. The section of this photograph is published in document No.289C-I/205 and 206. The place at which the stones in the photo are seen, only one part of that section is shown in document No.289C-I/205.

Question: The section prepared by you in document No.289C-I/205 in that none of the floor has been prepared not below half a metre as you have said just now?

Answer: From the archaeological angle by combining east and south both sections, the knowledge of this mound can be obtained, it cannot be obtained by only one section. Therefore, if the section 205 is seen by combining the document No.206, then it will be clear that the floor is clearly seen at about 40 centimeter, as shown in the picture. The surface in document No.206 is uneven, so my statement, as given above, is correct.

Question: In section document No.289C-I/206, the portion which is shown at a height of 49 C.M., in that nowhere the word of floor has been used,

whereas the other section which is shown in document No.205, in that the upper three layers have been shown as floor.

Answer: As I have stated above, from archaeological angle, both the sections should be read by combining. Therefore, if it has been written in one section then as per archaeology straight deep line reflects floor. Therefore, as per archaeology, it is not necessary to write the floor again. The section given in document No.289C-1/206, is the same which is given on page 21 of document book No. 198C—2 (Exhibit 63), but in relation to picture published at 206, substantial new has been added in the picture printed at page No.21, which does not exist in the picture published by me. This is not totally correct that the words written by me inside the section in picture of document No.289C-1/206, its English translation is at page 21 of exhibit 63. In my picture, I have used only three words, pit, rubbish and modern concrete and no translation of the word pit has been made in the picture at page 21 of exhibit, and in place of "Malba", "Debris" has been written and in place of "Arvachin concrete", "modern concrete" has I written. Both these words are correct) as self said — but there is change in the language below) (Volunteer) that not only number of layers of the section have been given, which is not in the photo of my section. Similarly, floor 1 and floor 2 is shown in that which is not in my section. Not only the sign of floor has also been changed and a picture of man has been made on the top. Alongside the picture of man, number 1 has been written which

is not in my photo. Inside the picture, my writings have been partially concealed. At the left side, west has been written, the details of all depths on right side has been omitted. Several engraved inscriptions, which were exhibited in the picture, have been removed and new one have been added. There are so many other things on the basis of which I would like to say that at page 21 of exhibit 63, the picture published by me is not copied as in original. All these things make its reliability questionable, which have been said is devoid of archaeology but are in contrast and is against the ethics of archaeology. Therefore, it is very unfortunate. This should not have happened.

Question: In your statement above, you have said that many writings which were given in the section of document No.289C-1/206 have not been given in the section at page 21 of exhibit No.63? Which is the writing which has been left out?

Answer: "Found during leveling and conserved in Government Museum at Ayodhya", no translation of this was done in English and this fact was hidden by Dr. Mandal.

Question : Whether your section published in document No 289C-1/206 was published by you along with any article or book or document No. 118C-1/35, in your book, before its publication in this?

Answer: No drawing was published in 118C-1/35. The question does not arise of its being attached.

Question : I mean to say that alongwith this N.A.D. (118C-1/35) both the sections (document No. 289C-1/205 and 206) prepared by you along with other papers were circulated?

Answer: All these papers may be shown to me only then I can tell.

Question: I am not showing you any paper, I only want answer for the aforesaid question?

(The learned advocate of the plaintiff Shri Ved Prakash objected to this question and said that the question is related to the record N A D. document No 118C— 1/35, document is in the files, in which there is no mention of any document or paper. Since the question relates to the documents, therefore, without showing the documents such question should not be asked from the witness. Because no details are given about the paper. Such a question is totally vague. Such question should not be allowed to be asked.)

(Answering this objection, the learned advocate of defendant No.4 Shri Zaffaryab Jilani said that my question does not relate to contents of any document but is about such papers which were distributed by the witness himself and the witness has to give its answer as per his personal knowledge. For this, it is not necessary to show any document and this has already been mentioned during cross-examination of P.W. 24 Prof. D. Mandal.)

On this, the learned advocate Shri Ved Prakash said that there can be no cross-examination of the witness for the evidence given by Prof. Mandal.

In reply to the objection of Shri Ved Prakash, the learned advocate of defendant No.4 Shri Zaffaryab Jilani said that my aforesaid question is not based on the evidence given by Shri Mandal.

Answer: The writer is fully responsible for the books published by him.

Therefore, I am responsible for the contents published in my both the books.

So, I stick to my statement which I have given regarding two books and graphs published in the book of Dr. Mandal.

I do not remember if the section document No.289C—1/205 and 206 were published somewhere earlier or not. Those papers may be shown to me only then I can tell whether it was printed before or what was not printed.

Question: The aforesaid section, which has been shown alongwith document No.289C-1/205 and 206, was published or distributed in the year 1992 or 1993 along with another book or pamphlet etc. before the publication of this book or not?

Answer: It is just possible that any of these might have been distributed to anybody, without seeing I am not in a position to say anything fully whether this picture was published or distributed anywhere and in which shape.

Map and document No.289C-1/203 was prepared mainly by my colleague Dr. T.P. Verma and me as an

assistant. So, it is possible that this might have been printed in this shape before also, because it may be based on any map published by the Government of Uttar Pradesh and its prior circulation is also possible. I do not remember whether Government of Uttar Pradesh had published this map in any book or document As I have made it clear this picture was not published in this shape by the Government of Uttar Pradesh and only on a few facts, this is based. In this map, the distances and details shown were written by me and Shri T.P. Verma. Picture document No 289C-1/204 was prepared by both of us, but this was based on Archaeological Survey of India, Government of India, 1889, as is shown in the heading.

Question: What do you mean by Archaeological Survey of India, 1889? Whether this picture was published by the Archaeological Survey of India in 1889 somewhere?

Answer: This is a concept drawing, it is not a detailed drawing. As is published here, as I have said, it was prepared by us, but the basic concept is, based on Archaeological Survey of India.

At this time, I do not remember as to on which record of Archaeological Survey of India, this picture is based. I do not remember as to when this picture was prepared, for-five years before it was prepared Map document No 289C-1/202, has been prepared by both of its jointly, but the basic concept of this was an old published map Where this map was published, I do not remember this In this map, I cannot tell about the position of Neel Tila and Babri Masjid structure, Prof T.P. Verma can tell about it. This "Neel Tila" does not mean "Nal Tila". Nal Tila is not seen in this. The

Ghaghra river which is written in this map, at that place it is called Ghagra river. Further Saryu river has been written, at that place it is called Saryu river.

(On this point, the cross-examiner learned advocate invited witness's attention towards document No 118C-1/65 to 118C-1/95 filed in Other Original Suit No 5/89, on seeing and reading the witness said that), this is the one document which has been published in this shape I do not remember the year of its publication. Just possible it might have been prepared during the decade of 1980. I do not also remember where its original is, which would have my signatures. Document No 118C-1/93 is the same as document No 289C-1/203 This map is almost based on map No 118C-1/93. Document 118C— 1/94 was a plan prepared by me. This plan was not published in book 289C-1/93. Document No.118C-1/95 was also prepared by me. The picture given in 118C—1/38 is not the same copy of my this section 118C- 1/95. The difference is that in it, they have done their own floor numbering, their own numbering of layers. At this time, I am seeing only that much difference as I had said that this is totally against the ethics of archaeology and this results in loosing the reliability of the author. No writer has the moral right to do this. I remember that the document No 118C-1/65 to '95 was prepared during 1980 and 1990. Again said that document No.118C-1/65 to 95 was perhaps prepared during the 1990s and not during 1980s. This document was written by me and was typed in my institution This I cannot tell whether it is electronic type or computer type. At that time, I had the manual typewriter After seeing document No 118C-1/96 to 114 said that this photograph was also a part of aforesaid document which is 118C-1/ to 95. Document No 118C- 1/36 to 144 is a part of that document which begins from 1 18C-1/65. Document No

I 18C-1/115 to 135 is another document, that has no relation with the document beginning from 118C-1/165. Photograph document No 118C-26 to 32 is not a portion of my that report which starts with 118C- 1/65 The stone which is being carried on shoulders in photograph No 1 in document No 289C-1/226, at present where that stone is, I do not know, whether it is in Museum or not Since there is no image on this stone, nor any record is seen, so I may not be able to say as to where this stone is kept in conservation, but I am not in a position to say anything, neither yes nor no Except photo No 2 of document No 289C-1/225 and picture No 1 of document No 289C-1/226, whether any mention has been made or not of stones excavated from the disputed site being carried or being collected by the Kar Sewaks, I cannot say I have no other picture available with me except these two pictures. I might have seen other pictures also in addition to these two pictures which were published in other journals, but as per my memory, at present. I cannot tell that when and where I had seen these pictures.

Question: Except these two pictures, have you seen or not any picture in which Kar Sewaks or other persons were carrying the stones excavated from the building of Babri Masjid on 6.12.1992?

Answer: I did see, but where, I do not remember at present. I do not remember the name of any journal, in which I might have seen such pictures.

On 6th December 1992, I was not in Ayodhya but in Delhi. After that, I came from Delhi on 12 December and reached in Ayodhya on 13th December 1992. I was told by Dr. Sudha Mallayya that she was there in Ayodhya on 6 December 1992.

Question: Whether Dr. Mallayya was present in July 1992 in Ayodhya with you?

Answer : I may be shown N.A.D., then I can tell about this.

Question : Can't you tell without seeing N.A.D. that on 2nd July 1992 which other archaeologists and historians went with you to Ayodhya?

My age is about 72 years and at this age, the memory of most of people starts getting weak and since I am also a human being and as such, it is not that I am not able to remember the events which occurred many years ago. Although I may remember immediately if as I said I am shown the proforma so that I may recall and tell the same.

This is true that I remember the name of Dr K M Srivastava and Dr. Y.D. Sharma, but I do not know the remaining names. By recalling, I remember that Dr. Sudhya Mallayya might be with me, but fully I can tell after seeing only.

For complete methodical excavation, a license from the Government of India is necessary There is no need to take license for scrapping. This permission is given by Archaeological Survey of India.

Now-a-days, I am doing due methodical excavation in Sanjan (Gujrat). For that, I took license from the Archaeological Survey of India in 2001. Before that I did not do any independent excavation work nor did I take the license. In whatever excavation work I participated before 2001, license for that was taken by others. Because license for excavation at a time is given only to one person or party

so remaining archaeologists participate fully, they are not required to take any separate license for that.

Question: In how many such excavation you have taken part as a full time Archaeologist, the license for which was issued in the name of other archaeologists or organizations?

Answer :In my earlier statement of two days and in today's statement, I have mentioned this. However, a few names are — Kaushambi, Kunnatur, Gilund etc. The persons along with whom I have worked are , — Prof. G.R. Sharma, Shri G.D, Krishnaswamy, Prof. B.B. Lal, Dr. B.N. Mishra etc.

I worked full time in Gilund along with Prof. B B Lal. I have worked with Shri G.R. Sharma in Kaushambi only, with B N Mishra in Didwana only, with Ptof Krishnaswamy in Kunnatur (Konda). With Prof R.Subrahmanyam in Nagarjun (Konda) on a full time basis. Besides these, if I had worked with any other person in India on full time basis then I do not remember the name. I have worked in foreign countries with archaeologists on full time basis, which include Prof. Lorvan Guhan in France, R.C. Sayur in Quyar.

Verified after reading the statement

Sd/-

S.P.Gupta

23.5.2002

Typed by the stenographer in the open court on being dictated by me. In continuation of this for further examination be present on 24.5.2002.

Sd/ -

23.5.2002

Dated: 24.5.2002

Before Commissioner Shri Saidujama Siddiqui,
Additional District Judge/ OSD, High Court, Lucknow Bench,
Lucknow.

OPW 3 — Dr. S.P. Gupta

(Commissioner appointed by order dated 21.3.2002/
20.5.2002 passed by Special full bench of Hon'ble High
Court, Allahabad, Lucknow bench, Lucknow, in the case of
Other Original Suit No 4/89 (Original Suit No.12/1961),
Central Board of Waqf, UP etc. versus Gopal Singh
Visharad and others.)

(In continuation of dated 23.5.2002, OPW 3 Dr.
Swaraj Prakash Gupta's statement begins on oath)

When a person takes part in full season of excavation,
then it is called full time participation. One season can be
from one week to any period. This is also possible that a
season may continue year to year, specially when it is a
special project. It can be said that a person who gets the
license for excavation, he is generally an archaeologist.
Generally there are other archaeologists also along with
him, who are his colleagues because the excavation of
archaeology is a team work and the status of all of them is
generally equal. These archaeologists are trained people
somewhere. Training is imparted in archaeological
excavation and exploration. This training can be under any
course or can also be obtained by participating in any
exploration or excavation work, because archaeology is a
practical science. If a general Junior Engineer does
excavation work for a long time, then it depends upon him
that how much ability he has acquired in excavation and

exploration of archaeology and how much the chief archaeologist is satisfied with his work. In such a state of satisfaction he can be called an archaeologist. As I said earlier, this all depends upon two things -- the capability of that person, proper training to be provided to him while doing work, which the chief archaeologist provides and the chief archaeologist is satisfied, in such a situation any other person can also be called as archaeologist. There is no need of any degree or diploma of any University to be called as archaeologist. Ordinarily education of MA History or archaeology and after that field training is necessary. The period of training is not fixed but training is necessary. This training generally should be of at least two or three season's excavations and explorations. For training also, this season of excavation may be of one week to many years. Generally, history is a subject in BA and archaeology is only in a few Universities, which is of middle class. In history, ancient history is also included. If any person obtains a BA degree with ancient history and archaeology, even then it is necessary for him to obtain MA degree, because in BA, archaeology subject is of middle standard. For becoming an Archaeologist, besides training, BA degree is not considered sufficient, for that MA degree in history or archaeology is necessary. For becoming a full-time Archaeologist, it is generally necessary to have aforesaid training and educational qualifications. This full time training is provided in many Universities along with MA. Therefore, it is called full time. There is no special time limit prescribed for full time training. This can vary from one week to any period. If anybody has to acquire the degree of MA archaeology from any University, then it is necessary to have practical training of field work. If MA in archaeology is done then field training is an essential condition. Generally for MA course in archaeology, field

training is prescribed. The course of MA is generally of two years. It depends on syllabus that practical training of one year or two years is necessary. As per my knowledge, at present in India, MA in archaeology is in Calcutta University. In my view, there is no such separate course in any other University. It is taught alongwith history. Where archaeology is taught along with history, there the degree is given in history. In some University, the word archaeology is also added in the degree of history, such as Prayag University. Whenever archaeology is taught as a part of History, there it is not necessary that field training is provided. But there may be a provision to impart field training.

Question: Whenever archaeology is prescribed as a subject in MA history then there also is it necessary to have field training in archaeology to obtain MA degree as for MA archaeology, as you told?

Answer: There are different syllabus in different Universities. Therefore, it is not mandatory that at all the places field training may be necessary as is prescribed in MA Archaeology.

Because I was not directly related to University, so I cannot say about most of the Universities. But my contact has been with the following Universities: Allahabad University, Deccan College (University), Poona, Patna University, Calcutta University. In all these Universities, training is necessary with the degree of MA in Ancient Indian History, Culture and Archaeology. I have done MA (History) from Allahabad University. This full time training in Kaushambi was taken by me along with this degree. Kaushambi is at the distance of 65 KMs from Allahabad. The license for this excavation was obtained by Prof. G.R.

Sharma, who was at that time, lecturer in History in Allahabad University. His specialization was in Ancient Indian History, Culture and Archaeology. Therefore, he used to give training in archaeology. Excavation work was going on in Kaushambi in the decade of 1950 and in which year he got this license is not remember to me. Exactly in which year this excavation started, is not remember to me. The season of this excavation was of three months or of more duration. The season of excavation in Kaushambi is considered the same as to how many months excavation work is done. Winter season of two years is mostly the season of excavation. As I said because the winter season continues from the end of one year to the beginning of another year, so by combining some portion of both the years is called, a season. As per my memory, my training started during the excavation season of 1952-53, it was done again in excavation season of 1954-55, when I passed MA. As per my memory, three month's training was done in MA previous and three months training was obtained in final.

Question: You have told to have passed MA first year in 1952-53. is it incorrect?

Answer: It is correct. But as I said that as per my memory, there may be difference due to counting of years as per my weak memory.

Question: After doing MA first year, for doing LLB course, you left a gap of one year in the exam of MA, second year?

Answer: As per University rules, this is correct.

Question: Thus, you appeared for final exam of MA in 1954-55 or after that?

Answer: As per my memory, 1954-55 is correct.

Question: Did you start your training in archaeology in November 1952 or before that or after that?

Answer: I do not remember the dates.

Question: Then may I take that on page No.1 on 28' June 2001, you have given a false statement "I had excavation work as a student of MA in 1952"?

Answer: After reading his statement, the witness told that this is absolutely correct, there is nothing wrong in it, because I had clearly stated that "I did excavation work as a student of MA in 1952", which clearly means that it started from 1952 and which continued in the later year.

Question: Then why you are stating today that you do not remember that you did training work in 1952 or before that or started later on?

Answer: In my statement, I have clarified many times that the field season of archaeology is in winter season and it continues from the end of a year to the beginning of months of another year. This thing applies on the excavation in Kaushambi also. The season of 1952-53 is called full time season. Therefore, the season of 1952 includes a few months of 1953 also. So, I stick to my today's statement, which does not contradict my previous statement.

Question: From your aforesaid statement, it is clear that the excavation season of 1952 started from November or during the month of its proximity?

Answer: This is true.

Question: Your training might have begun from the same November, 1952?

Answer: As I said this work begins from the winter season which starts from October and continues in December also. Therefore, it can be anytime from October to December.

Question: May I take that your training might have begun from December 1952 also?

(On this question, the learned advocate of plaintiff objected that answer of such a question has already been given. Just to delay and harass the witness, this question is being asked repeatedly. Also along with MA education, the excavation work depends upon the syllabus and authorities of the University. Therefore, it is not at the will of the witness — so such questions should not be allowed)

(On this, learned advocate of plaintiff No.4 Shri Zaffaryab Jilani objected that the witness is trying to hide the facts willfully and is not prepared to submit the facts before the court. So, just to know one thing the question is being asked in several ways. For this, the witness is himself responsible and cross-examiner has the right to make all out efforts to find out the full facts.)

Answer: As I have answered that this date may be between October 1952 to December 1952. I have tried to tell this clearly and in every way.

This excavation work after starting in 1952 might have continued upto March 1953 and similarly, might have begun sometime between October to December 1954 and might have continued upto March 1955. My this training of MA

was completed in March 1955. After 1955, I did no work in Kaushambi. This will be called full time training of a student. It cannot be called as full time archaeologist. But here it is necessary to state that this training is a part of the step towards the direction of becoming a full time archaeologist.

Question : In the excavation of Kaushambi you did not take part as a full time archaeologist but participated as a student?

Answer : Because the training was for a full season, so according to archaeological science, this is considered under the category of, full time archaeologist, although this training was given as a student in Allahabad University. I left Allahabad in 1956, so I cannot tell as to for how many years this excavation work continued. The report of this excavation in Kaushambi was printed in I.A.R. But because I.A.R. was started in 1953, so report of the period prior to that was not printed in I.A.R. I do not remember as to in which edition of I.A.R. this report was published. There is possibility that report of Kaushambi might have been published in I.A.R. for many years. My name was not printed in this report.

I did work for three months during the excavation of Gilund. Gilund is situated in district Udaipur, but I do not remember its distance from Udaipur city. I did this excavation in 1959-60. At that time, I was working on the post of Technical Assistant. At that time, I went as an employee of Archaeological Survey of India and from the side of Archaeological Survey of India, School of Archaeology also. Its report was published in an issue of I.A.R. in 1959-60. In it also, my name was not printed. I did

excavation work in Didwana in 1965. Here excavation work continued for six weeks. I stayed there for complete six weeks. Didwana is a lake near Jodhpur, which had dried substantially. We did excavation in the dried area of the lake. At that time, I was working as Deputy Keeper, Archaeology in National Museum. I myself took leave from there and joined this excavation work. This work was completed within six weeks. After that I never went there in any year. I do not remember as to for how many years this work continued. I have no knowledge of it as to in which issue of the I.A.R. the report of Didwana was published.

In the excavation of Kunnatur, I worked for three months in 1956. This place is situated 27 Kms. south of Chennai. At that time, I was not in Archaeological Survey of India. At that time, I took this training independently. During excavation of Didwana, I did not undergo training but worked as an archaeologist Undergoing training and for being an archaeologist, is not a separate thing in archaeological science. The reports of this excavation was published in an issue of 1956-57 of I.A.R. and issues of later years, because the excavation was still continuing I do not remember for how many years this excavation continued. During excavation in Nagarjun Konda, I was working in Archaeological Survey of India In this excavation, myself and Dr Sitaram Rai were associated in our capacity as Technical Assistant. Approximately for two years, we participated in this excavation work without any break. This was a special project, which continued for five or more years. Its report was also used to be printed in I A R. In the reports of I A R, the names of the Technical Assistants, are often not included. So our names were not published in it.

The excavations of Gilund, Didwana, Kunnatur and Nagarjuna Kand were not related to Ramayanik sites.

The excavations of Kaushambi were also not related to Ramayanik sites.

Question: Do I take that your participation in the excavation as a student and as an archaeologist was the same.

Answer: This training starts from student life and gets converted into as an archaeologist because this is a process.

In excavations, labourers are also included.

Question : Whether the person participating alongwith other persons which engaged in actual excavation work or giving them instructions will be called excavator?

Excavation is a large team work in which many categories of persons are included and all the persons doing excavation work are not archaeologists. In answer to this question, I will only say that there is no such category in excavation as "person doing excavation work".

Question : What would you call "Excavator" in Hindi?

Answer : This English word of "Excavator" is only partially specific in Hindi we people translate mainly as "archaeologist".

Question : What is the difference between "Excavator" and "a person who does excavation"?

Answer: "A person who excavates" is a "generic term"

whereas excavation, which in Hindi we people use as "archaeologist" is a "specific term".

There may be "several persons of several type" to observe excavation. "A person doing excavation", is in one way or the other is called a person participates in excavation.

Question: If a person observes excavation for two-three days, can he also be called as included in persons doing excavation work?

Answer: If he does the work of scrapping for two-three days, then it can be said but if he does observation only then it cannot be said.

I had done scrappings for two days during the time of Prof. B.B.Lal. This relates to the year 1975. I had done scrapping with him and not in 1977, I only participated in scrapping. To participate in scrapping is called dressing of section. I do not remember in which particular trench, I had done scrapping, the location also I do not remember. Scrapping is of the section also and as well as of plan. Whenever any section is made in the excavation, then there are several layers, levels, and pits etc. several things, which are scrapped and marked. This is his work. This is called section scrapping. In plan scrapping, whichever elements are there on the horizontal plans, to scrap all of them, to identify them and to mark them is done. As I have said I do not remember about 1975, I remember the trench of southern side of the disputed structure in 1977, where I had helped Prof. B.B. Lal in section scrapping and plan scrapping both. In 1979 also, I had helped Prof. Lal in scrapping. Shri K.K. Mohd. Met me once there. This I do not remember in which visit he met me. I had not kept any

record or notebook of this scrapping.

In June 1992, the Government had done the excavation work for leveling, not for an archaeological research.

Question: The place where leveling was done, can we call that place as archaeological site?

Answer : Yes, can be called.

Question: This "Archaeological site" word has been defined in section 2(D) of Ancient Monument and Archaeological Sites and Remains Act, 1958?

Answer: This site is called archaeological site but if that is not conserved by Government then as per my view that does not come under the Act.

It is correct that "conserved" and "not conserved" both sites come under this Act. Again said that archaeological site can be "conserved" as well "not conserved".

Question: In the aforesaid section 2(B) of Ancient Monument and Archaeological Sites and Remains Act 1958, in the definition of the word "Antiquity" include coins, sculpture and epigraph etc., which may be in existence for the past more than one hundred years.

Answer : This is true.

The stones found on 8th June 1992, the photo of which is published in my book document No.289C— 1 and 118C— 1/35, all these come under the definition of antiques. I saw these stones on 3 July 1992 and whenever I went to Ayodhya, I saw them in the Museum. I studied them by

personally seeing and by examining. I had examined them on 2—3rd July and after that whenever I went to Ayodhya, I saw them in Museum and studied and examined also. In my view, examination as well study is one and the same thing. In July 1992, I stayed in Ayodhya for two-three days and again also I stayed in Ayodhya for two-three days and had done scrapping and prepared sections. In July 1992, Dr. K.M. Srivastava was there in both the visits. Shri Y.D. Sharma was in the first visit, during second, I do not remember. I do not remember if Dr. K.M. Srivastava was working at that time or had retired. Shri Y.D. Sharma had retired by that time. Shri K.P. Nautiyal in July 1992 was the Vice-Chancellor of Avadh University and Dr. Shardendu Mukherji was that time Reader in Delhi University. Shri K.P. Nautiyal, who was at that time Vice-Chancellor, prior to that he was Professor and Head of "Ancient History, Culture and Archaeology" Department of Srinagar University, Garhwal. Shri Devendra Swarup Aggarwal, was Reader in DAV College under Delhi University. We all of us, who had assembled in Ayodhya on 2nd -3rd July 1992, had examined these stones as per our expertise, the report of that was prepared on 3.7.1992, which is with me, a portion of which was published in N.A.D. document No.118C-1/35 and book document No.289C-1. The report which was submitted on 2nd -3rd July 1992, on that basis an abridged and summary report was published, but detailed report is not completely ready yet.

Question: The above mentioned summary report (118C—1/35 and 289C— 1 has been published. Whether original of that has been signed by all of them who went to Ayodhya along with you on 2-3rd July 1992?

Answer : I was the head of this team, so I was personally,

responsible for writing this full report, therefore, the question of anybody else's signatures on it does not arise.

Question : After the Ayodhya, did you or your colleagues submitted any project to the Government of India or A.S.I. regarding further excavation near the disputed site/Babri Masjid?

Answer: As per my knowledge, no such project was submitted to the Government or any other Agency.

Question: In your statement at page No.1, you have stated "In Archaeology, Epigraphy and Art History is also included". Whether "knowledge of both is essential or desirable?

Answer : This is desirable and not essential.

Archaeology is an umbrella term and historical archaeology is included in it. As per one definition, this is correct that the history of India before the period of third century BC is called historical archaeology.

Question : Whether it will be called historical archaeology which will be used as archaeology to know any of the area and dynasty of history of India relating to third century BC?

Answer: This is only partially true, because during this period many remains were found of such cultures, whose evidences do not come under the historical archaeology, such as megalithic culture.

Question: How much knowledge of history is necessary to

study and understand historical archaeology?

Answer: For knowing this, if anyone has general knowledge of history, then from the point of archaeology, it is sufficient.

Question: Broadly studying upto what standard, i.e. Inter, BA or MA, anyone can obtain the knowledge of history?

Answer : Generally education upto MA is a good education, which is normally done, is admissible.

Question : Is broad knowledge of epigraphy is also essential for historical Archaeology?

Answer : Such knowledge of epigraphy is not necessary, i.e. knowledge upto MA is not necessary.

Question: Do I take that for the scholars of archaeology and historical archaeology, there is no need for acquiring separate qualifications?

Answer : As I have said earlier that archaeology is an umbrella term and archaeology comes under that. Therefore, their knowledge of Epigraphy may be in special circumstances desirable to know the earlier period of historical archaeological and there may not even be any necessity of that in other circumstances.

Verified after reading the statement

Sd/-
S.P.Gupta
24.5.2002

Typed by the stenographer in the open court on being dictated by me. In continuation of this for further examination be present on 10.6.2002 for further examination.

Sd/-
24.5.2002

Dated: 10.6.2002

Before: Commissioner, Shri Narendra Prasad, Additional District Judge/ OSD, High Court, Lucknow bench, Lucknow.

O.P.W. 3 — Dr. S.P. Gupta

(Commissioner appointed by order dated 21.3.2002/ 20.5.2002 passed by Special full bench of Hon'ble High Court, Allahabad, Lucknow bench, Lucknow, in case of Other Original Suit No.4/89 (Original Suit No.12/1961), Central Board of Waqf, UP etc. versus Gopal Singh Visharad and others).

(In continuation of dated 24.5.2002, OPW 3 Shri Swaraj Prakash Gupta's statement begins on oath).

(Cross-examiner learned advocated invited witness's attention towards the introduction written by him in his book document No.289C-1), after seeing which, the witness said that the persons whose names have been given in it, met him at sometime. In this book's page No. (Roman) 11 document No.289C-1/11), I have mentioned the name of Shri K.S. Sudarshan, he is Sirsanchalak of RSS. I was inspired by him to do social work. I felt grateful to him for writing this book. I did not receive any co-operation from Shri Sudarshan for writing this book. On this page itself I have thanked and is grateful to Shri Atal Behari Vajpayee, Shri Lal Krishan Advani, Dr. Murli Manohar Joshi, Shri Vijay Kumar Malhotra and Shri Kedar Nath Sahni also. All these persons and Shri Madan Lal Khurana, Shri Sahib Singh Verma, have been senior office-bearers of B.J.P. I started special study of Ayodhya since 1975. I cannot tell that after starting special studies as to whom I met first out of the aforesaid personalities.

Question: Your acquaintance with the aforesaid persons is very old, i.e. from the decades of 1970s or 1980s?

Answer: My acquaintance with those persons as well as meeting with them sometimes took place before 1975.

I came to know all these persons before 1975.

Question: In your said introduction on the above mentioned page, it is written that all these persons helped you by all means. Do I take that these people helped you financially in the expenditure incurred by you in writing or in preparing this book?

Answer: In writing or preparation of this book none of these persons helped me financially.

On this page, I have expressed gratefulness towards Prof. Rajendra Singh alias Rajju Bhaiya, Bhauras Decoras, H.V. Sheshadri. These people also had been senior office-bearers of RSS and once Rajju Bhaiya had been Sirsanchalak also.

Question: On this page, you have mentioned about having received help from Government of Madhya Pradesh. Was this financial assistance or of some other kind?

Answer: The Government of Madhya Pradesh did not give any financial or otherwise assistance for writing or preparing this book. The Government of Madhya Pradesh had arranged a session of Indian History and Culture society in Bhopal. This gratitude was in that connection.

Actual date I do not remember, but before writing this book Government of Uttar Pradesh provided financial assistance to Indian Historical and Cultural Council, New Delhi for doing research on Ayodhya, I am a member of it, I have never been its head. I have expressed gratitude towards Shri Moro Pant Pingley, Shri Ashok Singhal and Acharya Giriraj Kishore also whose names have been mentioned on this page and persons have been office-bearers and held important positions in the Vishwa Hindu Parishad at one point of time. At present, I cannot tell as to what post Shri Ashok Singhal is holding in Vishwa Hindu Parishad. I do not know if Ashok Singhal at present is acting as Chairman of Vishwa Hindu Parishad or not? I do not know if Shri Giriraj Kishore is Vice-Chairman of Vishwa Hindu Parishad or not? On seeing X of this page (document No.289C-1/10), said that Shri Arun Shourie is the same person who at present is a Minister in the Union Cabinet. Whatever I have written about him, he has helped intelligently in my work, means that I had academic interaction from 1975, when I started taking interest in this respect, I started notes. It is true in a sense that the process of writing the book started from 1975. Between the period of 1975 and 2000 my interaction with Arun Shourie was held 3-4 times. As per my knowledge, there is no book of Shri Arun Shourie regarding demolition of temples. As per my knowledge, there is no book written by him in connection with demolishing the temples, construction of mosques, there may be articles.

My introduction with Rashtriya Swayamsewak Sangh (RSS) has been before 1975 and I have been associated with RSS even earlier than 1975. I had no connection with BJP in any manner. I know that BJP was formed by persons

who first formed Jan Sangh and Jan Sangh was formed by Shyama Prasad Mukherjee. I do not know if BJP has got any support of RSS or not. I also do not know if Jansangh got RSS's support or not? I do not know the principles of BJP nor I recognize Shri Lal Krishan Advani as a non-principled person, neither a man of principles, but I recognize him as a political person. I have no knowledge if BJP had supported or not the Vishwa Hindu Parishad since 1986 or prior to that on the issue of Ram Janam Bhoomi temple. I do not know if during the month of June 1991, Chief Minister Kalyan Singh and his Cabinet colleagues had gone to Ayodhya and took oath or not that they will construct the temple at the disputed site. I do not remember that I read any news in newspapers on this issue or not, I also do not remember if I had heard about it from anybody or not. I have no knowledge if it was written in the manifesto of BJP for elections to Lok Sabha and Vidhan Sabha or not that Ram Janam Bhoomi Mandir will be constructed at the disputed site. I also do not have any knowledge if at the time of elections in 1991, the same election manifesto was issued. I personally cannot tell that the speeches of above mentioned leaders of BJP which are related to the issue of Ayodhya can be relied upon or not. I have no knowledge if Bhartiya Janta Party has published any literature or not on the issue of Ayodhya. I have no particular knowledge that RSS or Vishwa Hindu Parishad have published or not any book or literature on the issue of Ayodhya. I have also no knowledge if Vishwa Hindu Parishad has published or not any book based on my article. I have also no knowledge if any of my article or any portion of my book has been put on website or not by Vishwa Hindu Parishad. I have also no knowledge if Vishwa Hindu Parishad have any website on this subject "www.geocities.com". I have also no knowledge whether

Vishwa Hindu Parishad has put on internet or not any literature titled "Evidence for Ram Janam Bhoomi Mandir" presented to the Government of India on December 23, 2002 by the Vishwa Hindu Parishad" I have no knowledge if Vishwa Hindu Parishad has put any literature or not on internet titled "Nation of Hindutav".

I cannot say if any white paper was issued in 1993 by the Government of India or BJP separately or not. I cannot say whether any separate white paper was issued or not.

Question: In December 1992, when Babri Masjid was demolished, there was BJP Government in Uttar Pradesh and that was dismissed, do you know it personally or not?

Answer: I have no personal knowledge about it. I came to know from newspapers in a general way. I also came to know about this from the newspapers that due to demolition of this mosque, the BJP Governments of Madhya Pradesh and Rajasthan were dismissed, and due to allegation of this dismissal, Shri Lal Krishan Advani was arrested or not, this I do not remember.

Question: In this connection, i.e. in connection with the demolition of Babri Masjid, the charge sheet filed by the CBI contains the names of Shri Lal Krishan Advani, Shri Murli Manohar Joshi, Shri Kalyan Singh and Ms. Uma Bharati etc. as accused?

(This question was objected to by the learned advocate of plaintiff of Other Original Suit No.5/89 Shri Ved Prakash by saying that this question does not relate to this suit nor there is any dispute on this point and neither there is any

record and nor the witness has said any thing in this connection. Due to this, the question is irrelevant).

Answer: I have no knowledge of this.

Question: Do you know that Shri Lal Krishan Advani in his capacity as Home Minister, Government of India has given statement many times that the day of 6th December 1992 is the saddest day of his life

(On this the learned advocate of plaintiff of Other Original Suit No.5/89 Shri Ved Prakash and learned advocate of defendant No.2 in Other Original Suit No.4/89 Shri M.M. Pandey objected that neither there is any such statement on the record nor this question has any relevance with the subject matter of the question in dispute. Also objected that Shri Lal Krishan Advani is neither a party in this dispute and nor the witness has given any such statement in this respect. Therefore, there is no justification in putting such questions).

Answer: I have no knowledge about this.

Verified after reading the statement

Sd/-

S.P.Gupta

10.6.2002

Typed by the stenographer in the open court on being dictated by me. In continuation of this, be present on 11.6.2002 for further examination.

Sd/-

Narendra Prasad

Commissioner

10.6.2002

Dated: 11.6.2002

Before: Commissioner,, Shri Narendra Prasad Additional District Judge/OSD, High Court, Lucknow bench, Lucknow.

O.P.W. 3 - Dr. S.P. Gupta

(Commissioner appointed by order dated 21.3.2002/24.5.2002 passed full bench of Hon'ble High Court, Allahabad, Lucknow bench, Lucknow, in case of Other Original Suit No.4/89 (Original Suit No.12/1961), Central Board of Waqf, UP etc. versus Gopal Singh Visharad and others).

(In continuation of dated 10.6.2002, OPW 3 Dr Swaraj Prakash Gupta's statement begins on oath).

It is not true to say that I have knowledge about the Vishwa Hindu Parishad and the Bhartiya janta Party but I am concealing that. This is also wrong to say that I have knowledge of the website put by Vishwa Hindu Parishad and white paper issued by Bhartiya janta Party, but I am hiding that. I have no knowledge that the address of website by Vishwa Hindu Parishad is "http://www.geocities.com/capital/Hill/lobby/9089/Ram Janam Bhoomi/index.html". I knew Shri Surya Krishanji personally but during 1990-91 at the time of negotiations what was his position in Vishwa Hindu Parishad, this I do not know. He was also with RSS, but what post he was holding is not known to me, he was a Pracharak. I also do not know that under topics and sub of aforesaid website, several websites have been opened or not, the addresses of which are different. I also do not know that the preface written in said website is "http://www.geocities.com/capital/Hill/lobby/9089/Ram

janambhoomi/preface/ html" or not. I have no knowledge that the said preface was written by Shri Surya Krishan on 1.2.1991 by showing himself as Secretary of Vishwa Hindu Parishad Central.

Question: I mean to say that in the said preface, Shri Surya Krishnaji has written that from the side of VHP, three experts were invited and out of that one name was yours and the other two names were of Prof B R Grover and Prof Devendra Swarup. Is this statement of his not true?

(On this question from the side of defendant No 2 in Other Original Sit No 4/89 Shri Madan Mohan Pandey and learned advocate of plaintiff in Other Original Suit o 5/89 Shri Ved Prakash, advocate objected that the witness has said that he has no knowledge. In the circumstances, there is no justification in asking questions about its contents and neither it is relevant. An objection was also that this question should not be allowed to asked).

Answer: Since I have no knowledge of this website, therefore this question is baseless.

Quesition: My question was whether Shri Surya Krishanji's this statement that you were invited by VHP to take part in the aforesaid negotiations - is it right or incorrect?

(The learned advocate of plaintiffs in Other Original Suit No.5/89, Shri Ved Prakash objected to this question by saying that this relates to contents of the website and the witness has already denied knowledge of website. Therefore, no question can be put about the intents of website).

Answer: This may be the personal view of Shri Surya Krishanji. I was not directly invited from the side of VHP.

Question: In the said website, Shri Surya Krishanji has written this also that in the discussions on 30th December and January 1991, besides legal representatives, academicians, which included Prof. B.R. Grover, Prof. K.S Lal, Prof. B.P. Sinha, Dr. S.P. Gupta, Dr. Harsh Narain and Prof. Devendra Swarup, were representing VHP. His this statement is true or untrue?

(The learned advocate of plaintiffs in Other Original Suit No.5/89 objected that what Shri Surya Krishan has written or said in his website about the presence of the witness and other above mentioned persons, there is no question of asking about that from this witness, because the witness has said more than once that he has no knowledge of it. Such questions are being put to harass the witness, which should not be allowed).

Answer: What Shri Surya Krishanji has written, this I do not know. I have already said that I used to go there in the discussions as an archaeologist, whosoever might have given my name, be it Vishwa Hindu Parishad or anyone else.

Question: The aforesaid website, which is mentioned at page 118 of your statement, the articles included under the title "Ram janam Bhoomi/ Babri Masjid at Ayodhya. An archaeological and art historical examination is said to have been written by you

and the website address of that is:
"http://www.geocities.com/capital/
Hill/lobby/9089/Ram Janam Bhoomi/gupta/html"?

Answer: This is heading of one of my articles, what have been extracted and from where, this I do not know.

I do not remember as to when I wrote the said article and when it was published for the first time, this is printed as a Hindi translation in Chapter 11 of my book document No.289C-1. I do not remember that before this when and in which journal of book was this article of mine printed in English or Hindi, but it was certainly published, how much earlier, this I do not remember. At present, I am not remembering whether this article was written before or after 1990, then said it may be afterwards. I cannot say that on the above mentioned website my article is printed correctly or incorrectly because I have no knowledge about the website.

Question: Do you remember that in December 1990 and January 1991, during the discussions between Vishwa Hindu Parishad and All India Babri Masjid Action Committee, both sides in support of their contentions filed documents, the copies of which were supplied to each other

(The learned advocate of the plaintiff in other original suit No.5/89 Shri Ved Prakash objected to this question that with regard to discussions held in 1990-91, there is no point in this dispute and what documents were exchanged have no relevance with this suit, therefore, such a question in the circumstances is irrelevant.)

Answer: I came to know about this through newspapers.

There I was shown only those papers which were related to archaeology and which were directly related to me. This I do not remember whether those papers were shown to me in original or their copies. These papers were shown to me by the personnel of Government of India. This is wrong to say that officers or Ministers of Government of India did not show these papers to me. This is also wrong that personnel of Government of India used to give copies of said papers to the representatives of Vishwa Hindu Parishad and they used to show those papers to me. I do not remember whether these discussions started on 1st December 1990 and I was present there on that day. At present, I do not remember this also that next sitting of these discussions took place on 4th December 1990 and whether I was present there. About this, I can tell only after seeing the papers. This may be possible that during these discussions from the side of Vishwa Hindu Parishad, Vishnu Hari Dalmia and Kaushal Kishore Sahib took part. It is just possible that the second meeting of these discussions took place on December 1990 in Maharashtra Sadan, New Delhi and in that besides, me and both the persons, other people also were present. As far as I remember, the proceedings were got signed by the people of both the parties. This is true that during these discussions, Shri Kishore Kunal, IPS, took part as OSD to the Minister of State for Home Affairs, Government of India and Shri Subodh Kant Sahay was the State Home Minister at that time. In these discussions, Justice G.M. Lodha, Justice Devki Nandan Aggarwal, Justice D.V. Sehgal and Shri V.K.S. Chaudhury used to take part, but from which side, this I do not know personally that these four persons

used to be representatives of Vishwa Hindu Parishad and took part as such I personally do not know whether these four persons were connected with Ram Janam Bhoomi agitation or not. On the basis of newspapers or otherwise, I do not know about this.

Question : On 23rd January 1991, Shri Kishore Kunal Sahibji through a messenger informed all the persons who were invited to participate in the said discussions that the meeting of the experts has been fixed for 24th January 1991?

Answer : This is possible

(At this stage, the learned cross-examiner advocate filed a photograph of the letter written on 23.1. 1991 by Shri Kishore Kunal which is document No.292C-1/1, which was shown to witness and was asked.)

Question: Is this the same letter which was dispatched to you people in connection with the meeting of 24th January 1991?

(At this stage, the learned advocate of defendant No.2 in Other Original Suit No.4/89, Shri M.M. Pandey and learned advocate of the plaintiff in Other Original Suit No.5/89 Shri Ved Prakash objected on the point that the paper filed by the learned cross-examiner advocate is a photocopy of the document, which is not admissible as an evidence and has not submitted any request to file it, so the document is not relevant and has no relation with the subject of the suit and the witness has not signed it).

(Subject to the said objections, the said document No.292C-1/1 is kept on the record on the orders dated

20.3.2002 of Hon'ble full bench).

Answer: This letter was not sent to me by Shri Kishore Kunal. Again said perhaps was not sent.

I do not remember that as to who other person sent this letter or not?

As per this paper, my name has been shown as a suggested name by Vishwa Hindu Parishad, but I did not receive any paper from VHP directly on this subject.

Question: Do I take that in this letter, your name as given, suggested by VHP, is wrong?

Answer: I am not in a position to reply to this in the negative or positive, because Vishwa Hindu Parishad neither said nor have written any letter to me.

The reference of the meeting of 24th January 1991, which is given in the said letter, my participation in that is possible but I can tell after seeing the paper.

Question: I mean to say that in the said meeting of 24th January 1991, you participated as an expert nominated by Vishwa Hindu Parishad?

Answer: As I have already said, I used to go there as an archaeologist, who took my name, I have nothing to do with that.

Question: The meeting which was held at 11.00 a.m. on 25th January 1991 of the experts of VHP in Gujarat Bhawan, in that you participated as an expert nominated by Vishwa Hindu Parishad and

had signed on that?

Answer: I can tell in this respect after seeing the papers.

Question: In respect of these proceedings, Shri Surya Krishan, Joint Secretary, Vishwa Hindu Parishad wrote a letter to the then Minister of State for Home Affairs Shri Subodh Kant Sahay on 25th January 1991?

(The learned advocate in Other Original Suit No.5/89, Shri Ved Prakash objected to this question that the question has no connection with the witness and there is no such paper on the record).

Answer: Only after seeing the papers, I will be in a position to tell anything regarding this.

At this stage, the learned cross—examiner advocate filed document No.293C-I/1 to 293C-I/3 from list document No.293C-1. After showing this, asked the witness.

Question: The said paper No.293C-1/3 is a photocopy of those proceedings which the expert nominated by the Vishwa Hindu Parishad, had written on 25th January 1991 in Gujarat Bhawan, in which you participated and signed on it. Paper No.293C-I/1 and paper No.293C-1/2 is the photocopy of that letter along with which the information of the letter was sent to the then Union Minister of State for Home Affairs, Government of India, Shri Subodh Kant Sahay by you people through Shri Surya Krishan?

(At this stage, the learned advocate of defendant No.2

in Other Original Suit No.4/89, Shri M.M. Pandey and learned advocate of the plaintiff in Other Original Suit No.5/89 Shri Ved Prakash objected on the point that the said photocopy filed by the learned cross-examiner advocate is not admissible and is the paper not relevant in the decision of the dispute. Beside, there is no mention in this connection by the defendant No.4.)

Subject to aforesaid objections, the said paper No.293C-1/1 to paper No.293C-113 is kept on the record as per orders dated 20.3.2002 of Hon'ble Full Bench).

Answer: On seeing paper No.293C-1/1 to 293C-1/3, the witness said that the letter written to Shri Subodh Kant Sahay by Shri Surya Krishan of Vishwa Hindu Parishad was his own personal letter. The proceedings referred to and which bears my signatures, shows that I went there as an expert, I had an intention of participating in the meeting, but that did not take place but as I have said earlier, may be my name was given by the Vishwa Hindu Parishad.

Question : In the first and second time of paper No 293C-113, the fact that the experts nominated by VHP, participated in Gujarat Bhawan meeting at 11 .00 AM - is it true or untrue?

Answer: As I have said many times that I used to go as an archaeology expert, may be my name was given by Vishwa Hindu Parishad. I will again repeat this with firmness.

Question: I mean to say that in the said discussions, you participated as an expert nominated by Vishwa

Hindu Parishad, as is also mentioned in the said paper No.293C-1/1 to paper No.293C-1/3?

Answer: My answer to this question is again the same. Because I think the expert of the subject is a full-fledged expert and so may be Vishwa Hindu Parishad might have given my name, I have always maintained the position that as an Archaeologist, I submit my views as an expert.

There are my signatures on paper No.293C-1/3. From its matter, it is clear that this relates to the meeting held in Gujarat Bhawan. (Again said) that this is the photocopy of those proceedings.

Question : I mean to say that BJP in April 1993 had issued a white paper in connection with the movement of Ayodhya and Ram temple movement and you know fully about it.

Answer : It is not true.

Question: You are not expressing your knowledge about the aforesaid paper because in this white paper, your name has been given as an expert representing Vishwa Hindu Parishad?

Answer: This is not true.

At this stage, the learned cross-examiner advocate showed to the witness a book of BJP, namely "white paper on Ayodhya and Ram Temple movement" and photocopies of Page No.4 and 66 and cover page were filed along with list document No.294C-1. On this document No.294C-1/1 to 294C-1/3 was shown and witness was asked —

Question: The said white paper was signed by Shri L.K.

Advani and your name in it is given as an expert representing Vishwa Hindu Parishad. Do you think it as correct or not?

(At this stage, learned advocate of defendant No.2 in Other Original Suit No.4/89 Shri M.M. Pandey and learned advocate of plaintiff in Other Original Suit No.5/89 Shri Ved Prakash objected on this point that the said photocopy document filed by the learned advocate of cross-examiner, is not admissible and the document is not relevant and essential for taking decision in the suit. The white paper which has been shown to the witness in front of the Commissioner, is not the original white paper but a zerox copy).

Subject to said objections, aforesaid document No.294C-1/1 to document No.294C-1/3 is kept on record as per orders of Hon'ble full bench's orders dated 20.3.2002.

Answer: I do not recognize the signatures of Shri L.K. Advani signed on page 4 of white paper., Therefore, I cannot say whether these are his signatures or not. My name given on page 66 is on the basis of earlier document No.293C-1/3. As I have already given its answer fully and properly so my answer is again the same.

Question: If you did not participate in the discussions as an expert nominated by VHP or as its representative then whom you were representing?

Answer: I am an archaeologist and I tell about my research. I do not believe in representing any party. I put my own independent opinion without favouring

anybody.

Question: Did you give any letter or request to Government that you may also be invited to take part in the said discussions or you requested orally to any responsible person in the Government of India?

Answer: I did no such request.

Verified after reading the statement

Sd/-S.P.Gupta

11.6.2002

Typed by the stenographer in the open court on being dictated by us. In continuation of this be present on 12.6.2002 for further examination.

Sd/-

Narendra Prasad
Commissioner

11.6.2002

Dated: 12.6.2002

Before: Commissioner, Shri Narendra Prasad, Additional District Judge/OSD, High Court, Lucknow bench, Lucknow.

O.P.W. 3 - Dr. S.P. Gupta

(Commissioner appointed by order dated 21.3.2002/ 24.5.2002 passed by Special full bench of Hon'ble High Court, Allahabad, Lucknow bench, Lucknow, in case of Other Original Suit No.4/89 (Original Suit No.12/1961), Central Board of Waqf, UP etc. versus Gopal Singh Visharad and others).

(In continuation of dated 11 6 2002, OPW 3 Dr Swaraj Prakash Gupta's statement begins on oath).

In which year Vishwa Hindu Parishad was established, this I do not know. Whether its members are enrolled or not, I do not know. This is wrong to say that I am formally attached with the Vishwa Hindu Parishad. This is wrong to say that I had prepared a website with regard to Ayodhya for Vishwa Hindu Parishad, which is known by the name of Hindu Unity Organisation.

At this stage, the learned cross-examiner advocate filed list document 295C-1 to document No.295C-1/1, which was shown to witness and was asked.

Question: The aforesaid document No.295C-1/1 is an extract of the said website, in which mention has been made of you that you were formally with Vishwa Hindu Parishad, what do you say about this?

(At this stage, learned advocate defendant No 2 in Other Original Suit 4/89, Shri M.M. Pandey, learned advocate of plaintiffs in Other Original Suit No 5/89, Shri Ved Prakash and learned advocate of defendant No 20 in Other Original Suit No.4/89, Shri S.P. Pandey objected that the said photocopy document filed by the learned cross-examiner advocate is not admissible as an evidence and is not relevant for deciding document dispute and has no relation with the contents of the dispute and the witness has also said nothing in his statement in this Commission nor there is any document on the record.)

Subject to aforesaid objections document No.295C-1/1 was placed on the record as per orders dated 20.3.2002 of Hon'ble Full Bench.

Answer: Because neither I know the organization, to whom this website belongs and nor I know this website. Therefore, if anybody writes anything unauthorisingly about me then I am not responsible for that and I want to state clearly and totally that I am not attached with the Vishwa Hindu Parishad formally nor I had ever been.

Question: In your yesterday's statement, you had accepted that approximately during 1990s, you had written an article, titled "Ram Janam Bhoomi/ Babri Masjid at Ayodhya — An archaeological and art historical examination"? Has translation of that original English article been printed in Chapter 11 of your book document No.289C-1 or has any change been made afterwards in that original

article?

Answer: The format of chapter 11 written in the book and its contents are as per the research work done afterwards. It cannot be exact translation of earlier article as it is. It is not.

Question: In which book or journal a certified copy of your that original English article can be made available?

Answer: As I said yesterday, at present, I do not remember anything about this subject.

The main point in that article was that fourteen pillars of black kasauti inside the so called Babri Masjid and other two pillars in outside graveyard had the pictures carved on all those pillars were all of Hindu Gods and Goddess and Hindu symbols and their style was of 12th century. Therefore, all those were extracted by breaking any Hindu temple and afterwards were framed in the disputed structure, where they were put at payars of the dome, due to which they became load bearer. Out of those perhaps four pillars were at their own place before the demolition of the disputed structure because their carvings were of the same type. In that article, I had perhaps also mentioned that this stone of black 'kasauti' was of the type of 'sistoz' variety which are available in the valley from Garhwal to Kumaun even today.

Question: Have you written in your original article that the engravings on these pillars can easily be said engraved or carved during eleventh century?

Answer: Art style in such a discipline which runs into a bracket (period) of 100-200 years. Therefore, there is not any perceptible difference in the art

of 11 and 12 century. Whatever I have written in chapter 11 of my book relating to 12 century, that was based on the fact that on two black 'kasauti' pillars, the scholars later on, found two words were engraved on them. The letter "Si" reflects 'Shri'. The scholars who are experts in epigraphy told me about this writing that it was of 12th century. Therefore, on the basis from the experience of present research, as I have mentioned above, I can say that these pillars were of the 12th century. It is possible that I might have mentioned these pillars as of 11th century in my original article.

It is possible that I might have mentioned that the symbols, pictures engraved on the said pillars of 'kasauti' relate to 11th century. But as I have stated that art historical studies are based on a period of 100-200 years because a style basically does not change very early within 10-20 years or one century. Therefore, one style which starts in 11th century can continue in 12th century. There is no contradiction in this. Early eleventh century generally meant 1000 AD to 1050 AD, but there is no restriction and the art history can continue even after 1050 AD.

If I have written in my original article that stratigraphically the topmost floor is contemporary to the floor of disputed structure, then even today, I say that my said writing was correct as per conditions prevailing at that time. During the excavations of the stages of topmost level, which are called stage groups, the Islamic glazed wares, which were found by Prof. B.B. Lal, belong to a very lengthy period. If I have stated this period on the basis of 13th century to 15th century glazed wares then there can be

a plus or minus of 100-50 years and there seems no much scope on the basis of today's research. If I have written in my original article that below this layer, there was a floor of lime and gravel, then it is also correct because in those days, floors were made of lime and gravels. Cement was not introduced in those days. Today, I cannot tell exactly as to when the use of lime and gravel started in India for construction purpose, but it was very much prevalent in the medieval period. Many historians count medieval period just after the seventh century.

Question : Did you study the pillars or carvings of other places during that period to decide about their being of eleventh century?

Answer: The temples of north India of 11th and 12th century are called as that of Nagar style as I might have written in my articles. About the architecture of these temples, I did a general study and I have given my views that basis. As I have stated clearly that art history is an academic subject, and the question of any specific temple or pillars in it does not arise. Art is an expansion many periods, which are studied During this period, samples of art and symbols are found scattered at various places because in Indian art specially in hindu art whatever symbols or samples of pictures of God and Goddesses are found are of a common pool and the architect choose these symbols and as per their choice display them individually or in a combined way. Therefore, my study is also a study of this system and in academic world also, this is accepted as such.

Question: My question was that whether you studied these

pillars built in disputed site in comparison to the carving and excavation of the pillars of some other temples of north India or not? As you have written in your original writing?

Answer: As I have clarified in my article, I have stated about it in general and I still stick to that. I had not mentioned about any specific temple neither at that time nor today I am saying so.

Question : Do I take that the carvings or painting of the said pillars of the disputed site were not compared with the carvings or paintings of pillars of stones fixed in other buildings?

Answer: As I have stated repeatedly that architecture is a part of art historical subject and no temple or pillars are full copies from the other places because these are not moulded. Therefore, in art history, we take motives, i.e. structure of the symbols and not all pillars or any symbol, the pictures of God and Goddesses. Therefore, studies of this type, i.e. comparison of a pillar with the pillars of any other temple is called un-academic, so I have not done such a study nor I am expected to do so.

I had studied art history in MA. I have continuously studied art history even after that As I have said I have done teaching work of this subject in National Museum Institute and I got a book published on that There is a MA level course in art history in National Museum Institute, Delhi, which is a deemed University and I did teaching work there. This teaching work was in the capacity of a visiting Professor. Visiting Professor is subject-wise. My first

appointment as a visiting Professor was done in the 1990s. The, actual date and year, I do not remember. These appointments are for a term which is approximately three months in a year. The term of several subjects of art History sometime run simultaneously. Therefore, a visiting Professor has to his term of a subject through the teaching of sixteen classes. As such there are many subjects, in one term, I used to teach five subjects. In that decade my appointment was made as per term and subject to as a visiting professor, but I do not exactly remember as to how many times this was done. It is possible that my appointment may be 8-10 times. There are many subjects in art history, may be hundred out of which I have taught 4-5. I have taught West Asian Art and Culture, Central Asian Art and Culture, Chinese Turkistan Art and Architecture, Mauryan Art and Architecture, Temple Art and Architecture, which come under Indian Art The study of temples of Nagar style is included in Indian Temple Art and Architecture. There is no style as Gahadwal style separately. This comes under Nagar style and sometimes some scholars kept a sub-style under Nagar style. The encyclopedia published by American Institute of Indian Studies, Gurgaon on Nagar style is in many volumes. That is an authenticated volume but in many areas and places, the scholars have written many books separately. Shri Krishan Dev Ji has separately written books on the temples of Khajuraho, which was published by Archaeological Survey of India, these temples are of Nagar. The pillars and other articles found inside the disputed site, many of them are akin to that of symbols and signs of Khajuraho temple. The encyclopedia does not contain only Nagar style, but several volumes in all temple styles of India. I cannot tell the number of volumes of this encyclopedia. As per my knowledge, four volumes have been published and other volumes are in the pipeline.

Every volume has got a separate Editor, some have got common Editors. The temples of Nagar style are included in the initial volumes. I do not fully remember whether this is in first volume, or in second or in third volume. The names of the scholars who, as per my memory are Editors of volumes relating to Nagar style are Shri Krishan Dev, Shri Dhake, Prof. Michal Mister. As per my memory, the Nagar style has been referred to in two volumes I do not exactly remember if the Editor of both the volumes is of the same group of scholars. Shri Krishan Dev Ji, who has since died, was considered a scholar of highest caliber of Indian Architecture. By architecture, I mean temple architecture. Shri Krishan Dev Ji was first Deputy Director General in Archaeological Survey of India and later on, he was a Director in American Institute of Indian Studies. As per my memory, he was Deputy Director General in Archaeological Survey of India during some period of 1950s and 1960s. I do not remember when did he retire. American Institute of Indian studies was established jointly by many Universities in Banaras. I do not remember the year or decade. But now-a-days, this Institute is being run in its own building in Gurgaon. Now-a-days of the Directors is Shri Dhake, the names of others is not known to me. As per my memory, Universities of America run this Institute from their own funds, but I cannot say this with full authority. I am not in a position to tell as which University of America established it and which Universities are now-a-days running it. During the initial period of this Institute, the name of the great scholar, who was associated with this Institute, was Prof. Pramod Chandra. He was of Indian origin, but was teaching in some American University. I do not know if this Institute is recognized by the Government of India or by some other University or not. As far as I know, this is merely a research Institute, where teaching is not done, so

there is no question of recognition. Besides encyclopedia, this Institute has been doing research publication work. The names of these publications are not remembered by me, but the catalogue of Allahabad Museum was published by this Institute and a book on temple architecture was also published by them separately which was edited by Prof. Pramod Chandra. The year of publication is not remembered by me. As far as I member, the book on temple architecture, which was edited by Prof. Pramod Chandra, was related to temples of north India. A book has been published by the Government of India on Indian temples. This I do remember. A book on temples of India has been published by National Book Trust also. Like this, Archaeological Survey of India has also published many books about the sites of group temples. Private publishers have also published many books.

The candidates who pass from National Museum Institute, Delhi are awarded MA degree. I am not in a position to tell about the complete list of books on Art History prescribed there, but to name a few which are prescribed, are: A.K. Coomarswamy's book "The art of India and Indonesia", Benjamin Raland's book "Art and Architecture of India", which was published by Pelican; Shri C. Shivaramamurthi's book "Indian Art". This is wrong to say that none of the said three books is related to Indian Art and Culture. In fact in all the three books Art and Architecture have been covered. This is true that all the three books are prescribed for the subject of Temple Art and Architecture. In all these, three books, there is a special mention of temples of Nagar style. There is no special mention of temples of Gahadwal dynasty in these books because most of the temples of this dynasty were demolished and at this time, most of them are not protected.

The temples of Gahadwal dynasty were mostly in Uttar Pradesh. At which place these temples were situated in Uttar Pradesh, this I cannot tell. I have been told that their plinth are found in Itawa district, Allahaba and Banaras. The temples of Gahadwal dynasty, as I told earlier that they were demolished upto plinth so there is no meaning of studying them. I studied only the remains, which are fixed in disputed temple of Ram Janam Bhoomi. In my knowledge, there is no temple which may be in Kannauj, but all this information regarding these broken temples has totally been given to me by the lecturer of Prayag University Dr. D.P. Dubey. I am no authority to say anything about this. Dr. D.P. Dubey has not written any book on this subject. He has given this information on the basis of his research that all temples of the time of Gahadwal style were situated in the districts of Uttar Pradesh, which were seen by him in a completely destructed shape. His research work of this kind has not so far been published. He gave me this information orally. In this regard he gave me this information last year, i.e. in 2001. I had asked him whether he had published this complete report and if not, then by what time he will print it. Showing pictures of broken temples, he said that he will publish them at an early date, but till today, I have not seen that publication and as per my knowledge, no such publication has come out. At that time, I did not see any written report with him. At that time, he told me that he had notes with him in this respect, and he will write a report in this respect soon. Regarding demolition of temples of the said Gahadwal dynasty of district Allahabad, Itawa and Banaras, Dr. Dubey remarked that there is a possibility of demolition of these temples being carried out by the same Muslim invaders who had demolished the temples of that period in Ayodhya situated in Ram Janam Bhoomi complex.

Question: As per your document No.289C-II, the said so called temple was demolished by Salar Masood in 1033 AD. Were the said temples of Allahabad, Banaras and Itawa were also demolished by the same invaders according to you?

Answer: In that part of my book in which mention has been made about the demolition of temples in eleventh century, that is the view of my colleague writer TP Verma. So, it is possible that there may be two temples in Ram Janam Bhoomi complex carrying the story of two temples, one after the other in 11th and 12th century and one temple might have been demolished by Salar Masood and afterwards after its renovation, the temple constructed during the period of Gahadwal dynasty in 12th century might have been demolished by Babar in 16th century, but the reference given here shows that the invasions which were taking place from 11 century from the eastern side of India, that may also be the time in this chain of any Muslim invasion. This invasion that was taking place in 11th and 12th century from the east, that was clear from the inscription of twenty lines that was found during the demolition of Ram Janam Bhoomi on 6 December 1992, which is still in the safe custody of Government of India at Ayodhya.

Question: Who were those invaders about which you have mentioned regarding the invasions of the 11th and 12th centuries?

Answer: I am an archaeologist and not a historian, but whatever little information is available from history, on that basis I can only say that at that

time Muslim invasions were taking place from the east of India from Gujarat to Uttar Pradesh, but who made the invasions at which place and when I cannot tell about this.

My knowledge about this is from the general books of History such as the "History of India" edited by R.C. Majumdar, which is in several volumes and each volume has its separate title. Besides, the above said information of mine is also based on "History of India" by Dr. Ishwari Prasad, a book by Dr. Majumdar and Dutta, the title of which is not remembered by me.

At this stage, the learned cross-examining advocate showed page No.158 (document No.289C-11180) of his book and asked the witness:

Question: Today in your statement, which is given on page No.139, you have said that "in that part of my book in which mention has been made about the demolition of temples in eleventh century, that is the view of my colleague writer T.P. Verma", whereas at page No.158 of chapter 11 of your book 289C-1, you have written that "Salar Masood demolished this renowned temple of Ram Janam Bhoomi in 1033 AD". Therefore, your above statement is wrong?

After seeing that document the witness said that:-

Answer: No, my this statement is totally correct because the extracts of the lines by the learned advocate, in a line above that I have written that "The co-author of this book Dr. Verma in his presidential

address in November 1995 in Gorakhpur session by giving its details had clearly stated that Salar Masood had invaded this area in 1032-1033 AD and on Sunday, the 4th June 1033, he was killed by Rao Sahar Dev or king Suhail Dev. Before that he camped in Satrakh (Saket or Ayodhya)." Its description in detail has been given by Abdul Rehman Chisti in "Mirat-e-Masoodi"

Verified after reading the statement

Sd/-

S.P.Gupta

12.6.2002

Typed by the stenographer in the open court on being dictated by me. In this continuation for cross-examination on 13.6.2002, be present on 13.6.2002.

Sd/-

Narendra Prasad

Commissioner

12.6.2002

Dated: 13.6.2002

Before: Commissioner, Shri Narendra Prasad, Additional District Judge/OSD, High Court, Lucknow bench, Lucknow.

OPW 3 - Dr. S.P. Gupta

(Commissioner appointed by order dated 21.3.2002/24.5.2002 passed by Special full bench of Hon'ble High Court, Allahabad, Lucknow bench, Lucknow, in case of Other Original Suit No.4/89 (Original Suit No.12/1961), Central Board of Waqf, UP etc. versus Gopal Singh Visharad and others).

(In continuation of dated 12.6.2002, cross-examination of OPW-3, Dr. Swaraj Prakash Gupta begins on oath).

The witness was shown page No.158 and 159 of his book document No.289C-1(No.289C-1/180 and document No.289C- 1/181), after seeing which, the witness stated that the portion on page No.158, extracts of which were given by me in my statement at page No.141, the paragraph in full which ends at page 159, was written by me from the presidential address of November 1995 of Dr. T.P. Verma. His aforesaid presidential address was distributed in a cyclostyled form and not published anywhere. Except his presidential address, I did not take recourse to any other source or book for writing my book and nor I asked Dr. T.P. Verma as on the basis of which book and source he had written the said facts because he himself wrote that his idea has been taken from "Mirat-e-Masoodi", which was a genuine source and which was written by Abdul Rehman Chisti. I have no personal knowledge as to in which language 'Mirat—e—Masoodi' was written and nor I have

read translation of that. After seeing said page No.158, document No.2\$9C- 1/180, the witness stated that the thing written on this page that he camped in Satrakh (Saket, Ayodhya), this has also been written by me from the presidential address of Dr. T.P. Verma. I have no personal knowledge if there is any place or not by name Satrakh in Ayodhya or Faizabad (Volunteer), but Dr. Verma did not say that Satrakh is any place in Ayodhya or Faizabad. According to him, Saket is called Satrakh. This idea is in conformity of linguistics because in philology such type of principles emancipate. I myself have nowhere read where Saket or Ayodhya is called Satrakh also because I am not a scholar of philology. My said book document No.289C-I, is not a book of philology, this will be called a book of 'History and Archaeology'. I myself have not read the name of Satrakh in any book of this type. I have not even heard the name of Satrakh. I do not know if there is any such place by this name in Barabanki district. I do not even know if Satrakh is situated 60-70 kms, away from Ayodhya or not. This is wrong to say that without any research or source, Dr. Verma has called Saket as Satrakh, but in my view because during that period, Saket was the name of a zone, which by scholars is called equivalent to Commissionery. Therefore, it is not strange that an area of 60-70 miles comes under Saket Zone. Therefore, the view of Dr. Verma could be correct.

Question: I want to say that Dr. Verma has wrongly written Satrakh as synonymous of Saket or Ayodhya, because Satrakh is a different place, which is situated between Lucknow and Faizabad and Satrakh has never been called as Saket?

Answer: The full answer to this question can be given by Dr.

Verma only, but in my view, it is a question of philology and a decision about this can be taken by a philologist or by the experts of the subjects such as ancient geography location and traditions.

The word Saket has been used for Saket Zone during 12th century, which includes Ayodhya. I am not an expert as to say till when Saket Zone word was used because I am an Archaeologist and not a Historian. I cannot tell whether at the time of Babar, Ayodhya was included in the Saket Zone or for that or that area some other word was being used. It is correct that in 'Babarnama', 'Aaudh' (Awadh) word has been used. The witness was shown page No. 11 2 of his book (document No.289C-1/134), after seeing which, the witness stated that the book 'Ayodhya Ka Itihas', written by a resident of Avadh Lala Sitaram, whose reference has been given on this page, have neither been read by me and nor I know anything about that. I cannot even tell if resident of Avadh Lala Sitaram was a historian and his said book is recognized as a book of history or not.

The fact of demolishing the famous temple in the year 1033 AD by Salar Masood, written by me on page 158 of my book, was also the view of Dr. T.P. Verma. I cannot say as to when the said temple was built and who built it. But among the remains found after 6 December 1992 at the site of Ram Janam Bhoomi, some of them prove that they were of the time prior to the 12th century.

Question: The stones which you say were found from the debris of the demolished Babri Masjid were of the period prior to 12th century, what are that and how many and who found them?

Answer: This is an stones on which broken images of Lord Vishnu have been carved in rectangular panels one by one and which have been published in my book also. I may not be able to tell as to who found it but when photos were being taken of stones in Ram Katha Kunj, at that time I also took a photograph of this. I have no further knowledge of this stones.

On 13th December 1992, I came to know about this stones for the first time. I was told by the people of Ram Katha Kunj that the said stones was also found from there, from where other stones were found, i.e. from the debris of disputed structure. At that time, there were some labourers and a few Government officials in Ram Katha Kunj. There was no person from Vishwa Hindu Parishad. On that day, this stones was outside the room. Alongwith it, many stones were lying. The said stones were lying outside the western room's gate in Ram Katha Kunj. At that time, approximately 250 or more stones were lying there. These stones were lying in the shape of a heap, a few yards away from the western gate and wall. At that time, it was not rounded up by any wire or rope on its four sides. Some stones were lying one upon the other whereas some stones were lying individually. At that time, there were persons around it who looked like policemen, but I cannot say about their identity. I did not take any written permission from the District Magistrate or any other officer, nor any oral permission was taken. I took my own camera alongwith me. I took photos of few stones only from my camera. Just possible, I photographed 40-50 stones. I had taken photographs in two reels, in which one reel contains approximately 35-36 photos. On 13th December 1992, I remained there, i.e. in Ram Katha Kunj for nearly two and a half hours. At that

time, Dr. Sudha Mallayya and Shri Ashok Chatterjee was also there with me, who was a journalist from Faizabad with which paper Shri Ashok Chatterjee was associated, is not known to me. Dr. (Mrs.) Sudha Mallayya also took some photographs from her camera. It is possible Dr. Sudha Mallayya might have taken more photographs there than me.

Question: The aforesaid stones about which you have told that it was of the early period of 12th century, when did you come to know that it was of the early 12th century?

Answer: After seeing it on that day itself, i.e. on 13th December 1992, it was clear that from the point of view of its art style, the images carved on this stones were of the period prior to the carvings of other stones and the decay which occurred on these stones was due to weather and which takes enough time, on that basis I found that it may belong to earlier than 12th century. The photograph of that stones is in my book at 289C-1. The witness was shown his book document No.289C-1. After seeing which the witness said that the published picture No.1 in document No.289C-1/215 is the photo of that same stones I did not ask Sudha Mallayyaji any such question as from where the said stones was found. Sudha Mallayyaji herself told me that on 6th December 1992 she was there in Ayodhya. On this subject, I have no personal knowledge about it.

Question : In introduction and chapter 11 of your book document No 289C-1 whatsoever has been written by you about things relating to history, have you written about them on the basis of

some history books/sources or mere on saying or telling by Dr. T.P. Verma?

Answer.: Most of the information in it I got from my co—writer Dr. T P Verma, but I have also read a few books on history. On that basis, I have analysed as per my discretion.

In yesterday's statement on page 140, the title of the book of Dr. Majumdar and Dutta, whose reference was given in "An advance History of India", which has been written by R.C. Majumdar, Ex. Vice-Chancellor Dhaka University, Shri S.C. Ray Choudhury, Prof., Calcutta University, Kalikinkar Dutta, Ex.Vice-Chancellor, Patna University..I had studied this book in MA. After that, I have not studied this book. Yesterday, the three books referred to on page No.140 of my statement are all considered as authentic books on history. In writing my book, document No.289C-1, I have not taken the recourse of these three books. In writing this book, document No.289C-1, I made only 'Babarnama', as the base after reading a portion of it, which was translated into English by Mrs. Brewarjee. As per my knowledge, the English translation of 'Babarnama's' Persian translation was by 'Mister Arskin', but I did not study that. I do not know about the translation of Babarnama done by Theikiston nor I have read or heard about that. In writing my book document No.289C-1, I have read no other book except the Babarnama translated by Mrs. Brewarjee, nor the portion written by me of that book is based on any other history book except the said Babarnama. I have seen the book "The wonder that was India" written by A.L. Basham, at a cursory glance. I have not read his second book "A culture and History of India", which was edited by him and not written. Shri A.L. Basham actually used to be a Professor in London University and

only in the last year, he went to Australia and became a Professor in Canberra University. Historians treat his books as authentic, but a group of historians do not fully consider his books as authentic. I have not read the book "The Culture and Civilization of Ancient India in Historical Outline", which is written by D.D. Kaushambi. This book is under dispute. With regard to this, some scholars are of the opinion that this is inspired by a particular political ideology. Which scholars are of this view? I cannot tell, but this much I know that students talk with regard to the subject of this book. I have seen Nayan Jyoti Lahiri's book "The decline and fall of the Indus Civilization", but this is also an edited book, it has not been written by her and I have read it at a cursory glance. Although Nayan Jyoti Lahiri is considered an archaeologist, but she teaches in History Department of Delhi University and is a Reader. I have read Ramshanker Tripathi's book "History of Ancient India" during my student life. This is also called an authentic book of history. I do not know about Surjit Mansingh book "Historical dictionary of India". I have not read the book, namely "Khulasutu-tetawareek", written by Sujan Ray Bhandari, nor have any knowledge about it. I have no knowledge of the book titled "Phava-e-dui-fāvat or its translation. I have no knowledge even about the book, titled "Khairul Majajis" or its translation. I knew Prof. Khaliq Ahmed Nijami, personally, who was a Professor in the History Department of Aligarh University, but I have not read the books written or edited by him, because I am not a historian. I have read the book "Early travels in India, 1583-1619" edited by William Foster; at a cursory glance many years ago. This contains travel details of William Finch. I have read travel details of William Finch also summarily. The book titled 'Catalogue of Historical Document in Kapaddwar, Jaipur', which was edited by Gopal Narain Bahura and Chandra Mani Singh

was also read by me summarily. This catalogue contains a map of Ayodhya of eighteenth century, the picture of which I had seen very early. This map picture was also seen by me a few years ago.

In connection with research work on art history, a few of the books, which I studied are as follows: "The Mauryan Art", by Professor Nihar Ranjan Ray, "Indian Sculpture." by Professor S.K. Saraswati, "The temples of Khajuraho", by Krishan Dev, "The excavation at Kumrahar", by Shri V.K. Mishra (this name differ with a few words either way) etc. From the view of personal research, I have done special work on Maurya and Shung period. Maurya and Shung kingdom was spread over in the whole country except a part of South India. Therefore, in a way this is a study of art, and architecture of the whole India prevalent during that period. Out of it Maurya period happened first and Shung period was later. Maurya period was prevalent from 3rd century BC to 185 BC. Shung period was from 185 BC to approximately 70 BC, but historians mix up sometimes Kanav dynasty also with this and sometimes kept it afterwards. If Kanav dynasty is also mixed up with this, then take the last phase of BC (approximately 25 years BC) upto this period. I have studied about the period after this, but I have written no separate book on it. It is being written and will be published shortly. I have studied art and architecture of 12th century, it is with relation to a particular area, in which I kept apart the architecture and art of South India. A special study was done of some particular areas of north India and a few areas have been studied summarily. The areas of special studies are: Uttar Pradesh, Madhya Pradesh, Bihar, Haryana, Punjab, Uttranchal etc. The kingdom and Rajgharanas of these areas, about which special studies were done, are as follows: Kushan, Gupta,

Vakataka, Maitrak, Parmar, Pratihara and Gahadwal, The period of Kushan was from first century to third century, Gupta period from fourth to sixth century, Vakataka — fifth — sixth century, Maitrak sixth century, Parmar — seventh-eighth century, Pratihara — ninth-tenth century, Gahadwal — upto twelfth century. The area of Kushan included Ayodhya also and the area of Kushan is known from Central Asia to Varanasi. During Gupta period, the portion of north India was ruled by Gupta Kings, which included Ayodhya also. Vakataka area was only of Maharashtra, the area of Maitrak was Rajasthan. The area of Parmaras was Madhya Pradesh. As per my knowledge, Ayodhya was not included in the area of Parmaras, but I cannot tell about this fully. About Vakataka and Maitrak I can say that Ayodhya was not included in that. May be Ayodhya was included at the time of Pratiharas. But I cannot tell about it fully. Most of the area of Pratiharas was Madhya Pradesh. I cannot say if any portion of the present UP was included in that or not.

Question: During the period of Maitrak and Parmar dynasty, whether any portion of present UP was included in the boundaries of their state or not?

Answer: These are historical questions and about them, I cannot fully tell anything with authenticity.

Question: If you do not know the boundaries of any State then how during exploration and excavation of that area as an Archeologist can you tell about that as to which state of kingdom that excavation relates?

Answer: In archaeology, the whole investigation is carried out on the basis of articles found during excavation, because it is possible that any part of a province being situated in any state may not have any article of architecture or art value from

the point of view of an archaeologist. Due to that an archaeologist will never found any such thing during excavation and even if his studies are complete from the point of view of archaeology but from the point of history it can be an incomplete study. So it is not necessary for an archaeologist to know everything about history, although it may be desirable.

Question: Is it necessary for an archaeologist to obtain all necessary information about the kingdom and kings of that area where he is going to explore and excavate?

Answer: Whenever any archaeologist goes for exploration or excavation of any area and does work there, then he collects generally all the information of that area, but its detailed information is obtained only when he finds any special item during exploration and excavation, whether it is a coin or document. Afterwards after doing special investigation and research he tries to find out the dynasty to which that belongs. Many times, new evidences come to the fore, which have no mention anywhere in the history.

Exploration and excavations of any site related to Maitrak and Parmar kingdom, which we call site exploration and excavation was not done. As I have said earlier, inscription (rock), which is a part of architecture, I have seen that but I did not see any coin or inscription.

I have seen rocks of Parmar and Maitrak period as remains of their temples. Most of the rocks were seen in Museums. By going to Maitrak and Parmar related kingdom.

I have not seen any rocks belonging to that period. Rocks belonging to Maitrak period have been seen by me in the National Museum, New Delhi. There is a rock of that period which is considered as of sixth century AD. Rocks belonging to Parmar period were seen by me in Gwalior Museum many years ago, but number is not known, but there were many. These were specially of 7th and 8th century but a few rocks in this style are considered to be of ninth century, which I saw in Gwalior Museum, this much I remember. Remains of Kushan period, which include coins and rocks also, I have seen in National Museum, New Delhi and Allahabad. I cannot tell their correct number, but there are many.

Question: Did you undertake any exploration of excavation work related to Kushan period or not and did you find any archaeological material there or not?

Answer: At the time of excavation at Ram Janam Bhoomi mound in Ayodhya and Kaushambi, I found remains of Kushan period. It included earthen wares and earthen idols and remains of brick walls.

Remains of Kaushambi, which are protected in Prof. G.R. Sharma Memorial Museum, Allahabad University, whereas brick walls found at Ram Janam Bhoomi site, may be buried here and there, whereas idols of baked earth are with Shri Soni (whose full name I do not know) of Ayodhya, which I have published in my book of new archaeological finds. There is a probability that the earthen wares found there may be in the ancient history department of Awadh, because in that excavation, Vice-chancellor Prof. Nautiyal and Dr. Mishra etc. of that department were associated and they took the finds alongwith them.

The experts of Awadh University, who took those articles for their Department, their number may be approximately fifty. Shri Soni showed me only three or four objects. Those objects are with Shri Soni, Journalist. I did not get them, they are with Shri Soniji, who showed me those articles. As I have published in new archaeological finds, these earthen idols are of Kushan period. These earthen idols belong to first and second century of Kushan period. I have decided their period on stylistic grounds.

At this stage, the witness was shown the book titled "Ram Janam Bhoomi Ayodhya new archaeological finds" filed in Other Original Suit No.5/89 document No.118C-I/35, and was asked as to on which page of this book the pictures of remains of Kushan period are published? After seeing the book the witness said that the picture shown on below the page No. 14 on right hand side is of a hand of idol of Kushan period and the picture printed on page 15 and page 16 above the right hand painting is included in the remains of Kushan period. On page No.16 of the said book, the painting above on right hand side its original remains may be either with Soniji or may be with the people of Awadh University. It seems to me that they may probably be with Awadh University, which I had sketched only because I had no camera at that time, but I do not fully remember about it. Shri Soni showed me aforesaid objects in Ayodhya and prepared the painting which is given on page No.16 above right hand side. After that I never saw that idol, nor did I ever try to take the photograph. Aforesaid remains might have been with me in Ayodhya for approximately half or one hour and on stylistic grounds, I decided at that time only that this was of Kushan period. This was the month of July 1992, third week. Besides me,

Dr. K.M. Srivastava also saw that and he was also of the same opinion about its period. There is no report of his in this respect. I did not inform Archaeological Survey of India or Archaeology Department of Government of Uttar Pradesh, about this find.

Question: As an archaeologist was it not your duty to inform Archaeological Survey of India and Archaeology Department of Government of Uttar Pradesh, about this find?

Answer: There is no compulsion to inform or not to inform the Government, but if I had given it would have been good.

Because this object was not in my collection, therefore, there was no compulsion on to me to inform. I treat this find as antiquity because it is more than 100 years old. The picture given on page No.4 below right side in book document No.118C-1/35 and on page 15 are the photographs of those remains which were shown to me by Shri Soni in Avodhya in the third week of July 1992, and I took this photograph there itself, as I remember, by my own camera. The original remains of aforesaid both the pictures I must have seen for, approximately half an hour and after that I returned them to Shri Soni and on stylistic ground, it struck me then and there that these remains also belong to Kushan period. At that time, Shri K.M. Srivastava was also present and he was also of the same opinion but there is no question of his writing the report because it was mainly my subject, his subject was secondary. I did not inform about these remains also to Archaeological Survey of India or State Archaeology Department, UP, nor did I consider it necessary to give any information because these articles were of Soniji and he took those objects at that time itself.

In the picture at page No.14, which is given below that and in the picture on page No.15 of book document No.118C-1/35, neither at the bottom nor above, nowhere it is written that these are the pictures of the remains which belong to Kushan period. But in the last lines of the book, it has been clearly written in Hindi and English that the pictures of baked soil, which are printed here, belong to Kushan period.

Verified after reading the statement

Sd/-

S.P.Gupta

13.6.2002

Typed by the stenographer in the open court on being dictated by me. In continuation of this for further cross-examination, be present on 14.6.2002.

Sd/-

Narendra Prasad

Commissioner

13.6.2002

Dated 14.6.2002

Before: Commissioner, Shri Narendra Prasad, Additional District Judge/OSD, High Court, Lucknow bench, Lucknow.

O.P.W.-3 - Dr. S.P. Gupta

(Commissioner appointed by order dated 21.3.2002/24.5.2002 passed by Special full bench of Hon'ble High Court, Allahabad, Lucknow bench. Lucknow, in case of Other Original Suit No.4/89 (Original Suit No.12/1961), Central Board of Waqf, UP etc. versus Gopal Singh Visharad and others).

(In continuation of dated 13.6.2002, cross-examination of OPW-3, Dr. Swaraj Prakash Gupta begins on oath).

On 13th December 1992, I reached Faizabad by train and from there I reached Ayodhya. I do not know whether there was curfew in Ayodhya on that day or not. Nobody prevented me, so I did not feel that there was curfew. From Faizabad station, I straightway reached Ram Katha Kunj. After visiting that place, I came to Shan-e-Avadh hotel in Faizabad for lunch and after that I returned back to Delhi. Dr. Sudha Mallayya came along with me from Delhi and returned to Delhi along with me. While going to Ayodhya from Faizabad or in Ayodhya, I did not meet any important person. In Shan-e-Avadh hotel at Faizabad a few journalists came to me during lunch. On that day, I saw a very few people in Ayodhya and Faizabad. After showing his book document No.289C-1 and picture No.1 in 289/215, the witness was asked by the learned cross-examining advocate that which pictures are seen carved in the photo, as you have stated in your statement. After seeing the

photograph, the witness stated that in this picture there are three rectangular panels, which have been marked as 'A', 'B', 'C'. A and B are above and below respectively whereas C is in the side. In addition, the witness marked the three panels with red ink and signed the bench copy, which is a photostat copy, of the book. Showing page No.147 of his statement of 13.6.2002, the witness was told about the following line 'Baki aur shilakhandon per ukere huae chitra ke pehle ka hai" and was asked as to which were the rest rocks, and where are they. Seeing that the witness said that as he has already said there were more than 250 stones kept in Ram Katha Kunj, I meant by those rocks.

Question: I specially want to know about those rocks on which pictures of that type were carved as you have said in picture No.1 in document No.289C-1/215?

Answer: I did not mean that the picture of Lord Vishnu, which is given in document No.289C-1/215, the same picture also appears in other photographs. I meant that the other rocks lying there contained the pictures of other God and Goddesses, the date of which, on the basis of art style, falls as the period after the period of this picture. Their period is based on art style. Two pictures out of those are published besides that and below that document No.289C-1/215, the number of which is two and three. As per my view these two photos belong to 12th century and both were lying there and I saw them at that time and took their photos.

I was also told that the aforesaid rock and all other stones, which were at that time lying in Ram Katha Kunj

and I saw them, all were lying in the debris and were found on 6 December 1992 from the debris, which were more than 250 in Nos. After showing the pictures to witness, which were part of document No.289C— 1/215, he was asked about the difference between the carvings and structure of the rocks in photograph No. 1 and 2, which as per your statement, are respectively being told of 11th and 12th century. After seeing the said pictures, the witness stated that picture No. 1 can be of 10th or 11th century, whereas picture No.2 and 3 are of 12th century, because of following reasons:

1. The rock shown in picture No. 1 is decayed, i.e. it is weathered decaying is a long process, which is natural and in it, this is very ordinary to continue between 100-200 years. Therefore, when we compare this with the picture No.2 and 3, then we see that picture No.2 and 3 are more fresh and the engravings are clear and from that we can conclude that both these rocks are of later period and there is no weathering impact on them, i.e. had the rock of picture No.1 and rocks of picture No.2 and 3 been of the same period then both would have the effect of same weathering as is seen in that rock, the photo of which is given in picture No.1.
2. Although, to say in general, whatever engravings have been done in the temples of Nagar style of north India, their style is almost similar, but even then sometimes we see that in the art of 12 century, some terseness appears and the lines have a leaning towards craftsmanship, i.e. leaning towards art is more, which is natural, is that decreases.

During 10-11th century from the point of view of art, there was more liberty and artists were given free hand to show part of the body in any way and could mould the body, but during 1st century and afterwards their liberty came under restrictions by canons and regulations as mentioned in the classical books and instead of art the skills were given more prominence.

On the basis of these three characteristics of art, my view is that the period of pictures given in photograph No.1 is 100-200 years old then the photos given in picture No.2 and 3.

Question: if any idol or rock remains embedded ten-twelve feet beneath the earth for 400-500 years then while excavating it, it will have the effect of decay or weathering?

Answer: It is not necessary that it gets decayed and weathered because decaying and weathering, as I have said, is a natural process which will depend upon the nature of 'soil', in which it is embedded, but if that rock is outside the structure then also it will have two kind of weathering automatically — one is called 'Physical weathering' and the other is called 'Chemicals weathering'. In my view, this rock was attached in the temple and physical and chemical weathering did affect it.

Question: We would like to know as to in which 'soil' there is more decaying and weathering and in which 'soil' there is no decay or weathering at all?

Answer: I am not a 'soil' scientist so I cannot give its answer fully, but this much I definitely know that

the 'soil' which contains more 'salts' has the more affect of weathering and decaying.

I cannot tell about a soil which has no weathering effect at all.

Question: What kind of 'mortar' was used in the structure of Babri Masjid?

Answer: The correct answer to this can be given only on the basis of chemical analysis, but during 16th century when this structure was constructed, mortar was made of lime, gravels and small pieces of bricks and most probably same might have been used in that structure.

Question: During 16th century, any kind of soil was used or not in the mortar of such buildings?

Answer: As I have said that my knowledge in this subject is limited and its correct answer can be found only after doing chemical analysis at various sites, but broadly speaking such kind of mortar, which I mentioned above was used in such buildings merely earth was used seldomly because it is not capable of joining the stones and keeping bricks together. Before 1992, I had seen the structure 10-12 times. I had seen the wall etc. (front and back) also.

Question: Can you tell as what kind of mortar was there on the wall of Babri Masjid and which material was used to prepare it and what type of bricks and mortar was used in the walls and floors?

Answer: As per my rough knowledge, bricks and stones — both were used in the building. For dome, bricks and for pillars and walls, stones were used.

Outside boundary wall is not included in it. For outside boundary wall, bricks and stones both were used. About the mortar used, the full facts can be known after chemical analysis, but broadly speaking lime plaster was used. About floor also, as per my limited information, it seems that lime and gravel and at some places pieces of stones appeared to have been used.

I had never measured the exact thickness of the walls of building which was having dome, but just possible that the western wall might be more thick as compared to other walls.

Question: Can you tell and estimate about the thickness of the western wall, i.e. 2-3-4 feet or more than that or less?

Answer: I cannot tell even by estimating it. I cannot even tell as to what was the height of the building containing dome from outside or inside.

Question: Can you tell by guessing that the height of the building containing dome was 20-22 feet in height or more or less than that?

Answer: I may not be able to guess it.

Question: Can you tell by guessing as to what may be the height of the walls of this court No.17, where you are giving the statement and what may be the length and width of this court room?

Answer: I cannot guess it.

I do not remember if bricks were used or not alongside stones in the western wall of the building, which

was having dome. As far as I remember, I had seen the western part of the building having dome last time in July 1992. In July 1992, I went twice to Ayodhya in the first and the third week.

In the first week, Shri Grover also went to Ayodhya alongwith me and Shri Grover stayed there even after 3rd July, 1992 after our return from there.

At this stage, the learned cross-examining advocate showed the book "Ek drastikon: Ram Janam Bhoomi, Babri Masjid Vivad", written by Shri Ram' Sharan Srivastava, and also its cover page and photocopies of five other pages, which were filed alongwith document No.296C—1, which were numbered as document No.296C—1/1 to 296C—1/6, by showing this the cross- examining advocate questioned that-

Question: On page No.32 of this book, the photocopy of which is in document No.296C-1/5, the date of your and Dr. K.M. Srivastava going to Ayodhya is written as 22 and 23 July 1992, whereas you are telling about your going in first and third week. In this respect, is the fact given in the book is true or your statement?

(On this question, the learned advocate of defendant No.2 in Other Original Suit No.4/89 Shri M.M. Pandey and learned advocate of plaintiffs in Other Original Suit No.5/89 Shri Ved Prakash objected that this witness has neither made the book under reference as basis of research nor he has told about the book in his statement and the book under reference is not authentic, on the basis of which the witness is being confronted. Also, on this page itself the

name of Dr. S.K. Gupta and Dr. K.N. Srivastava is also given and about whom the witness has not given any statement.)

Answer: I did not see the book earlier and nor do I consider this book as authentic. I can only answer after seeing the book, written by me, I can say as authentic and the statement which has been given by me is correct.

Question: As per your statement Prof. B.R. Grover went alongwith you to Ayodhya on 2nd July 1992, but on page 32 of this book, a photocopy of which is filed, it is written that he was in Ayodhya from 4th to 8th July. In this respect, is your statement correct or this book?

Answer: In my statement and particulars in this book are not contradictory because as per my knowledge, Prof. Grover went to Ayodhya on 2nd and 3rd July along with me and whereas we returned to Delhi on 3rd July, but Prof. Grover stayed in Ayodhya, the mention of which in this book appears to be correct.

After showing photo printed on cover page and first page after cover page of the book filed with document No.118C-1/35, in Other Original Suit Nb.5/89, the learned cross-examining advocate asked the date on which this photo was taken, then the witness said that the photo was taken on 2nd July 1992. Similarly, by showing photo published on page 3 of the book, the learned advocate asked as to when this photo was taken the witness seeing that said that this photo was taken at a time when I went to Ayodhya in July 1992 and I did section scrapping. Similarly,

the witness was shown a photo printed on the right hand side of page 4 of this book, by learned advocate, who asked him as to when this photo was taken. Then the witness stated that the photo was also taken at that time when I went to Ayodhya in July 1992 (third week) for doing scrapping.

Prof. Grover was also present in Ayodhya when these photographs were taken, he was along with me on the site. He was not included in any photograph because he was not an archaeologist and did not participate in scrapping. It is absolutely not correct that I created obstacle in the passing of resolution against demolition of Babri Masjid.

The conference of World Archaeology Congress Conference was held in 1994 in Delhi.

At this stage, the learned cross-examining advocate filed Photostat copies of Vol.72, No.278 from Antiquity Journal in document No.297C-1 (Title page, content page of December 1998 issue and page No.747 to 753, document No.297C-1/9) and after showing the same to the witness asked that-

Question: As per report published in this journal, the resolution, which could not be passed in Delhi against the demolition of Babri Masjid, was passed in inter-conference held in Croatia and World Archaeological Congress got itself detached from the session held in Delhi as is clear from the document 297C-1/3 and 297C-1/4.

(On this question, the learned advocate of defendant: No.2 in the Original Suit No.4/89 Shri M.M. Pandey and

learned advocate of plaintiffs in Other Original Suit No.3/89 Shri Ved Prakash and learned advocate of defendant No.20 in Other Original Suit No.4/89 Shri S.P. Pandey objected that this evidence is not admissible and is not relevant and this original journal, from which this portion is claimed to have been taken, is not before the court, also on general basis the witness is being questioned.)

Answer: After seeing the above-mentioned papers, the witness stated that World Archaeological Congress was established as an academic institution and I was its member since its first session and I was elected by the Archaeologists of the world over and was elected senior representative of whole south and south-east Asia. Since then upto eight years period, I was considered an impartial and archaeologist of high quality by this institution, but when its session was held in Delhi in 1994 and the disputed structure was demolished before this date in 1992 and after that whatever archaeological evidence was possible and on that basis with an impartial view and full integrity and with full devotion towards the subject, I told all the delegates that the so called Babri Masjid was constructed after demolishing a Hindu temple, then on this the communist historians of India put up a strong lobby and wrote against me vehemently, the reasons of which I am not able to understand even today that a person who was so dear to the Archaeologist of the world over for eight years, why he was suddenly declared a supporter of a particular ideology. My answer is that this is a political game and no intellectual,

honest or scholar of archaeology is concerned with it. This is considered as an internal affair of institutions, which has nothing to do with my intellect.

Question: Prof. Willy Kichan, about whose articles you have said in document No.297C-1/3 to document No.297C-1/6, that the communist historians of India had conspired against you, then whether Prof. Willy Kichan also is of Indian origin and a communist?

Answer: Prof. Kichan is a racist, imperialist and Marxist scholar.

Question: In document No.297C-116 of this report, it is written that since Shri Lal and Shri Gupta had misled the executive of the W.A.C., so they should be expelled from the organization. What happened in this respect?

Answer: Prof Kichan's this view did not get any support from several other scholars of W.A.C. This organization did not expel me or Prof Lal through any letter till today.

Verified after reading the statement

Sd/-
14 .6 .2002

Typed by the stenographer in the open court on being dictated by me. In continuation of this for further cross-examination, be present on 27.6.2002.

Sd/-
Narendra Prasad
Commissioner
14.6.2002

**Before Hon'ble Special Full Bench, High Court,
Allahabad, Lucknow bench, Lucknow**

Dated 9.7.2002

(In continuation of dated 14.6.2002, cross-examination of OPW-3 - Dr. Swaraj Prakash Gupta begins on oath).

I was known to Shri Devki Nandan Aggrawal since birth, who is plaintiff in this case. His house was in our mohalla. Regarding Ayodhya Ram Mandir, My talks with him started around 1975. At present, I do not know that by that time, he was a judge in High Court or not. I do not remember whether Ram Janam Bhoomi 'yaggya samiti' or Ram Janam Bhoomi renovation samiti was formed in 1983 or so or not? I do not even remember whether any sankalp yatra' came from Sitamadhi to Ayodhya to liberate Ram Janam Bhoomi or not. I have also no knowledge whether any agitation had started to liberate Ram Janam Bhoomi in 1983 or 1984 or not. I have also no knowledge about the time when Babri Masjid was unlocked. I also do not remember whether it was unlocked in 1986 or not. From newspapers, I came to know about the agitation to liberate Ram Janam Bhoomi. At present, I do not remember when this agitation started. From newspapers, I came to know that this agitation is continuing till today. I have no personal knowledge about the agitation of Ram Janam Bhoomi. Through newspapers, I have come to know that this agitation is being run by the Vishwa Hindu Parishad. I have personal knowledge that amongst Vishwa Hindu Parishad leaders Ashok Singhal and Acharya Giriraj Kishore Ji are the prominent leaders. As far as I remember that my last meeting with these two leaders took place a

year ago. This meeting took place in Delhi. With these leaders, I had talks regarding archaeology. I had no talks regarding my evidence in the case going on in this court. My articles were being published regarding archaeology in respect of Ram Janam Bhoomi and they expressed a desire that I should publish these articles in a shape of a book. When I met with these leaders at that time, my book, which is filed in this case vide document No.289C-I/I, was under publication, i.e. was not published. My talks with them were held with regard to publication of another book.

I have no knowledge about the time when Shri Devki Nandan Aggrawal joined Ram Janam Bhoomi liberation agitation, but this much I know that he was included in it. I do not know if I was made a witness in the case in which I am giving statement, by Devki Nandan Aggrawal, but this is possible. Whether I have to depose in this case or not, I had no talks with Devki Nandan Aggrawal directly on this point. These discussions were related to the case and evidence both. I do not know as to when Shri Devki Nandan Aggrawal prepared the application for filing suit in this case. In 1988-89 I had no talks with Shri Devki Nandan Aggrawal regarding filing of the case. I never told Shri Devki Nandan Aggrawal that at the place where Babri Masjid was constructed, there existed a temple constructed by Vikramaditya. Approximately in 1990-91, I had informed Shri Devki Nanda Aggrawal that where there was Babri Masjid, there may have been a temple constructed by some Gahadwal king, but I did not tell this to him in 1988-89. When I saw the Babri Masjid in 1975 from inside and after seeing the pillars fixed in it, I guessed that there may be a temple which was perhaps of 11th or 12th century. Because in 12th century Gahadwal kings used to rule there, so my assumption was that just possible there might have been a

temple constructed during the time of Gahadwal kings. Till that time, I did not know if that temple was constructed by some Gahadwal king or not, then said that even today, I do not know as to which Gahadwal king constructed that temple. Volunteer that document experts told me that temple was constructed by some local king under Raja Govind Chandra of Gahadwal dynasty. This is true that the fact that the temple was constructed during the time of Gahadwal kings, was itself not revealed by research but I came to know by reading the document of others. By documents, I mean inscriptions. I am not an expert of documents, i.e. inscriptions. Therefore, my knowledge is based on the documents read by others. These documents came to light only after demolition of the structure, i.e. Babri Masjid in 1992. This is correct that there was no question of reading the documents before 1992. No document was recovered before 1992, nor it was read. In October 1992, one letter written on a pillar fixed in the disputed structure was read. That letter was read as Shree. This letter 'Shree' was seen and read by Shri Ratan Chandra Aggarwal, archaeologist, who by that time had retired and had come to Ayodhya to participate in a three days seminar but I did not write any article on it, It was his oral opinion and is not available in writing. When Shri Ratan Chandra Aggarwal read that letter, then I was also with him. This letter was carved on the pillar fixed on the right hand side of inner middle door of Babri Masjid.

(The learned cross-examining advocate invited witness's attention towards picture No. 117 of the colour album of disputed structure prepared by UP Archaeological organization), seeing which the witness said that it was picture of the outer pillar of the middle door of the disputed structure, but I cannot tell if that word 'Shree' was written

or not, which was read by Shri Ratan Chandra Aggarwal. On this issue, witness's attention was drawn towards the pictures of black and white album and pictures of colour album, seeing this witness stated that I am not able to identify the pillar on which 'Shree' was engraved. That pillar was fixed in northern part of the middle door of Masjid. The photograph of that pillar was taken by me on that day after seeing the word 'Shree'. As there was no need for it, so did not take the permission of the District Magistrate or receiver. I had taken the photo of the pillar which contained the word 'Shree', and got that published, but at this juncture, I do not remember when and where it was published. That part of the pillar was photographed by other persons also. At that time, there were forty scholars present, out of which many persons took photograph of that portion of the pillar. As far as I remember, besides me, none else has published that photograph nor has written anything about that. I did not publish that portion of the pillar on which 'Shree' word was engraved in this book also which has been filed in this case No.289C-I/I, although that picture is still available with me. On the aforesaid pillar, the word 'Shree' was written in Nagri script.

This is true that only Epigraphist can tell the century in which that word 'Shree' was written on the said pillar. I did not express any of my opinion in this respect; I cannot give opinion, because I am not an Epigraphist. Besides Shri Ratan Chandra Aggarwal, many more Epigraphists who were present there, also expressed the view that this word 'Shree' might have been written in 2 century. This opinion was expressed on the site by these persons on that day itself, i.e. in the Masjid after seeing that. We were there in the campus of the Masjid for about an hour. During that time, all saw fourteen pillars fixed in the Masjid. We studied

all signs and pictures engraved on the pillars. Besides this, the study of Masjid i.e. disputed structure was done with the objective to know the century of which this structure can be. During that time, we all studied the outer wall and outer and inner floor of the disputed structure and we also studied as to which kind of mortar and other material was used, on the basis of which its construction period can be decided. Both outer gates, i.e. eastern and northern doors of the disputed site were also studied. We studied the outer courtyard also of the disputed structure where there was Sita Rasoi and Chabutra of Ram Janam Bhoomi. Broadly speaking, we studied all the walls surrounding outside the structure.

I do not remember if there was any other structure besides fourteen pillars, which may prove that it pertained to the earlier period than the sixteenth century. Besides fourteen pillars, there was no other portion or structure to show that it was constructed before sixteenth century. Volunteer that only one portion of a big idol beneath the outer boundary wall was available to be seen by forty scholars, which was called the idol of Varah, and this was the view of a few scholars also. But on that Varah God, no scholar did write any article. This idol was constructed below the outer eastern wall and in my view, it was of stone. The carving on that idol was defaced and was not very clear. Volunteer that by seeing that it seemed that there might have been an attempt to deface the carving details in the ancient period. Because carvings on that picture were not very clear so I could not decide about the period of that, but the scholars present there were of the view that it could be of 12th century. Till today, I have not expressed any written opinion about that idol nor any other scholar has done so. I did not publish that picture in my book, which is

filed in this case and the document No. is 289C-1/1, whereas I and other scholars, who were with me, had taken the photograph of that idol. In my earlier statement, which is on page 31, I have said that the word 'Shree' was engraved on two pillars and out of which, one was fixed in cantonment, Faizabad, which was in the three corner park and other was in the disputed structure. It is true that in my aforesaid earlier statement I have said word 'Si'. In 12th century 'Si' was also called 'Shree'. The four pillars at the gate of middle dome of disputed structure seemed also of tile similar type. This is true that there may be some difference in that. (The learned cross-examining advocate invited witness's attention towards picture Nos. 46 to 54 of the colour album of the disputed structure prepared by the UP Archaeology organization and asked whether any pillar out of these is of middle door or not, which you call as of four pillars). Seeing this, the witness said that no photograph seems to be of the pillar of middle door. Similarly, after seeing picture No. 105 to 127, the witness said that these pillars seem to be of the middle door of disputed structure. The length, height and carvings on these pillars appears to be almost similar. Similarly, after seeing picture No. 136 to 147, the witness stated that at this time after seeing these pictures, I cannot fully tell that these pictures are of the four pillars which were fixed in the middle door or not. Just possible that picture No.136, in it may probably be of one pillar of the middle door. Similarly, after seeing the picture No.157 to 167, the witness stated that at present I am not in a position to tell whether the said pictures are of those pillars or not, which were fixed on the outside of middle door of structure. Similarly, after seeing picture No.176 to 200, the witness stated that tile picture shown of the pillars does not seem to be of the middle door of the four pillars of disputed structure. (On

this point, the learned cross-examining advocate invited witness's attention towards picture No.25 to 27 of the black and white album, seeing which the witness stated that these are probably not the pillars of middle door of disputed structure. Similarly, after seeing the pictures number 55 to 66 of the same album, the witness stated that these are probably a few pictures of the four pillars of the middle door of disputed structure. Similarly, after seeing picture Nos. 71 to 76 of the same album, the witness stated that out of these picture Nos. 71 and 72 may probably be the pictures of pillars fixed in middle door of the disputed structure. Similarly, after seeing picture No.86 to 91, the witness stated that by seeing these pictures, I can say nothing, i.e. whether this picture is of the four pillars fixed in the middle door of disputed structure or not. Like this, after seeing picture Nos. 95 to 106 of the album, the witness stated that the picture Nos.96 to 98 may be of one of the four pillars, picture Nos. 99 to 106 may probably be of one of the four pillars. Similarly, after seeing the pictures No. 136 to 141 of the colour album prepared by UP Archaeology organization, the witness stated that probably all these pictures are of the same pillar. Like picture Nos. 104 to 109 of the same album probably seem of the same pillar. Similarly, picture Nos.49 and 50 seem to be of one pillar. Both these pictures may be of the front door of the middle dome, but I cannot say it firmly. Picture No.53 cannot be of one of the said pillars, probably may be a portion of picture No.54, which has been shown in picture No.49. Picture No.52 may also probably be of the pillars shown in picture Nos. 49 and 50. After seeing picture Nos. 95 to 98 of black and white album prepared by UP Archaeology organization, the witness stated that these does not seem of the same pillar. The pillars shown in picture Nos. 55 to 57 of this album does not seem of the same pillar. Picture Nos. 58 to 60 of the

album seem to be of the same pillar. The picture of pillar shown in Nos. 61 and 62 may be of the same pillar, but I cannot say about picture Nos. 63 and 64. Again said that the pillars shown in picture Nos. 61 and 62 are also of the same pillar or not because these were taken of the different parts.

(Learned cross-examining advocate invited witness's attention towards picture Nos. 19 to 26 of the document No.286C-1), after seeing which the witness stated that picture No. 19 is a photo of pillars found in the disputed structure. Two pillars shown in picture No. 19 are complete; no portion of these pillars is broken in length. It is correct to say that the pillar shown in picture No.26 is also of complete pillar. In this way, pillars shown in picture No.61 and 62 in this album are of the disputed structure. I have seen and studied the fourteen pillars fixed in the disputed structure. The picture of these pillars might definitely be with me after 1990 or thereafter.

In the pictures from 103 to 105 in album No.20 in picture No.103 no carving is seen but in picture Nos. 104 and 105, carving is seen. In picture No. 103 both pillars of middle door are seen. The engravings in picture Nos. 104 and 105 are almost similar. In the upper portion in picture No.105 Maladal is clearly seen. In picture No.104 nothing is clear. In the upper part of picture No.106 Maladal is clearly seen. The carving seen in picture Nos.105 to 107 seems to be of 11th and 12th century. Both these are considered as one block. The latter half of 10 century is included in 11th and 12th century from the point of view of art, i.e. the aforesaid block carving is considered one block from the point of art. Although picture No.136 and 137 is not very clear, but whatever is seen in these pictures from the point

of art, that is a block of 11th and 12th century. In upper part of both the pictures Maladal is clearly seen. Similarly, Maladal is clearly seen in picture Nos.139 and 142. Like this, Maladal is clearly seen in the upper part of picture No. 143. In this way, Maladal is clearly seen in picture No. 163 and 165, in picture No. 164, it is not clearly seen. Except picture No. 178, Maladal is not clearly seen in picture Nos. 176 and 179. In these pictures, nothing is clearly seen. In picture No. 188, 189 and 190, nothing is clearly seen. Out of picture Nos. 195, 196, 197, 198, Maladal is clearly seen in picture No.198, in the rest, it is not clearly seen. In picture No.198, top of the pillar of Maladal is also seen.

In picture Nos.55, 56, 58 of album document No.201-C/1, Maladal is seen, besides this top of the pillar is also seen, in upper part of picture No.71, 72 and 74, Maladal is seen, besides pillar top is also seen. In picture Nos.101 and 104, Maladal and pillar top is seen. From the structure of Maladal conclusion can be made that these Maladal were built in 11 and 12 century. It is true to say that even before 11th and 12th century, carving was done on the pillars of Maladal. It is not true to say that the first part of 10 century and in 13 14 and 15th century, such type of carving was being done. It is not correct to say that there was nothing particular in the Maladal built in the first part of 10th century and in 13th and 14th century, i.e. carving of Maladal built in the later part of 10 century and in 11 and 12th century had some specialty, which are very rare in the period afterwards. The specialties are of following type: 1. The carving and structure of gems and pearls in these Maladals is special, which is hardly seen in other periods, 2. In this period of 11th and 12th century, the length of string of beads is much, 3. Inside these strings, there are gems of two hooks, which are rarely seen in other periods, 4,

Somewhere in the middle of strings, there is a symbol of gems which is pointed one and in other periods, it is rarely seen. 5. In these Maladals, some strings are parallel to each other, but some string intersect each other, which is speciality of this period, 6. At the top of these strings and shown in triangle shape are bunch of flowers-leaves, which are rarely found in other periods, 7. The strings of rosary in these is found more than one, which is seen repeatedly in this period. The carving of Maladal below the picture No.144 of album document No.200C-1, two carved signs are seen which are called 'hook' of jems. In Maladal of this picture, the pointed shape of jems is not seen and the chain of strings is also not long. This is also true that strings in this picture are not intersecting each other. In this picture above the strings, leaves are seen on both sides. It is true to say that in the string of this picture, there are no strings of more than one rosary, but the string has enough breadth and jems are seen in the middle. It is true that the composition of strings of Maladal in picture No.139, 142, 143 is of the type as in picture No.144. But the picture of Maladal seen in picture Nos. 106, 107 is different than Maladal in picture No.144. There is only one thing common in the Maladal seen in the picture of both type is that the leaves carved on the top are similar to that of picture No.106 and 107. The specialities which I have mentioned about the Maladal of 11th and 12th century is that only pointed leaves are seen in picture Nos. 106, 107, 112 except Maladal. In below picture Nos.178, 179, 184 of this album, there is Maladal of jems with two hooks, which is seen in picture Nos. 137, 138 and 139. The circle made in the middle of Maladal in picture No.184 is gem. But in picture No.184, pearls are not seen. Picture No.178, 179 is not clear, so no gems and pearls are seen. In picture No. 198, below string small gems and pearls are seen, but in

this picture, there are no strings with gems. In picture No.198, strings are intersecting each other. Above it, there are flowers and pointed leaves. Whatever specialities I have mentioned in picture Nos.4 and 6, they differ in one respect that in the middle part of one, there is a gem in quadrangular type, whereas this quadrangular gem as mentioned in picture No.6 is not in the middle. The carving as seen in picture No.187 is called 'Purnghat'. 'Purnghat' was found since fifth century and not before that. The 'Purnghat' constructed in 11th and 12th century are different from that of 13th and 14th century. The 'Purnghat' of 11th and 12th century have the following specialities: 1. The paintings on such Purnghat' are in one line and the line of that type in three layers are drawn one upon one, which have separate shape, 2. The 'Purnghat' is decorated with leaves of lotus, 3. The 'Purnghat' of 11th and 12th century are kept on one seat, 4. The seats are painted, which have triangular pictures and above that two offset or carvings are seen, 4. In all the four corners, four 'Yaksha' are seen who sit in squatting posture, i.e. on their hands, 5. Behind these 'Yaksha', flowers-leaves are shown, 6. Inside the 'Purnghat', there are fully blossomed lotus-stalk, These lotus-stalks are at some places of one string and at some places, it is of two strings, 7. In the middle of lotus, sometimes flowers-leaves are seen, sometimes a bird in sitting position is seen, sometimes an idol sitting on lotus is seen. Sometimes, on the flower of lotus Devkanya is seen in dancing posture. In picture No, 187, one idol of Lord is seen sitting on the flower of lotus in meditation posture, the lower portion of his feet is seen, above portion is broken. In this 'Purnghat', three freezes with leaves of lotus are seen. The lower portion of the Purnghat' is in the shape of a seat. 'Purnghat' is kept on a seat. In this pillar on two corners, broken 'Yakshas' are seen. In this picture, lotus flower is

coming out of a pitcher. Alongside lotus flowers, below the painted triangular bunch in the middle is seen a quadrangular gem, below which is seen a creeper coming out of a Purnghat'. Flower-leaves and creepers are one and the same thing, which after coming out of a 'Purnghat' is going downwards, which is shown behind the picture of 'Yaksha'.

Verified after reading the statement

Sd/-

S.P.Gupta

8.7.2002

Typed by the stenographer in the open court on being dictated by me. In continuation of this for further cross-examination, be present on 9.7.2002.

Sd/-

Narendra Prasad

Commissioner

8.7.2002

Dated 9.7.2002

(In continuation of dated 8.7.2002, cross-examination of OPW-3, Dr. Swaraj Prakash Gupta begins on oath).

The motives, i.e. symbols designed in 11th and 12th century differ from that of designed in 13th and 14th century, which is as follows:

1. The intersecting in Maladal happens in 11th and 12th century, but this intersecting becomes marginal in 13th, 14th and 15th century, i.e. in 11th and 12th century it is clear, but there is less overlapping in 13th, 14th century and 15th century.
2. The four yakshas' seen in the four corners of the 'Purnghat', their idols are either is small or is not seen, in 13th and 14th century, meaning only 'Purnghat' remains.
3. There is difference in the head of the pillar, their moulding, leaves of lotus and design of 'Aamalak' differs and there is difference in the three things, there is difference in the head also.

The fourteen pillars, which have been mentioned in the disputed site, in those pillars besides Maladal, Purnghat' head there were other symbols also, as the head is the upper portion of the pillar, which contains separate symbols, which have not so far been mentioned, these are-

- I. Ekenthra leaf, which is a kind of leaf, which is found in Greece and Rome and which appears in first century in Indian Art and is found in the head of pillars

in 11th and 12th century.

2. At top, there are one or two stylized 'Aamalak' found in 11th and 12th century as was the case of pillars of disputed structure.
3. On the top of 'Aamalak' the leaves of lotus are seen in a freeze.
4. Below this, many symbols are seen in the pillars coming out of 'Purnghat', such as a flower on a circuitous branch, swan, which has circuitous wings, nymph (Dev Kanya), who are in different postures, dancing posture — tribhang posture, fruits in a hand posture, only standing posture.

The aforesaid symbols can be found in the pillars of 13th to 15th century and there is difference in their structure, line and postures.

The idols of nymph (Dev Kanya) in 11 and 12 century have more grace, whereas in 13th and 14th century this becomes less from the view of gracefulness of art and becomes more from the point of view of skillfulness.

In 11th and 12th century, the backward wings of swan are similar to that of peacock and these wings become very long in 13th, 14th and 15th century and their curve reduces, but their relief increases, which is a symbol of skillfulness.

The picture of Vishnu in a meditation posture found in 11 and 12th century becomes rare in 13th and 14th century and the shape of his leg is also seen with the distinct touch, which has less grace, skill increases, legs become big,

bottom of legs are seen towards sky.

The flower of circuitous branch coming out of the 'Purnghat' of 11th and 12th century are found rarely in 13th, 14th and 15th century and whenever it is found, it is not so circuitous nor it retains the same grace.

The leaves of lotus coming out of 'Purnghat' in 11th and 12th century, which are in petals, out of that the leaves of upper petal are seen standing upside, whereas the leaves of lower petals are seen towards downside. This shape is almost lost in 13th, 14th and 15th century and whenever it is found then it differs in shape and the leaves become more in width and their forward tips are pointed in 13th, 14th and 15th century. All these aforesaid specialities were found in the symbols of 14 pillars fixed in the disputed structure. Besides these, there were no other motive (symbols) in those pillars. Besides, there were some small symbols also, but their importance was less than these symbols, i.e. they had no particular importance. In my aforesaid statement, I have said that on one pillar out of these 14 pillars Devmurti is in a meditation posture, which in my opinion, is of Lord Vishnu, its upper portion is damaged, only two legs are seen in the lower padmasan. This is the position in photograph Nos. 186 and 187 filed with document No.200C, in suit No.4/89. Besides this, there was no other picture of any God on any other pillar, then said that the pictures of 'yakshas' were on every pillar. It would be wrong to say that on the aforesaid 14 pillars, there was no picture of any God, nymph or yakshas. In Hindu mythology, yaksha is the oldest God and which is prevalent even today. In Padmasan posture, not only Lord Vishnu, but idols of other God-Goddesses were also found. In 11th and 12th century besides Lord Vishnu other Gods

such as Shiva and Brahma were also worshipped.

There is ours only one my book related to art 'The roots of Indian art', it was published in 1980. My, this books is related to Mauryan and late Mauryan art. The period of Mauryan and late Mauryan art is 300 BC to 100 BC. My studies are confined not only with the Indian art of Mauryan period, but said again is on full ancient Indian art. From the point of view of art, the history of ancient India runs upto 16th to 17th century, because temples based on the system of ancient period and the art engraved on that are found in 16th to 17th century. The temples which were built in 16th to 17 century, about them we can say that these represent the tradition of ancient India, There is a difference in the Indian art of medieval period and ancient period. This is true that from the view of art, the period from 800 AD to 1200 AD is called early medieval period. Volunteer that this is the chronology of political history. There is a great difference in the art of style 300 BC to 100 BC and from 800 AD to 1200 AD. But there is no fundamental difference in both these. Again said that traditions are the same, only their style kept on changing.

There is a special difference in the structure of the temples of north India and south India. It is true that the style of south Indian temples is called Dravidan style. Similarly, the style of north Indian temples is called Nagar style, although a few temples in north India were built in Dravidan style. Like this, a few temples in south India are built in Nagar style. This Nagar style or Dravid style is used only in architecture or structure of temples. This has no relation with the design of pictures or symbols. There is a difference in the pictures and their symbols in the temples constructed in north and south India. At some places, the difference is large. During 800 to 1200 AD, there was a

particular difference in the structure of pictures of Lord Vishnu and Shiva in north and south India, specially in decoration. Similarly, in different parts of north India, there was no difference in the design of pictures and other symbols, but there was difference in decoration. Similarly, there was no difference in the pictures and other symbols of north and south India, difference was in their decoration only.

There are separate books written on Indian art related to Mauryan period and medieval period or present period and all things are available in one hook also. Before my book, a book on Mauryan art written by Professor Nihar Ranjan Ray and a book by S.K. Saraswati was also available. Similarly, a book on Mauryan art written by V. S. Aggrawal and Dr. S. K. Kumarswamy had also come out. Besides these, there were many books on Mauryan Art. In my book, these books have also been mentioned and my own original studies are also included. My book is based not only on above mentioned books, but is based on my research also. The special items relating to Mauryan art, about which I have studied originally are as follows:

1. Pillars of Ashoka period.
2. Palaces of Maurya period
3. Caves of Maurya period
4. Ringstones and disc-stones of Mauryan period.

The Ashokan pillars, about which I have mentioned in my aforesaid statement, are situated in Lauria, Nandangarh, Kaushambi, Kotla Ferozeshah, Delhi, near Sarnath, Varanasi, Vaishali etc. etc. places. Except the Ashokan pillar situated at Ferozeshah Kotla, Delhi, all the rest pillars about which I have mentioned above, are at their places.

The pillars of Kotla was found near Ambala and it was brought to Delhi during the period of Ferozeshah. I have studied the sculpture of Mauryan period also. That is a part of my book. At that time, sculptures of 'yakshas' were found, which had their own names, such as Manibhadra, which at present, I remember. There was no difference in the sculpture of 'yakshas' of Mauryan period and medieval period 'yakshas', but the style of both was different. Mauryan period is also known as ancient period. 'Most ancient period' word was not used in the history of Indian art. Similarly, even in the history of ancient India, Indian history of 'Most ancient period' word was not used. (On this point, the learned cross-examining advocate invited the attention of the witness towards page 157 (document No.289C-1/179) of the document No.289C-1, filed in the case, in which first paragraph says "In Ayodhya, Shri Ram Janam Bhoomi has been in existence.....". The 'Most ancient period' word, which I have used, is not related to any period, but has been used as an adjective. Here, 'most period' denotes all the periods prior to Mauryan period. In my view, 'Most ancient period' can go up to ten thousand years prior to Mauryan period, although it all depends upon excavation and this period can be even more ancient than that. The said lines which I have written in my this book and 'most ancient period' word has been used, by that I could mean ten thousand years prior to Mauryan period, Ayodhya city was in existence prior to Mauryan period and its proof is available in archaeology. The place referred to in the said para of my book, by that I mean Ram Janam Bhoomi site. And whatever I have written in the last line of that paragraph that from the very ancient period Hindu worship sites existed at this place, by that I mean many other worship sites existed on Ram Janam Bhoomi site. Similarly, in the first para of page No. 157 of my said book,

the mention of the material coming to light, that relates to various worship sites situated at Ram Janam Bhoomi site, such as Sita Rasoi, Ram Chabutra, Kaushalya Rasoi, are the main disputed site.

Question: In aforesaid para of your book the material which was found after the demolition on 6th December, 1992 which material is related to Sita Rasoi as you have mentioned?

Answer: Whatever material was brought by Ram Sewaks and kept in Ram Katha Kunj after demolition on 6th December 1992 and which I saw on 13th December, that was lying as mix up so I may not be able to pinpoint as to which material was related to any particular site.

Question: Like this you cannot tell as to which material was related to Ram Chabutra or Kaushalya Rasoi worship sites out of the aforesaid material?

Answer: My answer to this question is also same that Kale Ram's idol and Kak Bhusandi's idol at Ram Chabutra existed before demolition, which was kept in Ram Katha Kunj after demolition.

Question: The two things which you have mentioned in your above answer, and both these things existed at the disputed site before demolition but I have asked about the material which as per your statement came to light during levelling of the site and on 6th December 1992, after the demolition of disputed site. Kindly mention about that material?

Answer: The said paragraph of my book is about Ramjanam Bhoomi site, which includes Sita Rasoi, Ram

Chabutra, Kaushalya Rasoi etc. In this paragraph, nowhere have mentioned about the three sub-sites separately. In reply to your said question, when I mentioned sub-sites, then from one point of view, it was separate and from other point, it was complete also. The paragraph written by me indicates about complete Ram Janambhoomi site. The special material which came to light during levelling, I have given full account of that through pictures in my book "Ram Janam Bhoomi : New archaeological discovery", although its full report is yet to be written, as I have mentioned earlier also in my statement. Whatever material I have published so far, it includes Aamlak of top, chhadya, Jaal, door frame, head and decoration, rock etc. The new articles found after 6th December, 1992 include inscriptions, parts of the idols of Gods-Goddesses, Hindu symbols, i.e. lotus and sun, broken idol panels such as Vishnu, gatekeeper etc.

The above-mentioned material, which was recovered from the disputed site, is related to the temple constructed at the disputed site in 12 century. From the point of archaeology, it cannot be said whether Sita Rasoi, Kaushalya Rasoi or Ram Chabutra existed in 12 century at the disputed site or not. As per my knowledge, no material relating to the above said places was recovered from the disputed site. Because at those places, no excavation of any type at any time was done. On this point, the learned cross-examining advocate invited witness's attention towards black and white album prepared by UP Archaeology Organisation document No.201C-1 (Suit

No.4/89), photo No.39, which contains Kaushalya Rasoi, seeing which, the witness stated that it can differ from Sita Rasoi. On seeing photo No.38 of the same album, the witness stated that since it is not clear, so nothing is seen in it. I cannot say whether in photo No.39, which I have called as Kaushalya Rasoi, was called. In photo Nos.70,71,72 of album No.200C-1, Kaushalya Rasoi is seen but I do not know if the same is called Sita Rasoi or not. The place which I have stated as Sita Rasoi, that is as per my view in the place which was situated near the western lion gate of the disputed site. Afterwards said that lion gate was situated not in the west but it was in the north. This Sita Rasoi was inside that lion gate. As per my memory, the site of Sita Rasoi was on the right hand side after entering from the northern lion gate. Northern lion gate is the same which is shown in photo Nos. 38, 41 and 42 of album No.200C-1. In this album in photo No.70, lion gate is seen at the right hand side, but I cannot tell that under the iron sheet seen in this photo whether Sita Rasoi existed or not. As far as I remember, the Sita Rasoi situated at the disputed site, was seen by me during the decade of 80s. As far as I remember, the Sita Rasoi, which I saw, was of the design of the structure seen in photo Nos.70, 71, 72. As per archaeology the place known as Sita Rasoi and Chabutra place is not older than 100-200 years. The Ram Chabutra seen in photo Nos.56-57 of the same album may be an old one from the historic point of view, but the temple type structure constructed at this Chabutra does not appear to be more than 100-200 years old. [may be true to say that this temple type structure was constructed after 1885. I cannot say that the suit filed in 1885 for permission to construct temple at Ram Chabutra, it was constructed after that or not. It is correct to say that the site shown in photo Nos.56 and 57, no other Ram Chabutra existed there. As

far as I remember, Tryfanthellar had called Ram Chabutra as 'Vedi' and estimated its height more than the land area and has described its shape as rectangular, but what was the exact height is not known. Because this is not the subject of archaeology but of history, so I cannot tell as to what was the position before 1885 when a suit was filed relating to the construction of Chabutra. Whether any mention is made about this 17 by 21 size shape or not. Tryfanthellar in his account has mentioned the size of this Chabutra or not, is not known to me. It is not true to say that Tryfanthellar might have not mentioned Ram Chabutra in his book but referred the said chabutra as 'Vedi'.

When I saw Ram Chabutra, at that time I did not see any such thing on the top of Chabutra, on the basis of which I could conclude that the structure of Chabutra is more than 100-200 years old. The idol seen in picture No.58 of album No.200C-1, that portion is a portion of one side of Ram Chabutra. Since the paste of red colour is very much on these idols, so I cannot tell as to how much old these idols are. I do not know that the idols seen in picture Nos. 59, 60, 61 were kept before 1949 or afterwards. I have not stated anything in this respect neither in my main examination nor in my today's statement.

In the last line of first para of page No.157 of my book document No.279C-1, the words used as 'Rahe hain', by that I mean archaeological objects, whereas Hindu worship site is the same as I have stated earlier than this paragraph. Again said — Ram Janam Bhoomi site is one but inside it at various sites other worship places are shown, so I have referred these as plural in evidence, otherwise about complete worship site, I have mentioned that as one worship site. It is true to say that the three structures mentioned by me at the disputed site one is a building having three domes, Babri Masjid, second Ram Chabutra

and third was called as Sita Rasoi. The idols which existed on Ram Chabutra are not known to me. As far as I remember, in three domed building I saw an idol of Rama and the idols of other Gods and Goddesses, were as I have mentioned in second paragraph of page No. 157 of my book, I do not now remember about the names of these idols of Gods and Goddesses. The building with three domes in which idols were kept since 1949, I saw that last time in October 1992 and before that I saw that 15-20 times. Since all the idols were kept rolled in cloth, so I cannot say about their exact numbers. Whenever I went in that building with domes, I saw only one idol of Rama, the remaining idols being covered with cloth, I could not see if the idols were the same or were kept after changing.

Question: The material which according to your information came to light during levelling process or after the demolition on 6th December, which is the material which proves Ayodhya as a sacred Hindu place since ancient period?

Answer: Whatever material was found there, such as Aamlak of temple, Chhadya (cover) etc. are all of ancient period, i.e. which continued upto century till that they prove the worship place of Ayodhya. Volunteer: that most of the historians admit that the ancient period continued upto 12th century, after that the medieval period started.

According to my view, the ancient period of the history of India continued upto 12th century although the tradition of ancient India continued even after 12th century and is still in existence. Again said that after 12th century, medieval period started, this is my view. The medieval period continued upto 1760. After 1760, the beginning of modern period is considered.

Question: In the 11 chapter of the said book, which starts

from page No.57, wherever you have used the word "very ancient period", by that does you mean from Mauryan times to 12 century?

Answer: This period, i.e. the period of 12 century is also included in that and period earlier to Mauryan period is also included in that.

The period of Gahadwal dynasty is related to history, so I cannot say exactly as to when Gahadwal dynasty started and when it fell. I even do not know this also that Govind Chandra Gahadwal was its first king or was in the middle order, because this is a question related to history, whereas I am an archaeologist. Due to this reason, I do not even remember as to what was the name of the last king of Gahadwal dynasty. I cannot even tell that the period of last king of Gahadwal dynasty, with the defeat of Jai Chand ended in 1194 or not. I cannot tell orally without seeing my book that till when Ayodhya was in the kingdom of Gahadwal dynasty. Whether any reference has been made in my book in this respect or not, is not presently available, however, there is another writer also of this book. I have no knowledge, as I have written in my book that the king of Gahadwal dynasty Govind Chandra Gahadwal ruled from 1114 to 1154 AD. The fact which is written on page 159 of my book that the date of construction can be considered as earlier to 1114, is correct. Govind Chandra had not himself constructed the temple but by any other king under him, I cannot tell about his name who constructed it.

Verified after reading the statement

Sd/-

S.P.Gupta

9.7.2002

Typed by the stenographer in the open court on being dictated by me. In continuation of this for further cross-examination, be present on 10.7.2002.

Sd/-

Narendra Prasad

Commissioner

9.7.2002

Dated: 10.7.2002

(In continuation of dated 9.7.2002, cross-examination of OPW-3, Dr. Swaraj Prakash Gupta begins on oath).

Out of those forty persons who went in connection with the seminar, whether Dr. D.P. Dubey was included in that or not, I can tell only after seeing the papers, but Dr. G.C. Tripathi certainly did not participate in that. I know both the persons very well. Both of them are Epigraphist. At this point, the learned cross-examining advocate invited the attention of witness towards page No.67 of document No.254C-I/3, filed with Other Original Suit No.5/S9 after seeing which the witness stated that this article was related to that inscription in which it has been stated that during 12th century, there was a temple of Vishnu Hari at this place. This article was written by Dr. G.C. Tripathi and Dr. D.P. Dubey. In this article both of them have mentioned the name of the king who constructed that temple. They have stated his name as Aayush Chandra, since I am not an epigraphist and neither I am a historian, so I may not be able to tell about the kingdom of Aayush Chandra. I have read that article summarily. This article was published in Vol.3 of the magazine namely "Itihas Darpan" in December 1996. It is true that I have constantly being associated with this magazine and still I am a member of its Advisory Committee.

Question: Do you agree with the article?

Answer: Neither I agree with it nor I disagree with it, because this is not my subject.

Before writing my book 289C-1/1, I did read this article. The chapter on epigraphy in my book was not written by me, so there is no question of its agreeing or

disagreeing. It is true that chapter 11 of this book was written by me. In that it is mentioned as to who and when this temple was constructed.

Question: In chapter 11 of your book you have mentioned the name and period of the king who got this so called temple constructed, but in this respect, you have not expressed your agreement or disagreement with the opinion of Dr. G.C. Tripathi and Dr. D.P. Dubey?

Answer: I would like to repeat that I did not express my consent or dissent. I have just expressed their views.

Since epigraphy is not my subject, so I cannot tell whether I agree or not with this article. At this stage, the learned cross-examining advocate invited witness's attention towards last four lines of the second col. on page No.158 of his book document No.289C-1/1 and invited his attention towards first col. of page 159 and questioned that you have stated aforesaid facts on the basis of said article of Dr. Tripathi and Dr. Dubey. After reading those lines, the witness replied that these lines may be read with full paragraph, and then it will be clear that I have kept their views on the basis of the articles of Konard Elds and Dr. Verma and have quoted them. In that paragraph I have expressed the views of only those persons, i.e. I have expressed the views of Dr. Dubey and Dr. Tripathi.

Question: Can you tell that 'Aayush Chandra' and 'Naya Chandra' are the two names of one person only or these two persons are separate?

Answer: This question relates to epigraphy, so I will not be able to reply to this question.

At this point, the learned cross-examining advocate asked the witness that in the last line of second col. on page 158 of your book you have stated "Alhan was the son of Sanllakshan and during the times of his nephew Naya Chandra completed the construction work of this temple", this is personal view and neither Konard Elds has written in his book nor Dr. Verma has written in any of his articles.

Answer: The witness replied that this is not correct to say.

In this book written by us, i.e. in appendix "A" of document No.289C-1/1, this whole inscription has been printed without any modifications and its free translation is also printed there. Therefore, to say that this was my view, is not correct. Witness's attention was drawn towards first paragraph on page 7 of his statement, after reading which, the witness stated that whatever I have said about king Aayush Chandra, is not my own view, but I have expressed the views of Dr. Tripathi and Dr. Dubey. In 1980, I had started to get the feeling that at the disputed site, there might have been a temple constructed in 12th century. Although I started studies on this subject since 1975, as such I started guessing that there might have been some temple. My this guess was based after seeing the superb art engraved on black pillars fixed at the disputed site, And my opinion became certain after seeing the rocks found during the levelling work on 2-3 July, 1992 on the subject that these were the remains of a Nagar style temple which might have been constructed in the 12th century.

Question: In connection with as to who ruled Ayodhya in 12 century, which books did you study from 1975 to 1992 and what enquiries were made by you?

Answer: To read history of art, neither it was required nor necessary to study the kings appearing in history. A broad knowledge of the history is sufficient. Therefore, this is the question of history as to who ruled Ayodhya during 12th century this is related to history and is not a subject of art. So, I did not read any book of history. The kings of Gahadwal had a dynasty, this came to my knowledge when I did my MA course. As I have stated earlier that I studied "Advance History of India", written by R.C. Majumdar and others, during my education of MA. After MA, I did special studies of archaeology and almost discontinued studies of history books. No book was published with regard to the art of Gahadwal dynasty so the question does not arise of reading any book on that subject. I have not studied the book written by Roma Niyogi, which contains the history of Gahadwal dynasty. I have definitely heard about that book but I have never seen that book. Roma Niyogi was perhaps an historian. The style of art of Gahadwal is a sub-style of art. This is considered as a sub-style under the medieval style of north India.

I have not seen any such book which might have any description of this sub-style, but I have mentioned about it in my book "History of Ayodhya and Archaeology". The view which I have expressed with regard to Gahadwal sub-style and art in my aforesaid book (289C-1/1), is my original view, is not based on any book, but the views which I have

expressed about the art of the pillars of disputed site, that has been mentioned earlier and photos of that art were printed in Gazetteers also. There is no mention of Gahadwal dynasty in Gazetteers, but there is mention of pillars found at the disputed site and art carved on those pillars. At present, I do not remember if it is written in the gazetteers or not that these pillars might be of 12th century.

Question: My view is that in no gazetteer, it is written that the 14 pillars fixed in Babri Masjid were of the 11th or 12th century?

Answer: Your this view may be correct, said himself that there is no mention of dates in these gazetteers, but it has been written that these pillars are of some Hindu temple and this art is a Hindu art.

This is correct that Gahadwal art and Gahadwal sub-style is my subject and whatever material I could find I studied that thoroughly. No article was made available to us on Gahadwal art and Gahadwal sub-style. It is just possible that any article might have been published on that subject. At present, I do not remember that I have ever heard of the book "The dynastic history of northern India (Early medieval period)", which was published by Munshi Ram Manohar Lal, because this is a history book and not book on art. Your this view is not correct that I have read chapter 8 of this book which is related with the art of Gahadwal of Varanasi and Kanyakubj" and I am hiding this deliberately. Volunteer: that the title itself of the book is related to history. So I did not study this book on history. Dr. B.N.S. Yadav is a historian and has been a Professor in Allahabad University. I know him and have not read his book "Society and Culture — Northern India 12 century" and have neither seen that book because that is not related

with art. The remains of the temples constructed by the kings of Gahadwal dynasty have been found in Ittawa, Kanpur, Allahabad districts, this was told to me orally by Dr. D.P. Dubey but he told me this also that this is available upto plinth only and there are no signs of their art. So I did not study that nor I have any personal knowledge about this subject.

Question: Whether any temple constructed by the kings of Gahadwal dynasty is at present in existence anywhere in India where worship is still being performed?

Answer: As per my personal knowledge, I have no definite information if worship is still being performed in any living temple constructed by the kings of Gahadwal dynasty.

Dr. D.P. Dubey did not tell me even orally that there is any temple still in existence where worship is being performed which was constructed by the kings of Gahadwal dynasty in particular. As per my personal knowledge, there is no information available about any temple constructed in Gahadwal period of 11th and 12th century, i.e. in 11th and 12th century, where worship is still being performed, i.e. if any temple constructed by Gahadwal kings in the territory of Gahadwal state still exists. As per my knowledge, no temple in Gahadwal state still exists which was constructed by other kings during 11th-12th century. I have no knowledge as to when and where the temples constructed by Gahadwal kings were demolished, The temple of Ayodhya, which was of the Gahadwal times, was

demolished in 16th century.

Question: At least in 20th century no temple was available in India which was constructed by the kings or the descendants of Gahadwal dynasty, where worship was being performed.

Answer: I may not be able to tell whether any temple which was constructed during the dynasty of Gahadwal is still in existence in any part of India or not and whether worship is being performed there or not. It is quite possible that there may be some temple still in existence where worship is still being performed.

I have not gone to any temple of any Gahadwal king or any living temple of that time where worshipping is still being performed. I have not seen any temple and remains of any temple of Gahadwal times, except the remains found at the disputed site. I have not seen artifacts related to Gahadwal art, except remains found at the disputed site. I have not seen any photo of tile remains of any other site except Ram Janam Bhoomi site related to Gahadwal art. Similarly, I have not seen any remains of Gahadwal sub-style or artifact and record or photo of that. Because this is not my subject also. I have no knowledge if any seminar or conference was separately held on Gahadwal art or its sub style. In the conference of Indian archaeological society, which was perhaps held in 1989 in Guntur, discussions were held on Gahadwal sub-style and art. I also participated in the conference and I read a paper which was my Presidential address also. But that was not published anywhere. Because my address or paper was not published anywhere so perhaps I have made no mention of it in my book document 289C-1/1. In that conference, a discussion

was held on Gahadwal sub—style art, but none else read any paper on this subject. Prof. Ajay Mitra Shastri and V.P. Sinha were the main participants in that discussion, In my that paper, which I read in the said conference, a mention was made of the sample of carved art on the pillars fixed at the disputed site, Since my aforesaid paper was related to art, so I wrote about the art found on the pillars. In that paper, I wrote and discussed about art of fourteen pillars fixed at the disputed site and two pillars found in the graveyard. I wrote nothing about any other thing and artifacts which were inside or outside the disputed site. From 1975 to July 1992. I studied only about fourteen pillars fixed at the disputed site, which were related to Gahadwal sub—style. It is true that till that time, I did not read any article or book about these pillars regarding Gahadwal style or art.

Question: Now you please tell us to how you came to know that art of Gahadwal period was engraved on these pillars or these pillars were of Gahadwal sub—style?

Answer: It is told by historians and epigraphists that more than one hundred articles on Gahadwal dynasty are available, on the basis of which it can be said that Ayodhya was ruled by the subordinate kings of Ayodhya Gahadwal king during that time. Therefore, whatever thing is found in Ayodhya during 12 century, that will be called of Gahadwal period and that art will be called as Gahadwal sub—style.

Except Gazetteers I did not read any book about the temples built in Gahadwal state and sub-style or art.

Question: Your this view that the art and style used in Babri Masjid is Gahadwal art and sub-style is based on which books or articles?

Answer: The symbols of this place's art are found in other temples from 10th century to 12th century, such as temples of Khajuraho. Therefore, I myself concluded that in this temple, pillars of Gahadwal sub-style might have been fixed. In the temples of Khajuraho also the pillars are of stones which are of sandstone. And those temples are also of Nagar style. On the pillars and complete building of the temple, there are symbols of Devkanya, of sun, of lotus, umbrella (Chhadya), creepers, i.e. all those symbols which are found at the disputed site in Ayodhya, are found in Khajuraho. These temples of Khajuraho are of 10 century and 11 century too. It is said that these temples might have been built from 950 AD to 1050 AD. Khajuraho was under the state of Chandel Kings: I am not a historian, so I cannot tell whether the boundary of Chandel state was adjacent to the boundary of Gahadwal state or how much distance was there. I cannot even tell as to whether both these states were very near, The temple of Khajuraho is near Panna District. I went there via Panna. I cannot tell about the distance between Khajuraho and Kannauj. The symbols engraved on the pillars fixed at disputed site resembles to that of symbols engraved in the temples of Khajuraho. The best book about Khajuraho is that of Shri Krishandevji, the title of which is "Temples of Khajuraho" and which was published by Archaeological Survey of India. I have studied

that book.

My opinion about the pillars fixed at disputed site is based on the book relating to symbols engraved in the temples of Khajuraho, which has been written by Shri Krishan Dev, and on my own observations, I did not study the art of 12th century, which resembles to that of disputed structure, except that of Khajuraho. Volunteer: that from the point of art, 11th and 12th centuries are considered as one block. The later part of 10th century is also considered in this block. My studies of Gahadwal sub-style and art is based on aforesaid book, written by Krishan Dev Ji, which is in two volumes, and on my observations with regard to temples of Khajuraho and is also based on my general knowledge about temples of Nagar style of northern India. Similarly, the things written in my book document No.289C— 1/1, Chapter 11, are all based on all these studies, which I have mentioned above. In my studies, no document was included of Gahadwal period.

Some inscriptions of Gahadwal period are available which are approximately 100 in numbers. As is stated by epigraphists, all those are in the Sanskrit language and have been written in Nagri script. My colleague Shri T.P. Verma has said that these inscriptions were printed in separate books and articles, but I have no personal knowledge about it. I do not know whether some of these inscriptions were found in Banaras, Etah and Kannauj. I have no knowledge as to which inscription was found at which place. As I have stated in my statement earlier that the paper No.118C-1/65 to No.115C-1/114 has been written by me. The conclusion mentioned in sub-para 1 of paragraph No.43 under summary of result entered in document No. 115C— 1/88 of this article is based on the

basis of the opinion of other epigraphists, again said that its conclusion is given in my own words. Whatever has been written in my article about inscriptions, it was not my opinion, but it is a conclusion based on the opinion of epigraphists.

In my aforesaid paper No.118C-1/73, from section 11 to paper No. 115C-1/88, my opinion is given, although others views have also been accommodated. In para 1 and 3 of document No.118C-1/1 "The Inscriptions" is the opinion expressed by an epigraphist. I neither agree nor disagree with the opinion of epigraphist expressed in said three paragraphs. The things written in para 16, sub-para 1 in document No.118C also based on the opinion of Geologist and it is not my opinion. It is not true to say that the fourteen pillars referred by me on page No.118C-1/73 and called them as Kasouti stone, are found in Rajpur and Mirzapur, but as I have written, it is found in the hilly areas of Garhwal and Kumaun and is called "shistas". The opinion expressed in sub-para 2 of document No.1 ISC-1/74, is of another epigraphist. In sub-para 4 of this page, I have given the measurement of pillars, which is based on my own measurement. In para 18 of document No.115C-1/75, which continues even on next page No.76, the things mentioned are the conclusions based on the views of Prof K.V. Raman, Dr. Y.D. Sharma and K.N. Srivastava. The views of these persons were not in writing and are not published anywhere. The views expressed in paragraph No.220 of document No.118C-1/77 are based on conclusions made by me. In para No.20 there is a mixture based on my own research, knowledge and conclusions made by others. The opinion expressed in paragraph No.20 is my own opinion and this means that the view is the conclusion of the opinion of almost all the scholars that this

temple might have been constructed in 12 century during the times of king Govind Chandra. In para 20 my mention of various Indian and foreign accounts is related to the demolition of the temple and is not related to the construction during the times of Govind Chandra. The fact written in this paragraph that this was perhaps demolished by the people of Babar during 16th century. This conclusion is based on circumstantial evidence, which include Tyfanthlar, William Finch's foreign accounts and Indian accounts which were included in Babarnama and three Persian inscriptions found in the Masjid, the reference of which has been made by Mrs. Brewaries in her translation book of Babarnama. In my view in any Indian or foreign account, the fact of demolition of temple by Babar or his people during 16th century is not independently written, but after Babar several Muslim writers have written that the said temple was demolished by Babar. But at this time, I am not remembering the names of those Muslim writers or about the names of their books. William Finch's account is the same which is from 1608 to 1611 and expressed in "Early travels — India 1583-1619", edited by William Foster, which was reprinted by Oriental Books, It is true to say that in his account, William Finch has not directly stated it that people of Babar had demolished any temple in Ayodhya during 16th century or Babari Masjid was built after demolishing any temple in Ayodhya and nor this has been written by him indirectly. It is also true that Tyfanthiar has also not written directly or indirectly the fact that Masjid was built by Babar or his persons after demolition of any temple. In the translation of Babarnama, Mrs. Brewaries has not written that Masjid was built by demolishing the temple in Ayodhya by Babar or his people, but in her footnote at one place, it is written that Babar demolished a temple in Ayodhya. In second para of page 157 of my book,

I have mentioned about the demolition of temple constructed during the time of king Govind Chandra, is based on the inscriptions of 12 century found after demolition of disputed structure on 6th December 1992. The source of my writing the aforesaid fact in the same inscription and after that is the opinion of historians. The fact written on the said inscription is given on page No. 173-174, the translation of which is given on page No. 175-177 of my book. The said Hindi translation was done by my colleague Dr.T. P. Verma himself and in reading Sanskrit extracts help was extended by Dr. Ramesh, Dr. Ajay Mitra Shastri, Dr. Gaya Charan Tripathi, Dr. D.P. Dubey, Dr. Sudha Mallayya. In this Hindi translation, which is based on the Inscription, nowhere it is written clearly that the temple of Vishnuhari was constructed in Ayodhya during the time of king of Gahadwal Govind Chandra. Because Sanskrit is not my subject, so I cannot say that in the Sanskrit extract of the inscription, whether the fact of constructing or demolition of the temple is written or not, I cannot tell about this but in stanza 13 as per my view, there is a mention of construction of temple during the time of king Govind Chandra as is clear in paragraph 19, 20 and 21 of the translation. It is possible, as is written in the note to para 21 of translation that reconstruction of that temple might have taken place during the rule of king Govind Chandra Gahadwal. In this perspective, it is necessary to see the photograph No.1 of my book document No.289C-1/215, in which I have written that construction of a temple might have taken place during tenth century in Ayodhya and on the basis of this inscription, it can be assumed that reconstruction of this temple of tenth century might have taken place during the rule of king Govind Chandra Gahadwal in the 12th century. I have written in my account on page No. 157 of my book about construction of Masjid,

the basis of which are Persian inscriptions, the translation of which is printed at page No, 156 of 'Epigraphia Indica Persian Supplement, 1965'.

The height of pillars as 5 feet and 6 inch written in my article 107C— 1/186, was measured by me myself and in the same article in paper No. 107C-1/187, the fact written about "Janamsthan Mandir" that it is 100—200 years old, which is in the north of this Janm Bhoomi.

Article paper No.107C-1/186 to 190 was written by me, which I wrote in 1990, at that time Sanskrit inscriptions did not come to light and because same type of symbols are found in the temples of 11th century, which are found on the pillars of disputed structure, so I stated it as of 11th century. The facts written in last but one paragraph of paper No.107C-1/189 of this article, whatever is written in "The two Persian inscriptions 300 years" is based on my own findings. The things written by me after this article are mentioned in my book document No.289C-1, my view has somewhat been amended since then because now three inscriptions of 12th century are available, As per my view, a reference of more than 300 years can also be considered as more than 400 years old.

Verified the statement after hearing

Sd/-
S.P.Gupta
10.07.2002

Typed by the stenographer in open the court. In continuation for further cross-examination, be present on 11.07.2002.

Sd/-
10.07.2002

Date 11.07.2002

(In continuation of dated 10.07.2002, statement of OPW 3 Shri Swaraj Prakash Gupta begins on oath).

It is not true to say that the fourteen pillars fixed in the disputed structure are of black basalt stone and this is also not true to say that such basalt stone is found in the areas of Mirzapur and Rajmahal.

In Vaishnavised sect, conch (sankh) has got a particular importance. But this is not necessary that a conch is necessarily carved in the building of temple. Yes, if it is a Vaishnav temple then a symbol of conch can be found. Vaishnav temple means ten incarnations of Vishnu, so it is not necessary to find a sign of conch in Vaishnav temple. Lord Vishnu has got its own shape and in that shape existence of conch is essential. It is true to say that if in any pillar or wall of temple has got tile idol of Vishnu himself then mostly in that shape the sign of conch may be found. It is not true to say that in the idol of Vishnu, the sign of conch will necessarily be there because Vishnu himself has got 1000 forms. Without seeing the book, I cannot tell at this time that out of these 1000 forms of Vishnu whether there is any form in which the sign of conch is necessarily found. About chakra also my answer is the same that out of 1000 forms of Vishnu whether it is necessary or not to have a symbol of chakra in any form. This I can tell only after seeing the book. It is not correct to say that symbol of chakra is essential alongwith the idol of Vishnu. Likewise it is also not true to say that the symbol of Gada is also essential alongwith the idol of Vishnu. And likewise it is not essential to have a lotus alongwith the idol of Vishnu.

It is correct to say that it is not necessary to have a string of flowers alongwith the idol of Vishnu. The string of flowers is used alongwith the idols of other Gods and Goddesses. At this point, the learned cross—examiner advocate invited witness's attention towards flowers on western wall, which called lotus, which is seen in photograph Nos. 129, 131, 132, 168, 169, 171 and 172 of album paper No.200G of pictures prepared by UP Archaeological Organisation. But it is a manifold petals, which are shown in parallel circular shape and also leaves unfold towards outside. This kind of shape is mostly found in Muslim architecture. In photo Nos.67, 69, 92 and 93 of album paper No.201C-1 contain the same kind of symbols of lotus as I have mentioned above in my statement. It is correct to say that the design of flower of lotus is widely used in the construction of buildings of Mughal times architecture design. It is correct to say that the design of lotus is extensively used in pillars, walls and domes of buildings. It is correct to say that besides the flower of lotus, the design of other type of flowers and leaves has been used in Mughal times buildings and religious places, including temples and mosques. The learned cross-examining advocate invited witness's attention towards photo No. 154/14 and 15 of the disputed structure prepared by Bashir Ahmed advocate pleader, seeing which, the witness stated that the design of flowers of lotus seen here seems to be of the same design about which I have detailed in photos shown in above album Nos.200C-1 and 201C- 1/1 . As far as I remember, I saw the disputed structure from inside for the first time in 1975 or around that time. After seeing document No.154/12 (suit No.1/89), the witness stated that the design which is seen in this photo, I could not see that in 1975. After seeing document

No.154/13 (suit No.1/89), the witness stated that I cannot say whether the idols lying of the type seen in this photo existed in 1975 or not.

In my statement at page No.11, which have been mentioned as sacred flowers, include flower of lotus, leaves of pipal and birds peacock and swans are included. Besides these, other flowers, leaves and birds are also considered as auspicious. Besides these, other flowers, leaves and birds are also considered as sacred. But flowers of marigold, acacia, rose, tulip etc. are not considered as sacred. The leaves of these flowers are also not considered as sacred. But leaves of neem and Mango are also considered as sacred. Sacred and auspicious is one and the same thing, in my view. Likewise pigeon, goraiyya, bulbul etc. are also not sacred for Hindus.

In my earlier statement, I have mentioned about Gahadwal style and sub-style, which have the same meaning. It is wrong to say that no style is known in art as Gahadwal style.

Verified the statement after hearing

Sd/-

S.P.Gupta

11.07.2002

Typed by the stenographer in the open Court. In continuation of this for further cross-examination on 12.7.2002, Witness be present on 12.07.2002.

Sd/-

11.07.2002

Date 12.07.2002

In continuation of dated 10.07.2002, statement of OPW 3 Shri Swaraj Prakash Gupta begins on oath).

In the fourteen pillars fixed in disputed structure, there was a symbol of lotus, there were no symbols of conch, chakra and gada.

Whether king Chandra Dev was the first king of Gahadwal dynasty or not, I may not be able to tell because I am not a historian. Govind Chandra was a king of Gahadwal dynasty. Govind Chandra declared himself as the incarnation of Hari or not, I do not know this, because this is a question of history. I may also not be able to tell that the king of Gahadwal dynasty was in Varanasi, which was the capital of Gahadwal dynasty. Dr. Dubey told me that the temples of Gahadwal dynasty were in Varanasi, but they were destroyed. I have no knowledge that the two temples of Gahadwal dynasty which were in Varanasi, their name was Chandra Madhav or Vishnu Hari or not, as far as I know. This is true that the kings of Gahadwal dynasty worshipped Vishnu and Shiva both, but I have no knowledge whether they gave grants and provided land for the monasteries of Bauddha Dharma or not. I have also no knowledge that out of four wives of Govind Chandra, two wives were the followers of Bauddha Dharma or not, because this also is a subject of history. With regard to the fact that hundred inscriptions are available of Gahadwal dynasty, was told to me by an Epigraphist, because I am not an Epigraphist. I have also no knowledge that out of the above mentioned inscriptions, one is famous as Bodh—Gaya. I have heard the name of Raja Jai Chandra. He was a king of Gahadwal dynasty. But I have no knowledge

whether Bodh—Gaya inscription belongs to him or not. I have also not know that Raja Jai Chandra had become a disciple of Bauddha saint Shri Mitra, because I am not a historian and this is a subject of history. I have not heard about Hathia Dah Pillar inscription, which is considered as of Vikram Samvat 1207 . I have heard that a place by name Gadhva is near Allahabad. I have no knowledge whether there are any remains or not of few Gahadwal temples. I have not read as to what has been written by Cunningham about remains of temples and statutes of Gadhva, which is near Allahabad, I simply know that the samples found there were of Gupta period, but whether it were samples of Gahadwal art or not is not known to me. This is true that at that time, i.e. during the time of Gahadwal, Ayodhya was known as Uttar Koshal also. I have not read the “Teerth Vivechna” book of Lakshmidhar, because it is not related to art. May be that the book contain description of pilgrimage places of Hindu Dharma and may have also the description of Ayodhya. Lakshmidhar was never considered as an Archaeologist and since I am not a historian, so I may not tell this also whether he was considered as a historian or not. I may not be able to say anything whether in 1150 Vikram Samvat for the first time in Chandravati grant, Uttar Koshal was identified as Ayodhya, because I am not an Epigraphist.

Question: My view is that during Gahadwal period, the word “Shri” was used to pay respect to someone and not the word “See”?

Answer: I was told by an Epigraphist that in that period both these words were used, I, myself may not be able to say anything on this subject.

I have not read the book namely “Rajtarangini” written

by Kalhan, but I have definitely heard about it. I have not read the inscription, namely 'Saheth Maheth" which is of 1186—87 Vikram Samvat, and which is related to Ayodhya, since I am not an Epigraphist. I have no knowledge about the fact that there are 80 Inscriptions related to Gahadwal dynasty which are related to their religious ideas and land grant, their good work, their interest in art.

The chapter 11 of our book document No.289C-1 has been written by me. The rest of the chapters have been written by Dr. T.P. Verma, which I have seen cursory. After printing also, I saw them cursory. It is just possible that Dr. T.P. Verma might have referred the book of Roma Niyogi "The history of Gahadwal dynasty" at several places and might have based some of his conclusions on that. While studying for MA, I read R.C. Majumdar's book "Advance history of India", but I do not remember if there was a separate chapter on Gahadwal dynasty in that or not. But it is possible that there may be a mention of Gahadwal dynasty at some place, but at present, I do not remember. It was not my subject of the history of Gahadwal dynasty, so I did not read history books on this subject. I have not read any book related to Gahadwal dynasty, i.e. I have not read history related to Gahadwal dynasty.

At this point, the learned cross—examining advocate invited witness's attention towards page 176 of William Finch's book "Early travels in India 1583-1619", edited by William Foster, after reading which the witness stated that as I have stated earlier also that in this account, there is no direct or indirect reference of demolition of temple by Babar in Ayodhya. Again said that my statement of day before yesterday meant that Tryfanthellar has said that Babar had destroyed the temples of Hindus, about which I have

mentioned in my book 289C-1. I may not be able to tell orally that the Gazetteers mentioned in my statement at page 201, to which year they are related to and who have edited them, but I can reply to this question after seeing my book document No.289C (The witness was given his book 289C-I, which he read and answered after reading). The gazeteers, which I have referred in my statement, were edited by Edward Thornton in 1854 for East India Company and this has also been referred to by Justice F.E.A Chaminar in his judgement. I have studied only one Gazetteer, which I have referred to above and the same has been mentioned on page 201 of my statement. Earlier to this Gazetteer and later Gazetteers, I have seen in cursory manner. At this stage, the witness's attention was drawn towards second col. 4 of page 245 of his book document No.289C-11 "Ayodhya Ka Itihas evam Puratatva", "Edward Thornton, in 1854, wrote that..... was the birth place of Rama". After reading he answered that it is written in this that 14 pillars in the Masjid of Babar were very beautifully engraved, which were taken from an old temple. In this paragraph, it is not written that these 14 pillars were taken after demolishing a temple of Ayodhya or not. The said Gazetteer of 1854 was read by me summarily. I do not remember as how many pages contained the description of Ayodhya in this Gazetteer, because this is a subject of history. If there is a reference to art in Gazetteers, then it concerns me otherwise not. In one of the Gazetteers, a mention has been made that in a graveyard two pillars in reverse manner were fixed, which were of the same type which were similarly fixed at the disputed structure. This statement of mine which is given in the last paragraph's first col. on page 161 of chapter 11 of my book "Janam Bhoomi sthal is called the guru of Mir Baki", is based on my own observation, and not on any

Gazetteer and a picture of one pillar out of that is given in my book, which is picture No.3 of document No.289C—1/213.

At this stage, the learned cross-examining advocate invited witness's attention towards middle line of second col. of page 1 of document No. 107C- 1/10 filed in Other Original Suit No.5/89, "The ruins still here..... the name of Ramgarh..... who had brought them from Lanka and Ceylon and put a question as to whether in second col. of page No. 45 of your book document No.289C— 1 is based on the statement of Edward Thornton or not. After reading that portion, the witness replied that my above said observation, which is given on page 145 of my book is based on the following lines of the said Gazetteer, which is as follows in this passage beginning from "Not the smallage passage", continues upto the fourth line of first col. on next page, "The devotion of Hindus".

Question: In your book document No.289C-1/1, page No.145, in para 4 of Edward Thornton is written that the fourteen pillars fixed in the Masjid were taken from old Hindu temple, whereas in the said para of Thornton's Gazetteer, which was shown to you, it has been written that these 14 pillars were brought by "Monkey general Hanuman", which he brought it from Lanka?

Answer: This is not correct because in the above line, it is clearly written that it is said that they were taken from the remains of Hindu temples. In it "Fanes" word mean religious place or temples. In my view, it would not be correct to say that those pillars might have been brought by Hanuman from Lanka. In fact in my view, the first opinion.

expressed seems to be correct i.e. these pillars were taken from the remains of Hindu temples. On this point, the attention of witness was invited towards document No.107C-1/106 to 108 and witness after reading answered that in paragraphs 6 to 8 of document No.107C—1/108, my opinion about the details given in these three paragraphs, expressed by me in my day before yesterday's statement that on the basis of circumstantial evidence, it can be said that Ram Janam Bhoomi temple was demolished by Babar because in the aforesaid para, there is clear description of demolition.

By seeing document No. 107C— 1/105 and document No.107C— 1 /108, I may not be able to tell as to in which year Tryfanthellar visited Ayodhya because this paper was translated in French by Mr. Paron in 1786 and as per assumption, Tryfanthellar might have written his book 15—20 years ago or much before in Latin. In document No. 107C— 1/106 and document No.107C— 1/108, the account of demolition of fort of Ramkot by Aurangzeb and construction of Muslim temple there with three domes and with regard to Babar only construction of a Masjid has been mentioned, but in para 8, it has been stated "Some say Babar destroyed the place in order to prevent the hithenes from practicing their ceremonies. However, they had continued to practice their religious ceremonies in both the places knowing this to have been the birth place of Rama by going around three times and prostrating on the ground. Therefore, by this, this conclusion can be made that as per Tryfanthellar, Babar demolished the Janam Bhoomi temple and after that a mosque was constructed there, but Hindu continued their worship there. In first line of this para of

Tryfantheltar that "Aurangzeb after destroying the fort of Ramkot, constructed a mosque there with three domes". This as per memoirs of Tryfanthellar is not about Janam Bhoomi, but this is about destruction of temple constructed at the Swargdwar and construction of a mosque there by Aurangzeb. The Tryfantheliar in last line of seventh para of document No.107C-1/108 has written that the pillars fixed in the mosque were brought by Hanuman from Sri Lanka or Salan islands, but this is written by him on the basis of sayings of others, which is a hearsay.

Verified the statement after hearing

Sd/-

S.P.Gupta

12.07.2002

Typed by the stenographer in the open court. In this continuation for further cross- examination, be present before Commissioner on 15.07.2002.

Sd/-

12.07.2002

Date: 15.07.2002

Before Commissioner : Shri Narendra Prasad, Additional District Judge/OSD, Hon'ble High Court, Lucknow Bench, Lucknow.

O.P.W.3 - Dr. S.P. Gupta

(Appointed as Commissioner by an order passed on 21.3.2002/12.7.2002 of Special full bench of Hon'ble High Court, Allahabad, Lucknow Bench, Lucknow' in Other Original Suit No.4/89 (Original Suit No.12/1961), Sunni Central Board of Waqf, UP etc. Versus Gopal Singh Visharad etc.)

(In continuation of dated 12.7.2002, OPW 3 Dr. Swaraj Prakash Gupta's cross—examination begins on oath).

On the last working day of my service, I worked in Allahabad Museum and the order of retirement was issued from National Museum, Delhi, which has been my parent Department. After that I settled in Delhi after coming to Delhi. There is an Indian Archaeological Society, of which I am the Chairman and it has a big office, which is situated at B—17, Qutub Institutional Area, New Delhi-16. I sit in that office and work.

At Berlin in Germany, there is one Prof. Goreshwar Bhattacharya, with whom I have some acquaintance. His working field is Epigraphy and he is a specialist in Epigraphy. He is considered as a good scholar of Sanskrit language. He is elder to me and his age may be approximately 80 years. I do not remember if I had ever met him or not in Delhi. But I met him in Berlin. Alongwith

me late Shashi Asthana worked on the post of an Assistant. As far as I know Dr. Shashi Asthana, expired after 1992. She died at the age of less than 50 years. I do not remember whether I met Goreshwar Bhattacharva alongwith Shashi Asthana or not. I do not remember whether Goreshwar Bhattacharya came to Delhi before 1992 or not and whether I met him in Delhi before December 1992 or not. Dr. Bhattacharya was originally a resident of Kolkata and from there, he went to Germany. I do not know whether he did any teaching work in Delhi or not. I do not at all remember whether I ever showed a photo of that inscription to Dr. Bhattacharya, which was found on 6th December 1992 from tile debris of disputed site, the inscription of which I published in my book 289C-I. I briefly met Prof. B.D. Chattopadhyaya of JNU two times. He is a lecturer of ancient history of India and he is renowned in his field. I do not know if he knows Sanskrit or not, but according to me he may surely be knowing it.

I had been editor of monograph series of "Man and Environment journal" for many years, but till now only one book of that has been published. Only one publication of that have come out of it which was edited by me. Its second publication was to come out in May 2002 but has not been published so far. In my statement on page 35 the book referred by me as "Indus Saraswati Civilization" has no relation with the book published by the name "The frontiers of the Indus Civilization" and which was edited by me and B.B. Lal and of which Dr. Shashi Asthana was the Assistant Editor. There are two different rivers by name Indus and Saraswati and their valleys are also different and the civilization of those two valleys are called "Indus Valley Civilization" or "Indus—Saraswati Civilization". The area of Indus Valley starts from Mansarovar in Tibet and pass

through Laddakh and goes to Punjab and Sindh in Pakistan and ends in Bay of Arabian Ocean. The river Saraswati comes out of glaciers of Garhwal and passes through Aadi Badri and middle of Haryana and after passing through the middle of Rajasthan and after flowing parallel to Pakistan falls in Arabian bay. The Civilization of Sindhu Valley is spread from Yamuna Nagar and Kurukshetra in Haryana and upto Sindh in Pakistan. It is correct that this Civilization is called the Civilization of Christian Era. There is no similarity in this civilization and civilization of Ayodhya. Both are separate civilizations and the period of both is different. The art and symbols of art of Sindhu Valley and Saraswati Valley are found in Harappa and Mohenjodaro, Dhaulivara, Kalibanga and Banawali etc. places. Many of the symbols found from Hindu Civilization exist even today.

After seeing photo No.107 of black and white album document No.201 C—1 (Other Original Suit No.4/89), the witness stated that this photo is not very clear so that by seeing it I can not tell that the bricks seen in this photo are of which century. I have seen this wall at the site which is displayed in this photo, but study of bricks has not been my subject.

I cannot say that the wall shown in photo No.107 and shown in photo Nos. 35 and 37 also of this album, iron windows are seen in the wall shown in photo Nos.35 and 37 of this album as per my memory, this is partition wall. As far as I know, the wall shown in photo No.35 and 37 was built either in 19 or 20th century. The witness was shown photo Nos. 11, 12 and 39 of the same album, on seeing which, the witness stated that the wall shown in photo Nos. 11 and 12 is the photo of outer side of outer wall, whereas the wall shown on the right hand side in photo No.39 is the

inner part of the outer wall. In photo Nos. 11 and 12 alongwith bricks there are many stones and substantial part has been plastered so I may not be able to tell about the period of the bricks. Likewise in photo No.39 although bricks are seen in a very large number, but the photo has been taken from such a distance that the length and breadth of bricks is not visible, so I cannot tell as to which period these belong. I have seen these walls by going at the site but because this was not my subject so I did not study it separately and as such did not express my opinion about the time of these. After seeing photo Nos.20 and 23 of this album, the witness stated that the gate shown in photo No.20 is lion gate, which is the gate of northern direction and the gate shown in photo No.23 can also be the photograph of same gate. Although this is a side photo. I cannot definitely say that the photograph Nos.20 and 23 are photos of the same gate, but the probability is that both are the photos of the same gate. In photo No.20, two lions are seen on the upper side. According to me, the door shown in photo No.20 might have been built after the structure which is having domes. I may not be able to tell that how much difference can be there in the construction of both. The witness was shown photo Nos.68, 77 and 78 of the same album, on seeing which, the witness stated that this was the structure beneath the dome, which seems to be of 16th century, but I am not an expert of Mughal architecture. At the time of Babar, Mughal Architecture was not in existence. Therefore, this is also called the architecture of pre-Mughal and medieval Mughal period. This I cannot tell whether the artists who constructed this structure were originally from India or whether some of them were foreigners also. The witness was shown photo Nos.79 and 80 of the same album, on seeing which, the witness stated that I cannot express any opinion whether

its design is of 16 century or earlier than this or not. Although there seems a probability of it being of 16th century. Similarly, the witness was shown photo Nos.83 and 84 of this album, on seeing which the witness stated that this was the lower floor of the dome, whether these are lines prepared for Namaz or not I cannot say. I cannot tell whether this floor was built alongwith the structure or was built later on. The witness was shown photograph Nos. 14, 16, 17, 18 and 19 of tile same album, on seeing which the witness stated that at present, I cannot tell as to which side of the disputed boundary wall these photos belong. However, these photos may be of part of western wall. The witness was shown photo Nos. 40 and 42 of the same album, on seeing which, the witness stated that I cannot tell whether these photos are of one gate or of separate gates. Photo No.42 is of eastern side gate, which is attached with partition wall. But about photo No.40, due to its being not clear, I may not be able to tell as to which gate this photo belong. Photo No.42 is not the photo of outer gate, it is of the gate of partition wall. The witness was shown photo No.46 of the same album, on seeing which the witness stated that I may not be able to tell whether the gate shown in this photo is of northern side or of southern side. The photo Nos. 52 and 53 of the same album were also shown to the witness, on seeing which the witness stated that I may not be able to tell whether this gate is of the northern door or of southern door. The witness was shown photo Nos. 47, 48, 49 and 5 of the same album, on seeing which the witness stated that the design in these photographs from the point of art is in existence before the advent of century and it continued during the whole Mughal period. Photo Nos.21 and 22 were shown to the witness, who after seeing said that from the point of view of art, it cannot be said that this design is of

18 or 19th century. During my visit to this place, I entered through this gate and I saw it at the site. I studied Hindu art of upto 6th century. Except Hindu arts, I have practically no knowledge of rest of the arts from 10th to 16th century.

The witness was shown photo Nos. 11, 12, 13, 17, 18, 19, 37 and 55 of colour album document No.200C—1 (Suit No.4/89). on seeing which the witness stated that these photos are of the outside boundary wall of the disputed structure. After seeing these also, I am not able to find the period of construction of this wall, because it appears to have been repaired at several places, and has got bricks, stones and material of various types. By seeing the bricks in photo No. 19, I cannot estimate about the period of its construction or about the period to which the bricks belong. Photo Nos.22, 23, 26, 27 and 30 were shown to the witness, on seeing which the witness stated that these seem to be of the western wall. The witness was shown photo Nos.31, 33 and 34, on seeing which the witness stated that these seem to be of western wall, in which some stones are visible and some bricks are also seen, may be some big stones, which by destroying the temple, the disputed structure may have been constructed. I cannot tell about bricks as to which period these bricks belong. These stones may be of some temples. The basis of my this view is that their length and breadth is of buff sand stone, i.e. the stones found in the temples between July 1992 and December 1992 have the similar stones. The stones which I saw between July and December 1992, I compared these with the stones shown in the photos in July 1992 itself. The witness was shown photo Nos.37 to 42 of the same album, on seeing which the witness stated that these seem to be of one gate. In photo Nos.39 and 40, the photo shown above may be the photo of lion. Since I am not an expert of this, so I do not know

whether these have been symbols of any king of Mughal period or not. I do not know whether fish has been the symbol of any Nawab of Awadh or the kingdom of any king or not. In my view, the photo shown in the upper side of photo Nos.39 and 40, cannot be any fish but may be of a lion that is why it is called lion gate. The witness was shown photo Nos.45, 46 of the same album, on seeing which, the witness stated that as per my view, the construction period of the gate seems to be of 16th century. However it may be that these might have been repaired in other periods. The witness was shown photo Nos.73 and 77, of the same album, on seeing which the witness stated that bricks are seen in these photographs, which according to me are of various periods. These photographs are not so clear, so that I can tell about the period of the bricks. I did not study the bricks fixed in the western wall of disputed structure, because it is a subject out of my specialization, but I have definitely studied the stones fixed in it which is a buff sand stone. I did this study before the demolition of disputed structure and also did the study of the stones fixed in the wall.

The witness was shown photo document No.154/9 filed in Other Original Suit No.1/89, on seeing which the witness stated that it seems the photograph of northern main gate of the disputed structure. Similarly photo No.154/5 also seems to be the position of northern main gate. When I went in the disputed site for the first time, at that time, the position of northern wall seemed to be the similar to that of northern wall as shown in this photo. The witness was shown photo No.154/6, on seeing which the witness stated that at present, I am not remembering it whether it is a photo of some inner part of the boundary wall of the disputed structure or not. Photo No.154/4 was

shown to the witness, on seeing which the witness stated that this appears to be the photo of eastern gate of disputed structure. There is a probability that this gate might have been constructed alongwith the construction of disputed structure. The witness was shown photo No. 154/11, on seeing which the witness stated that the stone in the upper side of the photograph, the script of that writing appeared akin to Persian, when I saw that. I cannot tell as to in which language it was because I have no knowledge of Arabic and Persian languages. Photo No. 154/7, 8 and 10 (Other Original Suit No.1/89) was shown to the witness, on seeing which the witness stated that these photos were of the western part of the disputed structure. In all these three photos, the lime plaster is seen on the wall, and no brick or stone is seen coming out anywhere. The witness was shown photo No. 154/6, on seeing which the witness stated that this photo is of some part of disputed structure, but of which portion, this I cannot tell. But some bricks are seen in it. The period of these bricks I cannot tell by seeing this photo.

When videography and photography of Ram Katha Kunj was done in February 1999, then I had gone there, but this I do not remember as to who accompanied me. I went to Faizabad from Delhi and from there, I went to Ayodhya. There is a possibility that Justice Devki Nandan Ji might have asked me to come there, but I do not remember it exactly. I do not remember as to how many days notice I was given to go to Ayodhya. As far as I remember, Devki Nandan Ji gave me this notice of going to Ayodhya orally. At the time of videography alongwith me, there were Dr. Sudha Mahlayya, Prof. B.R. Grover and Dr. D.P. Dubey. I do not remember Dr. T.P. Verma and Dr. Devendra Swarup, were also with me or not. There at that time material was

kept in two rooms in Ram Katha Kunj which were videographed and photographed. As far as I know, all the stones (inscriptions) which were lying there, were taken out from the disputed structure. I do not know whether at that time small pillars of white stone were kept there or not. I have heard that the material kept there has now been shifted to the new building. I have not seen this new building where this material has been kept.

Hindi language was in existence at the time of Babar also, but now its form has been changed and now it is quite different. The Braj Bhasha and Awadhi Bhasha of the 16th century, which are originally a dialect, the changed form of these is now Hindi. The Script of Hindi language at that time was called "Nagri" whereas the script of today's Hindi is called "Devnagri". The form of scripts has changed upto to-day. As far as I know from the times of Babar to Aurangzeb, the language of the state, i.e. official language was Persian and the work of the state was done in Persian. After seeing photo No.1 of album No.286C-1 filed in Other Original Suit No.5/89, the witness stated that a stone fixed is seen in this photograph in which Janam Bhoomi and Janmsthan both have been written. The language and script and the art of carving on it is of the English times.

The witness was shown page No.176 (document No.289C-1/198) of document No.289C-1, on seeing which the witness stated that from the notes under para 19 of this page, I broadly agree. Likewise I broadly agree with the note given under para 21 of this page. After seeing last line beginning from document No.289C-1, page No.157 of this book upto following lines on page No.158 "..... from of this book contributed upto", the witness stated that this has been written by me and I agree with

this opinion. By meaning several obstacles and disturbed conditions, I meant that there were extra-ordinary conditions and desertedness, there was no other obstacle. In my earlier statement, I have stated about reading of history book written by Dr. Ishwari Prasad, the name of which is "A short history of Muslim rule in India", which I read summarily, because this was not my subject. In MA, I did not opt for medieval history subject. I do not remember if it has full details of Mughal period and establishment of Mughal rule by Babar. I also do not remember if it has any description of demolition of a temple in Ayodhya by Babar or by any of his Commanders. I have heard about the book of Dr. Ishwari Prasad namely "The Mughal Empire", but I have not read it. I cannot say if history book namely "Mirat-e-Masoodi is an authentic book or not; I have never heard or read about this book, that Historian Mohd. Nazim in his book "Life and time of Sultan Mahmood" has written that 'It is a history mixed with a liberal supply of pious fiction'. I have not read the book "The History and Culture of Indian People — Mughal Empire", which has been edited by R.C. Majumdar and printed by Bhartiya Vidya Bhawan. This book is considered as an authentic history book.

Question: I mean to say that in the aforesaid book, it has not been written that Babar or any of his Commanders had demolished any temple in Ayodhya?

Answer: I have not read this book, so I cannot say whether it is correct or not, whatever the learned advocate is saying.

'Sharki architecture' has never been my subject and I have never studied it. I have also not studied about the Atala Masjid of Jaunpur, which is considered as a sample

of Sharki architecture. I have not read D.D. Kaushambi's book "The Culture and Civilization in ancient India Historical Outline" just possible it may have description of four periods: Satyug, Treta, Dwapar and Kalyug. I do not know about these four periods. I have read summarily A.L. Basham's book "The Wonder that was India". If it is the sixth century BC that Indian history emerges from legend and dubious tradition" is written in this book then I do not agree with it. In my book document No.289C-I, Dr. T.P. Verma has described about Shung-kaleen inscriptions of Ayodhya. This description has been quoted from page 95 of 'select inscriptions' Vol.1, second edition, edited by Dr. D.C. Sircar and D.C. Sircar has taken it from "Epigraphia Indica". I have not done any studies about it. I have also not studied about the inscription, namely "Govind Chand Ki Plate" published in Vol.4 of "Epigraphia Indica" 996-97. I also do not know if this was an important document of Gahadwal period, because this is not my subject. Likewise a document of Gahadwal period was published in Vol. 14 of "Epigraphia Indica", namely "Plates of Chandra Dev", which relates to 1156 Vikram Samvat, this was also not studied by me. A Chinese traveler Huen Sang, who came to India during seventh century, I have read about his description summarily. The description written by that Chinese traveler in Chinese language was translated in English by Samuel Wheel, the name of his book is "C.U.Ki", the English translation of which is "Buddhist record of the western world". It is just possible that he might have written about Ayodhya located on the banks of Ganga and its area as 5000 lee. I cannot say how much one lee has its length. Some historians are of the view that ancient Ayodhya was not the present Ayodhya. It was at some other place, but from the ancient book like Ramayan, it is clear that today's Ayodhya is ancient Ayodhya. It has not come to my notice

that some historians have stated the existence of ancient Ayodhya in district Unnao'. I have no knowledge if there is any place, namely Ayodhya in Allahabad or not and if it existed then how old it was. In my view, the description of "Awadh" in "Aine Akbari" is the description of present Ayodhya. The description about Ayodhya in "Encyclopedia of Indian archaeology", edited by A. Ghosh, may also have the description. At this stage, the witness was shown the said Encyclopedia and after seeing its page No.31 and 32, the witness stated that in it entry relating to Ayodhya has been written by Prof B.B. Lal, whose name appears at the end of this entry. This is the same B.B. Lal who did excavation work in Ayodhya in 1975-76. On page 199-200 is the entry of Kannauj, which has been written by J.S.Nigam, who used to be an officer in Archaeological Survey of India. At this stage, the learned cross-examining advocate filed the photograph of front page and page No.32, 199, 200, document No.298-1 to 295C/5 of said book as list of proof document No.298C— I. After seeing first two lines of the last paragraph of document No.C— 1/3, the witness stated that B.B. Lal might have written an entry in this, by that time it may be correct but afterwards he printed a photo in "Indian Archaeology A Review", which he has named of Gupta period, which falls in 5th – 6th century.

Question: In fourth, fifth line of the last paragraph of second column, of aforesaid document No.298C- it is written that on the basis of a few evidences, it can be said that population might have been in existence even in the Gupta period?

Answer: The meaning of fourth, fifth and sixth line is somewhat different. The real meaning of these lines is that on the basis of inscriptions found at other places in India, it can be said that this

place, i.e. Ayodhya might have been in existence as a habitation centre during the Gupta period, but I want to say that in his own excavations of Ayodhya done by Prof. B.B. Lal and a photo of which was published by him in "Indian Archaeology — A Review", he has himself written that the brick walls are of Gupta period, i.e. from fourth century to sixth century. Therefore, on the basis of excavations done in Ayodhya till today, it can be said that Prof. B.B. Lal has got a clear opinion that during Gupta period, Ayodhya was a habitation where people used to live in buildings made of baked bricks. The above opinion of Prof. B.B. Lal, as told by me was published by 1980 in "Indian Archaeology — A Review".

Question: I mean to say that the opinion of B.B. Lal as described in aforesaid document No.298C-1/3, has been written after 1980 and this view he never changed?

Answer: I do not agree with it, as I have said above also.

This Encyclopedia was published for the first time in 1989. Document No.298C-1/4 and 298C—1/5 was shown to the witness who stated that in it in the entry relating to Kannauj, there is no mention of Gahadwal dynasty, but period 4 has been described, in which it is stated that there were seven periods, which all belong to medieval period, which continue upto late medieval period, which clearly specifies that this include Gahadwal period also, although at no place Gahadwal word has been used. In this entry, there is mention by name of other dynasties, which are earlier to Gahadwal dynasty. In it, there is no mention by

name of Gahadwal period and dynasties after that. From the second paragraph of document No.289C-1/5, which begins from period 4 and ends at medieval times, I can conclude that it includes stages of Gahadwal and other medieval period and their remains, The learned cross-examining advocate showed telephone directory of Allahabad, 2002 to witness and filed a photocopy of the list index page Roman 4 and page 241 of the aforesaid directory document 299C-1 and document No.299C to 299C-1/3 and guide map of Allahabad city, which was published by the Department of Tourism of Government of Uttar Pradesh, filed document No.299C (The learned advocate of plaintiff Other Original Suit No.5/89 objected that there is no affirmation about these documents nor witness can be asked questions relating to these documents. Therefore, it is not appropriate to take these on the record).

Subject to aforesaid objections, the aforesaid document No.299C-1/1 to 299C-1/4 is kept on the record in accordance with the order dated 20.03.2002 of the Hon'ble full bench.

Question: The Ayodhya, which is described in said document No.299C-1/2 and 299C— 1/3, which is this Ayodhya?

Answer: Since last 2000 years. it is well known that as the Ramayan Katha became popular, not only in India but in South—East Asian countries, such as Thailand and during British period whenever Indians were sent for sugarcane cultivation etc. in foreign countries and Mauritius, Hindus constructed sites there relating to Ramayan at their places. Ayodhya was the most prominent in

it. Therefore, more than a dozen Ayodhyas are found in the world. In this connection if Hindus of Allahabad had taken a decision in Allahabad that they also want a Ayodhya in their district then they might have constructed a new Ayodhya but it is very clear that this Ayodhya might be of the period after first century AD and this will be called new Ayodhya. Nowhere in the documents shown to me, it has been written that this Ayodhya of Allahabad is that ancient Ayodhya which is situated at the banks of Saryu river.

Question: In the last col. of document No.299C-I/4, the text given under title Sitamarhi, do you agree with that?

Answer: This is also a 'tradition', about which the question of agreement or disagreement does not arise.

Verified the statement after hearing

Sd/-

S.P.Gupta

15.07.2002

Typed by the stenographer in the open court. In continuation of this for further cross-examination, be present on 16.07.2002.

Sd/-

Narendra Prasad

Commissioner

15.07.2002

Date: 16.07.2002

Before: Commissioner: Shri Narendra Prasad, Additional District Judge/O.S.D., Hon'ble High Court, Lucknow Bench, Lucknow.

O.P.W.3 - Dr. S.P. Gupta

(Appointed as Commissioner by an order passed on 21.3.2002/ 12.7.2002 of Special full bench of Hon'ble High Court, Allahabad, Lucknow Bench, Lucknow in Other Original Suit No.4/89 (Original Suit No.12/1961), Sunni Central Board of Waqf, UP etc. Versus Gopal Singh Visharad etc.)

(In continuation of dated 15.7.2002, OPW 3 Shri S.P. Gupta's cross-examination begins on oath).

It is true that this is a local tradition that in Sitamarhi, Sitaji stayed during exile. By local I mean that this is the tradition of Sitamarhi, it is not the tradition all over India. In this connection, I have no information about the faith of Ayodhya and Rama devotees in this connection. This Sitamarhi, about which I have mentioned above, there is a probability of it being in Madhya Pradesh. I do not know if there is description of it in Ramayan or not. I have no knowledge whether all Hindus believe it or not that Sitamarhi is the place where Sitaji stayed during exile. This is not the subject of my specialization. My religion is Hindu religion. I am not in a position to say anything whether I believe in the tradition of Sitamarhi or not. I believe on Sitaji and her exile. During exile where Sitaji stayed, I have no knowledge about it. This much I know that where Balmiki Ashram exists, Sitaji stayed there.

Question: About Sitamarhi, it is said that Sitaji during exile stayed there in Saint Balmiki's Ashram and there she gave birth to two sons Love and Kush? Whether this fact about the importance of Sitamarhi is right or wrong?

(The learned advocate in Other Original Suit No.5/89, Shri Ved Prakash and defendant No.20 in Other Original Suit No.4/89 Shri S.P. Pandey objected that this question is neither related to the suit nor there is any point of contention on it and nor there is any statement of defendant No.4, like this, therefore, such question should not be allowed to be asked.)

Answer: I have only this much knowledge that Sitaji stayed in Balmiki Ashram and there Lav and Kush were born. But I may not be able to tell whether the place of Balmiki Ashram is called Sitamarhi.

After showing document No. 299C-1/4, the learned cross-examining advocate asked —

Question: In this document, Sitamarhi is stated to be 72 kms. away from Allahabad. Is it the same Sitamarhi about which you have expressed of its being in Madhya Pradesh?

Answer: Since in the aforesaid document No.299C-1/4, this Sitamarhi has been stated as to be situated in Allahabad District, so I am not in a position to tell anything about it.

I have very little knowledge about the life of Ram Chandraji. I cannot say as to when temples were established by the name of Ram Chandraji and Sitaji. A

temple of Ram Chandraji of 11th and 12th century by name of "Rajeev Lochan" still exists nearby Raigarh, the capital of Chhattisgarh. I cannot tell as to who ruled Raipur in 11th and 12th century. At this stage, the learned cross-examining advocate filed the photocopies of page No.356 to 361 and title page of the book "Society and Culture in Northern India in the 12th Century" from list document 300C—1, which were numbered document No.300C— 1 / 1 to 300C— 1/4 and asked a question.

Question: On page No.359 of this book document No.300C-1/3, the mention of temples of Ram Chandraji by the title "The Ram Cult", whether this is correct or incorrect?

(On this point, the learned advocate of Other Original Suit No.5/89 Shri Ved Prakash and learned advocate of defendant No.20 in Other Original Suit No.4/89 Shri S.P. Pandey objected that the document submitted has no relation with the settled dispute points. Therefore, neither the document should be accepted nor permission be allowed for asking questions in this connection.)

Subject to above objections, the aforesaid document No.300C-1/1 to 300C-1/4 were kept on the record as per the order of Hon'ble bench order of dated 20.03.2002.

Answer: Whatever is given in this document seems to be correct.

Question: In the last paragraph of aforesaid document No.300C-1/3, whatever has been written under the title "Re-enforcement of Vaishnavism" and which continues upto page No.300C-1/4, whether

you consider it as correct or incorrect?

Answer: I partly agree with these ideas. Although the learned writer has clearly written on page No.360 of the book document No.399C-1/4 that "The ideas of bhakti can, of course, be traced back to quite early ages", so if the author had given details of "in early ages", then I would have been able to say that I fully agree with the learned writer or not. Although I know that the period of this book is medieval history, therefore, it is possible that the learned writer has not detailed the "Early ages".

Whatever is written under the title "The Krishan Cult" in document No.300C—1/3, I generally agree with that, although there are many sculptures relating to Krishan Leela found in Mathura, which can be placed under the first century AD in the beginning of middle of the A.D. Whatever is written in it about Gahadwal king may be correct. A temple was in existence in 12th century in the name of Ram Chandra Ji. At that time, temples were called Devalaya and Mandir both. I do not know if D.C. Sircar in his book "Indian Epigraphical glossary" has written or not that before the seventeenth century words Devalaya, Devagrah and Devkul etc. were used in lieu of temples. Volunteer: that if he has written this then I do not agree with him because Mandir word is clear in the inscriptions found on 6th December, 1992 in Ram Janam Bhoomi during 12th century, but Dr. D.C. Sircar, who has since expired, might have not known this. As far as I know the word Mandir has been used in Ramcharitmanas. Ramcharitmanas was written by Goswami Tulsidas, which is definitely considered a creation of early 17th century. Goswami Tulsidas's Ramcharitmanas was written in Awadhi. Since I am not an Epigraphist, so I

cannot tell as to in which documents before 17th century, the word Mandir has been used for temples. Since I am not an Epigraphist, so I cannot tell whether the word 'mandir' in Sanskrit language was used for house also or not earlier to 17th century. But 'the house of Bhagwan' is used in all languages of India for 'Mandir', where God lives. Therefore, if the word 'mandir' is used even for ordinary houses, then there is no wonder.

Question : Besides aforesaid inscription (document), about which you have stated that it was found on 6 December 1992 in Ayodhya, whether in any other document (inscription) of Sanskrit, have you seen or read the use of 'Mandir' word for any temple?

Answer: This is a question of epigraphy and as I have said earlier I am not an Epigraphist, therefore, I cannot answer this question.

Question: When you yourself say that you are not an Epigraphist, then how you said by reading the above document relating to Ayodhya that the word 'Mandir' has been used in it for 'temple'?

Answer: I never said that I have read the inscription found on 6th December 1992 at Ram Janam Bhoomi. But since my colleague writer Dr. T.P. Verma in the book written by us on page No.173 of document No.289C-1 (document No.289C-1/195) to page No.177 (document No.289C-1/199), has described about it. I would like to invite learned advocate's attention towards 'shloka' of this inscription in which 'Shri Sundram Mandir' has been clearly used in Sanskrit language, which has been used for a temple only. In this 'shloka'

I understood the word 'Sundram Mandiram', the rest I could not understand.

Question: If in this inscription, the intention of Mandir is a temple then why this Mandir not written as Ram Mandir?

Answer: From this inscription which was read by my colleague, it seems to me that the scholar who wrote this inscription had agreed that there was no difference Vishnu and Rama because Rama was incarnation Of Vishnu. And at one place, the author had stated in clear terms that this temple was dedicated to that Vishnu which had killed king Bali and this did take place alongwith Dasanan. We see that it is clearly written in Balmiki Ramayan and other Ramayans that Dasanan, i.e. Ravan was killed by Rama only, therefore, whether this temple is dedicated to Vishnu or Rama, it was a Ram Mandir.

Question: Vishnu is the meaning of Hari, the God of Vishnu, i.e. Shiva?

Answer: I completely do not agree with it at all, because this is a proper noun in which meanings cannot be used for words and neither on the basis of that meaning any particular God can be conceived of as is done in respect of thousands of Hindu names. By that it is clear.

I do not agree with it that the word 'Rameshwar' mean 'Shiva'. I also do not agree with it that the meaning of word 'Rameshwarm' is 'God of Rama', i.e. equivalent of the Mandir of Shiva.

Question: In the last paragraph of second col. of book: document No.289C-1/198, there is mention of Ayodhya, i.e. with high rising buildings, full of temples, decoration of Ayodhya - this description of Ayodhya cannot be of the Ayodhya of 12 century, but can be of the later Ayodhya?

Answer: I do not agree with it at all.

It is true that in this document nowhere the word Gahadwal has been used. It is true that inscriptions were found which were shifted from other places. It is possible that the inscription found in the Ranopali Mohalla of Ayodhya about which I have mentioned in my statement at page No.25 that it might have been brought from other place and would have been fixed there.

At this stage, the learned cross-examining advocate filed photocopies of page Nos. 29 and 51 and title page document Nos.301C-1 to 301C-1/3 from the book "The Sharki architecture of Janupur" first document No.301C— 1 and put a question.

Question: The inscription described in document No.301C-1/3, is said to be of a temple of Banaras of 1296 AD and has been fixed in Lal Darwaza Masjid built in 1447 AD?

(At this point, the learned advocate of plaintiff of other Original Suit No. 5/89, Shri Ajay Kumar Pandey objected that this document is not on the record and has no relation with this dispute, therefore, there is no justification of asking questions about it.)

(Subject to aforesaid objection document No.301C-I/I

to 301C-1/3 is kept on the records as per order dated 20.3.2002 of the Hon'ble full bench).

Answer This is correct.

At this stage, the learned cross-examining advocate showed the book "Temples of India", published by the Publication Department of the Ministry of Information, to the witness and filed photocopies of page Nos.20, 21, 23, 26, 27 and 100 and content page, title page of the said book from list document No.302C-1 and document No.302C-1/1 to 302C-1/9, and questioned.

Question: In the said book description is available of all ancient and medieval temples of whole of the India, but no description or reference is available of the so-called Ram Janam Bhoomi Mandir of 12th century as told by you?

(On this point, the learned advocate of Other Original Suit No.5/89 Shri Ajay Kumar Pandey objected that the aforesaid document is not on the record, photocopies are being filed and there is no justification of asking questions about it.)

(Subject to aforesaid objections, document No.302C-1/1 to 302C- is kept as per orders of dated 20.3.2002 of Hon'ble Full Bench.)

Answer: The history of India of five thousand years is only in 40 pages which begins from introduction and goes upto the last word 'India', so this is but natural to have 'pick and choose'. Therefore, the writer, whose name is not written in this book,

might have considered that if there is no mention of the Ram Janam Bhoomi temple of Ayodhya, then there is nothing surprising.

As per this book, Uttar Pradesh should have been included in Central India. In document No.302C-1/4, there is a mention of temples of 12th century of Bodh Gaya and in document No.302C-1/5, the description of temples of Khajuraho, which are said to be of 950 AD to 1050 AD, but in document No.302C-1/4, the writer has included north India and has stated that most of them have now disappeared, i.e. the temples built in north India were destroyed and now they are not in existence. It is correct that in document No.302C-1/6, there is mention of temples of 11th century of Jain temples in Udaipur (MP) and temples of Gwalior. In document No.302C-1/7, there is description of Jain temples of 11th century of Rajasthan. It is also correct that with reference to Mehmood Gaznavi, there is mention of temple of Somnath. It is also correct that in document No.C-1 302/9, Ramayan has been described as "A great Hindu Epic story". At this stage, the learned cross-examining advocate showed the book "An advance history of India by R.C. Majumdar, Roy Choudhary and Kalikinkar Datta" to the witness and filed photocopies of title page and page No.415 to 425 of the said book document No.303C-1/1 to 303C-1/9 and questioned.

Question: In this book also there is no mention of demolition of any temple in Ayodhya by Babar or any of his commanders?

(The learned advocate of plaintiff of Other Original Suit No.5/89, Shri Ajay Kumar Pandey objected that this document is not on the record and photocopy is being filed,

therefore, there is no justification of asking questions about this.)

(Subject to the said objection, the aforesaid document No.303C-1/1 to 303C-1/9 is kept on record as per order dated 20.3.2002 of Hon'ble full bench.)

Answer: It is true but the effort made to give full details of the fights of Babar in just only five pages, in that also some 'pick and choose' policy has been adopted, due to which the description of going to Ayodhya from Lucknow in Babarnama and establishing a camp there, has totally been omitted, therefore, if there is no mention of Ram Janam Bhoomi temple and I am not surprised. Actually, there is no mention in it even of Babri Masjid, which clearly shows that the writer has by passed the full chapter of Ayodhya here.

I am not a historian, so I cannot say whether the facts mentioned in document No.303C-1/3 are correct or not. The opinion expressed in the first four lines of the second paragraph of document No.303C-1/8 is his own opinion which does not tally with most of the historians. In Babarnama, Babar himself has given description of several general massacres and destructions, such as in Chanderi, in Gwalior and at other places. I have read these things in the English translation of Babarnama which was done by Mrs. Braweries, which was done from the original Turkey version and is more authentic.

I have not seen the book "Mughal Empire in India" written by Prof. S.R. Sharma. The learned cross-examining advocate showed this book to the witness, about which the

witness stated that I have neither seen this book nor read it. Likewise, the learned cross-examining advocate showed a book "History of Medieval India", written by B.D. Mahajan to the witness, on seeing which the witness stated that this book neither had been seen by him nor read because this was not his subject. Similarly, the learned cross-examining advocate showed the book "Origin and Development of the Rama Legend", written by Dr. Sukumar Sen, to the witness, on seeing which, the witness stated that this book neither had been seen by him earlier nor read. Similarly, the learned cross-examining advocate showed the book "Ancient India: An Introductory Outline", written by D.N. Jha to the witness, on seeing which the witness stated that this book was not seen by him earlier nor read. I know D.N. Jha. He is a Professor in Delhi University. His field is Ancient Indian Industry. I have not read the book 'Ramayan' written by Shri C. Rajagopalachari, Ex. Governor-General of India, in English. History and literature has not been my subject so I did not study any book on Ramayan. I have not read any book written by P.N. Oak Sahib. I know about Pratihara dynasty a very little. The period of kings of Pratihara dynasty might have been 9th -10th century. Their capital was probably Kannauj. I have seen the book "Temple of the Pratihara period in Central India" written by R.D. Dwivedi. This he said after the book being shown by learned cross-examining advocate. The foreword of this book was written by Shri Jagatpati Joshi in 1990, who was at that time Director General of Archaeological Survey of India. It is possible that during this period temples were found in some parts of UP. This is correct that the period of kings of Pratihara dynasty starts from the first half of eighth century and ends in early part of 11th century.

The learned cross-examining advocate showed

"Epigraphia Indica Arabic and Persian Supplement, 1965" to the witness which has been edited by Dr. Z.A.Desai, on seeing which the witness stated that he has seen this book summarily, in it he has published inscriptions and their translation which were fixed in Babri Masjid, which I have seen at a glance. The learned cross-examining advocate showed Brayan and Faigan's book "In the beginning: An introduction to archaeology" ninth edition, published by Longman in 1997, to the witness, on seeing which the witness stated that he has neither seen this book earlier nor have read it. The learned cross-examining advocate showed Dilip K. Chakravarti's book "India Archaeological History" published by Oxford University in 1999, to the witness, who after seeing it stated that he has read it. Similarly, the learned Cross-examining advocate showed the book "Historical archaeology of India", by M.K. Dhavalikar, which was published in 1999 by Books & Books, to the witness, on seeing which, the witness stated that "I have read this book".

Question: On page 111 of the above mentioned book, it is written that "we seen Muslim Artists carving sculptures in the renovation of Somnath temple". This description is correct or not as per your opinion?

Answer: This is Dr. Dhavalikar's own opinion. I have no personal knowledge about it.

I have read the book "New Era of Indian Archaeology" written by Shri K.M.Srivastava, Director, Archaeological Survey of India. This is considered as an authentic book on archaeology. Sir Martimar Wheelar is considered as the father of modern archaeology of the whole world. His book "Archaeology from the earth" is considered as a very

authentic book. I do not know if its new edition has been printed or not. The Hindi translation of the said English book of above mentioned Martitmar Wheelar, "Prithvi se Puratatva", which has been translated by Dr. Harihar Dwivedi, has not been seen by me. This was stated by the witness after being shown the said book 'Triṭhvi se Puratatva' by the learned cross-examining advocate.

Two chapters of my book 289C-1, were reprinted in the book "Shri Ram Janam Bhoomi historical and archaeological evidences". I wrote its introduction on 3.3.2001. This book was published by Ram Janam Bhoomi Trust. At this stage, the learned cross-examining advocate filed photocopies of title page and page 7 and 8 of the said book from list document No.304C-1 as document No.304C-1/1 to 304C-1/4 and questioned.

Question: Beginning from the last paragraph of document No.304C-1/3, which continues on till the end of the next page, whatever you have written, is that correct?

Answer: Yes sir.

This is true that I started my efforts with regard to this in 1986 and from the point of view of archaeology became more active to collect evidences.

Question: In the third line of second para of said document, No.304C-1/4, you have written "I feel pleasure that I have completed the work", does by that you mean that you had promised Shri Lal Narain Sinha that one day you will provide the proof to him that there was a temple before at the place of Babri Masjid, that

work was completed?

Answer: The third sentence below the said sentence should also be read, then only it will be clear as to what I meant, in which it is clearly written that the book "Ayodhya ka Itihas and Puratatva", which has been written by me and Dr. Thakur Prasad Verma and published in 2001, that is the result of our efforts till today.

Question: Do I take that as per assurance given to Shri Lal Narain Sinha, till now you have not been able to collect evidences that there was a temple at the site of Babri Masjid?

Answer: This is not correct. Actually our book is an evidence that whatever evidences we have collected and published are enough in itself to tell that where at a time the so-called Babri Masjid existed, there was a Hindu temple at that place, but the research of archaeology is a continuing process and nobody knows as to when new evidences may be found, which may further confirm the previous conclusions. Therefore, the process is even continuing till today.

Question: From the last paragraph written in aforesaid document No.304C-1/3, it is clear that at least in 1986, you had no proof that there might have been a temple at the place of Babri Masjid, otherwise you could have told Shri Lal Narain Sinha about that proof at that time?

Answer: It is not correct because my visit to the so-called Babri Masjid started since 1975, about which I have stated many times. Therefore, the 14 pillars

of Kali Kasauti fixed in the disputed structure had come to my notice even in 1975 and I had studied them, which were the proof of the fact that before the so-called Babri Masjid, there might have been a Hindu temple definitely at that place, by demolishing which the Masjid was built and the fourteen pillars of the Hindu temple were fixed in that. This is correct that till 1986 none of my article was published in this connection.

I am an Archaeologist, I am not a political man, therefore, there is no Question of my happiness or displeasure at the demolition of the disputed structure on 6th December, 1992 because an archaeologist is concerned with only archaeological studies. These both are different issues, i.e. archaeology and politics are two different subjects.

Question: Since you are an archaeologist, therefore, did you not feel any regret that by demolition of the disputed structure, most of the archaeological evidences fixed in that, specially the three Persian inscriptions were destroyed?

Answer: Because the three Persian inscriptions were read many a times and their translations was published, which is available for all, therefore, even after demolition, they all are available for the scholars. Therefore, the question does not arise of any happiness or unhappiness.

I do not know whether Dr. Sudha Mallaya was present in Ayodhya on 6th December 1992 or not but as per her own statement, she was present there.

This I cannot say whether she was present at that particular disputed site or was at a bit distance. She did not tell me anything about this.

Question: Did you ever find out from Dr. Sudha Mallayya that the inscription, which you call as of Gahadwal period, when was that seen by her for the first time?

Answer: Whatever she told me as per that she saw that inscription in the evening of 6th December 1992 and she photographed that at that time, which she brought to Delhi and showed to me on 9th or 10th December 1992, a photo of which was published in Navbharat Times of 9th or 10th December 1992.

Question: Whether that was a 'In-situ' photograph of that inscription?

Answer: As per her statement, she took that photograph at Ram Katha Kunj. Therefore, this photograph was not in-situ.

This is wrong to say that Babri Masjid was not built by demolishing any Hindu temple. This is also wrong that no mandir was destroyed by Babar or Meer Baki in Ayodhya. This is also wrong to say that Salar Masood never attacked Ayodhya and did not destroy any Hindu temple.

Question: I mean to say that in Ayodhya, there was not any temple in existence which might have been constructed by any king of Gahathwal dynasty during 10th century to 16th century?

Answer: It is wrong to say.

Question: I mean to say that whatever photographs of rocks or inscriptions have been published by you in your book document No.289C-1 and 115C 1/35, none of the rock or inscription was found in Babri Masjid or nearby place in June 1992 or December 1992, but you people have planted these and were kept there by bringing from other places?

Answer: This is totally wrong to say.

Question: I mean to say that since the construction of Babri Masjid till December 22, 1949, only Muslims used to read namaz there and no worship, Darshan was being done of any other Dharma?

(On this issue, the learned advocate of Other Original Suit No.5/89, Shri Ved Prakash Ji objected that the witness has said in his statement that he did not go to the disputed site before 1975, therefore, putting questions about reading of namaz etc. is to misled the witness and since the witness is an Archaeologist, so there is no justification in questioning about namaz etc.)

Answer: I will not able to tell about the history since the construction of Babri Masjid till 22nd December 1949, in which there is description of just reading the namaz, because I did not see that site before 1975. From the side of defendant No.4, the Cross-examination by Shri Zaffaryab Jilani, advocate ends.

On behalf of defendant No.6, learned advocate Shri Abdul Mannan started the cross—examination.

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xxx

I got the information relating to demolition of disputed structure on December 1992 on that evening through television.

Verified the statement after hearing

Sd/-S.P.Gupta

6.07.2002

Typed by the stenographer in the open court. In continuation of this for further examination, for further cross-examination on 17.07.2002. The witness to be present.

Sd/-

Narendra Prasad
Commissioner

16.07.2002

Date:17.07.2002

Before Commissioner: Shri Narendra Prasad.
Additional District Judge/O.S.D., Hon'ble High Court,
Lucknow Bench, Lucknow.

O.P.W.3 - Dr. S.P. Gupta

(Appointed as Commissioner by an order passed on
21.3.2002/12.7.2002 of Special full bench of Hon'ble High
Court, Allahabad, Lucknow Bench, Lucknow in Other
Original Suit No.4/89 (Original Suit No.12/1961), Sunni
Central Board of Waqf, UP etc. Versus Gopal Singh
Visharad etc.)

(In continuation of dated 16.7.2002, in cross-
examination of OPW 3 Shri S.P. Gupta begins on oath).

I received this information in Delhi. When I got the
occasion to see television in the evening at that time I got
this news. As we hear all other news daily, similarly it was
also a news and I did nothing. Regarding the event of
demolition of said Masjid, I took no action till today (in this
respect). As per news of television, this is true that the
process of demolition of the disputed structure began
during the day at about 12.30 noon. I do not remember till
when (what time) this went on. I have never been attached
with Vishwa Hindu Parishad. I am the Chairman of Indian
Archaeological Society. I took no action with regard to
demolition of disputed Masjid on behalf of Indian
Archaeological Society. Society took no decision in this
respect, so no action was taken on its behalf. After
demolition of the disputed structure, I went to Ayodhya on
13th December 1992 and inspected the articles kept in Ram

Katha. Kunj. I stayed there on 13th only and after that I returned to Delhi. When I reached Ayodhya by that time, the disputed structure was completely demolished but I did not go upto demolished disputed structure. The conclusion made by me in my book document No.289C- I is correct. This is not correct to say that because of my vested interest, I made conclusions in my book. The statement given by me earlier in the court that disputed structure was previously a temple, is correct. There are following reasons about the correctness of the statement:

- (1) Professor B.B. Lal during his examination of the southern part of the disputed site found in-situ pillar bases;
- (2) Professor B.B. Lal found several pieces of glazed wares in the upper layers, about which he estimated the period between 13 to 15 century;
- (3) During the month of June, in-situ UP Government found many inscriptions during the process of levelling, in which many were remains of temple of 12th century;
- (4) Even after the event of 6 December 1992, many inscriptions were found of the remains of temple
- (5) The symbols found in many of these inscriptions were definitely of the Hindu temples;
- (6) After the event of 6 December 1992, many of the inscriptions found are the broken rocks of Hindu God-Goddesses;
- (7) The event which took place on 6th December 1992, through that event three inscriptions were also found which were definitely of the 12th century as is clear from their script and language;
- (8) Out of these in one inscription, which is of twenty lines, it has been clearly written that here a very beautiful temple was built, which was constructed of stones
- (9) In this inscription, the name of that king is also given, which is of the time of Gahadwal dynasty and he has clearly stated, that the temple was built by him;
- (10) Inside the disputed structure, fourteen pillars of Kali Kasauti were fixed, these

pillars were of 'shistas' stones and the engravings on these had symbols of many God-Goddesses, which are definitely related to the symbols of Hindu God—Goddesses and out of these, the figures of faces of the man and women were damaged which makes it clear that in whichever temple these pillars were fixed they were firstly destructed by those persons who do not believe in idol worshipping. By the virtue of such kind of history, the conclusion can be made that only Muslims were the invaders. Besides these, there were many other things which I have stated in my statement earlier.

Question: Did Professor B.B. Lal found in—situ such things which were influenced with Hindu conclusions?

Answer: Professor B.B. Lal in "Indian Archaeology — A Review" and at other places also has written that he found in-situ pillar bases which according to him indicates towards those pillars which were fixed in the disputed structure and which were situated towards south-east and north-south, i.e. in cardinal directions. Therefore, on the basis of circumstantial evidences, he has written that these pillar bases and the pillars fixed in the disputed structure can be of the same complex. Therefore, the evidences of the disputed structure, the pillar bases found in the south of disputed structure were an extension of his evidences. Besides, Professor B.B. Lal mentioned about a number of big idols which were found. These idols according to him were made of pakki mitti. He has mentioned about the recovery of a Jain idol also. This is wrong to say that the grounds mentioned by me were manufactured by me.

At this stage, the learned cross-examining advocate Shri Abdul Mannan said that he is not feeling well, so his cross-examination may be deferred today and cross-examination of the witness may be done by Shri Mushtaq Ahmed Siddiqui on behalf of defendant No.5. On this the learned advocate of defendant No.5, Shri Siddiqui expressed no objection (the learned advocate of Other Original Suit No.5/89 Shri Ved Prakash objected to this.).

(On behalf of defendant No.5, cross-examination by Shri Mushtaq Ahmed Siddiqui begins).

XXX XXX XXX XXX

Archaeologist and antiquitist have the same meaning. Similarly, archaeology and antiquity also have the same meaning. During the study of MA when I simultaneously also started taking part in excavations, since then I consider myself as an archaeologist. It is correct that this happened around 1952. During the last fifty years, my studies of archaeology expanded and so since 1952 till to-day my journey of archaeology, consider me even to-day as an archaeologist and even today I am sticking to that. Amongst Archaeologists, there is no gradation, which may categorise them as of district level or state level or of any other level. For any scholar, it is not prudent to tell about himself. Therefore, I would not like to say anything as to what is my reputation, but this is correct that during my life span, I have worked in more than 30 countries and have been an elected as representative of south-east Asia and south Asia in World Archaeological Congress.

In this case, the suit filed by late Devki Nandan Ji, I

am deposing with regard to that. I am deposing not to prove any fact, but I am deposing to uncover the facts. I am an Archaeologist and possess the knowledge of the art of ancient India. Therefore, there are two fields of my specialization. During excavations, many artistic articles are found and that all is the relation between archaeology and art. On the basis of archaeology, we can find complete details of habitations of any place. This is correct that through these details period of the history is also covered. For fixing the period, earth wares, radio carbon dating etc. are helpful. If during excavation any foundation of bricks is found, then I will see those layers to find out as to by cutting which this foundation was laid. On that basis, I will be able to decide about the period of the foundation of bricks. If I myself do excavation work then I will study the length, breadth and thickness of the bricks definitely and then only I will decide about the period of the bricks. If I get stones in the foundation then on the basis of stones, I can never tell about its period. However, to decide about the period, I will have to study again the layers! levels and on that basis only I will be able to say as to when this foundation was constructed.

I retired from service in 1990. Approximately two years before my retirement, I had come to Allahabad. When I met Lal Narain Sinha Ji in 1986 then at that time only Ashok Singhal Ji was present and there was none except all the three of us. Since my house was near to the house of Devki Nandan ji, so I knew him since my childhood. Being Director of Allahabad Museum I stayed in Allahabad nearly only for two years continuously, although during my education, I was in Allahabad upto 1955. After 1990, I returned back to Delhi and since then I am living there. Because Allahabad is my ancestral residence, therefore

whenever I went to Allahabad, I used to meet Devki Nandan Ji. As I used to go to Ram Janam Bhoomi since 1975, therefore, naturally some chit-chat used to take place about the archaeology of that place with Shri Devki Nandan ji. I may not be able to tell as to how many times I met Shri Devki Nandan Ji from January 1989 to May 1989. During this period, I stayed in Allahabad, but my living place had changed and I started living in the campus of Museum, which was at a distance from his house. This distance may be 3-4 kms. There was a distance of approximately 250 yards between my ancestral house and the house of Shri Devki Nandan Ji. I have the knowledge that at one time, Devki Nandan ji had become Judge of the Allahabad High Court. I do not remember as to in which year he became Judge. I do not remember whether Shri Devki Nandan Ji had retired or not the post of Judge of High Court in 1986. Because I do not remember the date of retirement of Shri Devki Nandan Ji, so I may not be able to tell whether he was in a position of Judge or not when I met him between 1986 to 1988. I do not know the year in which Shri Devki Nandan Ji filed the suit. I also do not remember whether before filing the suit by Devki Nandan Ji any case was going on in the court with regard to disputed structure. Again said that I have said about the suit filed by Devki Nandan Ji, but I came to know through newspapers that a case is going on with regard to this subject. But who have filed these cases, this I do not know. At this time also I cannot tell as to how many and by whom these cases have been filed in the court.

Shri Lal Narain Sinha was not an Archaeologist, but he was a pleader. Perhaps he might have been Attorney General also. When I met him at that time he was in Delhi. He was a jurist. With regard to this, I used to meet Shri

Devki Nandan Ji because he was a jurist and I had acquaintance with him. Between 1986 and 1989, except Lal Narain Sinha and Shri Devki Nandati Ji, I never met any other jurist in this connection. I had no talks with Shri Devki Nandan Ji in which he gave any indication that he wants to file a suit on this subject. Sometimes, I had discussions with him with regard to archaeology and art of the disputed structure. At that time, I expressed with Shri Devki Nandan Ji of the probability of a temple being built in 12 century at the disputed site.

I have always seen Shri Devki Nandan ji writing and reading. But I cannot recognize his writing and signatures. At this stage, the learned cross examining advocate showed the original Suit document of Other Original Suit No.5/89, to the witness, on seeing which the witness stated that I cannot tell as to whose signatures this bore. The witness was shown page No.22 of suit document of Other Original Suit No.5/89 (document No.3/28 A—I) and was asked at this page at two places Devki Nandan is written in bracket, as to what is written on them by hand, seeing which the witness stated that I am not a handwriting expert, but reference proves that these are the signatures of Shri Devki Nandanji. On this page, the date is given as 1st July 1989. In this context, it appears that this page was typed on 1st July 1989. The witness was shown document No.3/7 A—I of suit paper and was asked whether Original Suit No.236/1989 is written on it, on seeing which the witness stated that this is correct. This is correct and now I have come to know that this suit was filed in 1989 and was typed on 1st July 1989. This is true that the statement which I give here is read by me and only after satisfying myself, I sign on it. This is true that one book 289C-1 has been filed in this case and I am a co-writer of this book. Only chapter 11

of this book has been written by me. It is true that in my earlier statement, I have said earlier also that the introduction, background and portion relating to archaeology was written by me, although in this whole book, except chapters, names of both of us have appeared elsewhere, which is but natural. I gave no assistance in writing chapters 1 to 10 of this book.

To give reference or not of any material is discretionary for a writer. This is correct that if there is a reference then it facilitates the reader and after seeing that reference, the reader can find out if the fact given in that is correct or wrong and as to whose idea is that. It is not correct that due to lack of reference the reader is deprived to know the truth. At some places, it may be true that in the absence of any reference that may be the views of the writer himself. It is not correct that by not providing reference the writer misled the reader because there is mention of many other things in the article which in writer's view are known to an ordinary reader, therefore, there may not be any benefit for the reader, whereas the thickness of the book will increase and the price may also go up proportionately. It is true that by not mentioning the reference, there may be an effort to hide anything, but no renowned writer will do so.

Before taking up excavation of any site, a survey is done of that place and in that process latitude, longitude, i.e. geographical coordinates are determined only if there is anything lying on the surface of that place and again after collecting that also the antiquity of that place is estimated and if there is any building on that place then it is also studied so that it can be found out as to which period that structure belongs. The determination of the place depends

on all the three things mentioned above. For doing survey, the archaeologist goes from village to village and enquires from the local people about any old hamlet that is place nearby. For doing survey, in another process he inspects the one inch map, which is published by Survey of India, because most of the old places are shown in that. So first of all, he goes to ancient sites and then after surveying he tries to know as to how much old that site can be. Survey means 'exploration'. The Hindi equivalent of excavation is 'khudai'.

Question: Whether scrapping and excavation is one and the same thing?

Answer: Both these are two faces of the same coin. Scrapping is done on limited basis and there is no need of fixing trenches in it, whereas in excavation trenches are fixed and then scrapping is done, because without scrapping no excavation can be done. Volunteer: that I want to make it clear that in scrapping, no trenching is fixed whereas in excavation trenches are fixed. scrapping is included in both, because no excavation can be done without scrapping and neither 'scrapping' can be done. This is not wrong that excavation and scrapping both are exactly the same thing but from the point of archaeology, this distinction is done only in special circumstances and scrapping is called scrapping and excavation is called excavation.

This is true that I have expressed this view as an Archaeologist that earlier there was a temple at the disputed site.

Question: Do you want to say that exactly beneath the disputed site there was a temple before?

Answer: As an Archaeologist I cannot say until there is an excavation at this site whether any temple existed beneath the disputed site.

Question: Do you still believe that there might have been a temple nearby the disputed site?

Answer: My own view is that the temple which may have been beneath the disputed site, might be a huge one and might be extended outside the disputed site too, the evidence of which was found by Professor B.B. Lal in the shape of pillar bases during excavation of the southern side of the disputed site and the employees of Uttar Pradesh got it through the rocks during levelling work in June 1992. This is true that the temple referred by me might have been related to Rama as is clear from the inscription on 6th December 1992.

Question: With which Rama you link that so—called temple either with the Lord Rama, the son of king Dashrath or the Rama, which is mentioned in the Ramayan of Balmiki?

Answer: Both of them are the same, it is written so in Aain—e—Akbari also. In my view also, both the Ramas are the same.

This I am saying with my own belief. I have this belief since the time I started reading and knowing Hindu Dharma. Generally, reading and writing starts at the age of five. As I continued reading my faith was further strengthened. This is a process which occurs with every man, if he is an

educated one. This thing I am saying with my own knowledge that the temple at disputed site and at nearby place was dedicated to Lord Rama, the basis of which I have mentioned earlier. The basis of that is the inscription found on 6 December 1992. It is not true that my knowledge is based only on that inscription.

I know the word "Iconography" and I know the word "Iconographist" also. In Hindi, it is called 'idol science' also, besides, this is called 'icon science' also and the style of building temples and the style of preparing idols is different. By 'shelly' I mean the English word style. Nagar style is approximately continuing since 4th -5th century. Gahadwal style is a sub-style of Nagar style. Gahadwal sub-style is of Gahadwal period. Each sub-style belongs to that period in which the king of that dynasty rule, therefore, Gahadwal sub—style was prevalent during the period of Gahadwal kings. It is necessary to know about the styles that these are not directly connected with the ascending on the throne and death and death of that king. Do these styles start from the time of the king and continue even after the death of the last king? In my view, Gahadwal style started in 10th – 11th century and continued upto the 13th century. By saying this, I mean that this sub—style started from the later half of tenth century. Later half means alter 950 A.D.

The iconography also changes with the change of time and gets expanded. Extension means several new shapes and sub-shapes of the idols. The style of preparing idols in Gahadwal period was the same which was prevalent in a greater part of northern India, a few changes took place in that with the passage of time in which we have been seeing new idols. By new idols, I mean new forms, shapes of Lord were imagined as per new science, due to which there has

been new expansion in the iconography. By every iconographer, as per the traditions prevalent at that time, the shape of idol was determined and it takes the shape of a science. That is not born by the imagination of a particular man. It has a full cultural background. The shape of idol and iconography are two separate forms. The idol science and idol form are two different concepts. The 'form' of idol is called 'style', but in iconography, the ornaments and symbols are studied, so both these are separate subjects.

Question: What will be called the subject of acquiring the knowledge of form of idols?

Answer: As is implied in the word 'form' itself this relates to 'form' and the subject of form comes under style whereas iconography is related to the identification of idols which depends on the fact that which armament are there on the idols and in which hands and forms they have been placed.

By 'armaments' I mean the weapons, the idols have in their hands and what is their shape and in which hand and where they are taken. Idols are without weapons also. At that time, we have to decide about the shape of their hands and feet or the sitting posture and whatever shape it takes place, on the basis of that the name of the idol is decided. The study of iconography is a part of iconography. Iconography and idol science are the two faces of one subject, which broadly are seen as one but carries some distinction. The symbols reflected in the idols built during Gahadwal period are one and the same which are eternal. Gahadwal sub-style comes under Nagar style, because the temples constructed in the Gahadwal empire during the rule of Gahadwal period, are called by the name of Gahadwal

sub-style.

Question: Do you want to say that there was no difference in the style of building temples in Nagar style and Gahadwal style?

Answer: Unfortunately the live temples of Gahadwal sub-style are equivalent to nil. Therefore, it cannot be said that in Gahadwal sub-style, which comes under Nagar style, what are such specialties which are different than that sub-style of Nagar style.

Question: As per your extensive study relating to temples, there are no different things in the construction of temples of Nagar style and temples of Gahadwal sub-style?

Answer: As I have stated earlier also that when as per my knowledge, no complete temple of Gahadwal sub-style exists then how I can say this and no other scholar also can say as to how it differ with the sub-style of Nagar style. As I have stated earlier, all the temples of Gahadwal sub-style have been destroyed in the northern India. Therefore, the question does not arise as to what is the difference between the two or both are similar.

The Nagar style temples before the period of Gahadwal sub—style are still in existence. I have seen them. As destruction of Gahadwal sub-style is known to everybody, as such because of non—availability of top of the temples, it would be proper to say as to what had been the relation of these with the temples prior to Gahadwal sub—style.

Question: Have you not seen any living temple, a temple which is not in use, constructed in Gahadwal sub-style and have not even seen a picture of such temple on paper too?

Answer: I myself have not seen temples of Gahadwal sub-style which have been destructed or which are not in use or which are in use, nor I have seen their picture on paper.

I have stated earlier also that this information was given by Dr. P.K. Dubey that temples of that period have been destructed and full information about this can be available with him only because according to him, he has seen the destructed temples of that period. He had simply told about it orally and did not show photo. He had not published even an article on it.

Question: The symbols found in the temples are of Gahadwal sub-style or of original Nagar style, to tell about this is not possible for you because you have not seen any temple of Gahadwal sub-style.

(On this question, the learned advocate of plaintiff Shri Ved Prakash objected that in this suit there is no such point under which it is required to decide about a temple which was demolished and a Masjid was built there was of which style. Therefore the purpose to put questions repeatedly on this is just to misled the witness, therefore to put questions of this type should not be allowed. An objection was also raised that by putting such questions, time of court is wasted.)

Answer: Temple or Mandir is a structure, which has its own

plan, which has its own elevation and which has its own section. By mixing all these things, the study of structure is undertaken. On these three points, we have to understand that Dr. Dubey told me about the description of temples of Gahadwal sub—style, and he might have studied the plan but may not have done study of elevation and section. Therefore to say what was the difference between the temples of Nagar style and Gahadwal sub-style, this is perhaps not possible for me on the basis of elevation and section. If in future, any such temple is found which is definitely of the Gahadwal sub-style and is complete in all respects, whether it is in use or not, then only such kind of study can be undertaken.

As far as symbols are concerned, it should be clear that even if it is about sub-style coming under the temples of Nagar style, they are one and the same. Therefore, there will be no difference from the point of view of symbols in the temples of Nagar style and Gahadwal sub-style. Likewise no difference will come in the head also.

I have not studied Hindu religious books ever. I have a broad knowledge of them. I have a broad knowledge of the principles of Vaishnav Dharma also.

The title of the book written by me and Dr. T. P. Verma document No.289 C—1 is Ayodhya Ka Itihas and Puratatva". It is correct that "Rigveda Kal se ab tak" is written under the title.

Question: Just now you have stated above that you have

not studied Hindu religious books extensively, you only know broad things. So, do I take that only on the basis of broad knowledge, you have written this book.

Answer: It is not correct as is written in the book that this book is a joint effort of two writers. My portion, as I have written in it, is only chapter 11 which is related to archaeology and art. I have no relation with Dharma, Literature and history epigraphy.

Question: Whether the things which have appeared in chapter 11 and which are related to dharma, are based on the broad knowledge of yours of the Dharma?

Answer: The chapter No. 11 written by me is totally related to art, not related to dharma. Therefore, this question is irrelevant.

In the introduction and background of this book, as is in other books, mention is made of only such main things which are helpful in writing the book and which appear as a reference, these are not related directly to dharma. This is correct that the references on the basis of which the writer expresses his opinion, is true for him and are authentic for him. This is true that, as far as possible, the writer clarifies himself but research of history. research of art and research of science of art is a continuous process. That can never become final at any time and it goes on developing. The same thing applies with respect of my book also, whether it is introduction or Bhoomika.

Question: The religious facts mentioned in introduction and back ground of your book document No.289C—1, are based only on the knowledge of your

broad information of religion?

(On this point, the learned advocate of plaintiff Shri Ved Prakash objected that such questions should not be allowed because this has no concern with the points raised in the suit and those sentences of this question, which can be called as reference in the interpretation of dharma, those portions without putting them before the witness, questioning the witness is just to misled him.)

Answer: Introduction and Bhoomika are very brief and in it there is only indication about religion, indirectly something can be said, which may be based on broad knowledge. For this, it is not necessary that this may be a form of any person having studied dharma extensively. Therefore, if any reference has come here with regard to religion then it may be based on broad information. It is therefore, not strange that introduction and Bhoomika are not 'chapters' and conclusions are given only in tile chapters.

Question: Whether there any such principles in Vaishnav dharma which according to religious directions is necessary to hide and not to tell to any ordinary people?

(On this point, the learned advocate of the plaintiffs objected that this question has no relevance with the points framed in the suit and to put such question is meant to just to harass the witness and to waste time.)

Answer: As per my knowledge, there is no such religion in the world which may believe in 'hiding'. As such how I can admit that anything has been said in the Vaishnav dharma to hide something. Such

things are very sensitive and is far from the truth.

Question: Does your this view "the temple beneath the disputed structure might have been a big one and may have been extended outside the disputed structure" is based originally on the reports of B. B. Lal, which were published in "Indian Archaeology : A Review, 1980"?

Answer: No, this is not the thing. My assumption is based on many other factors, which are as follows:

- 1 . The temples situated in Khajuraho of Nagar style with which I have compared and studied the demolition of temple at Ram Janam Bhoomi, such as Kandaria Mahadev, or Vishwanath temple, these both are in their area larger than the disputed structure.
2. Many temples of this period were constructed on chaurasi pillars, which if we kept at the disputed site will definitely be more larger and will occupy more space than this disputed structure.
3. Outside disputed structure, the remains found of many temples in the month of June, show that the temple of Ram Janam Bhoomi was far spread outside the disputed structure.

In the month of January 1993 when barricading work, was being done by the Government, at that time the district authorities, which included police officials also, found a portion of Aamlak, which is in the official record and is in safe custody of the Government. This Aamlak was also found very far off from the disputed structure. Therefore, this also proves that the temple of Ram Janam Bhoomi might have been situated on a large and big area than the disputed structure.

I know the English word "Evasive". This is wrong to say that my aforesaid complete lengthy answer is evasive. As per my view, I have replied to the above question. Even then if the learned cross-examining advocate is not satisfied then he can ask this question again and I will fully try to reply to his question.

Question: In your just answer the sentence "Ram Janam Bhoomi ka Mandir" has come, what do you mean by that?

Answer: By this I mean that the temple which was situated at the site of disputed structure, which is called as Ram Janam Bhoomi and was afterwards demolished.

Question: Do I take that you do not mean that Lord Rama descended at that place?

Answer: 'Birth' and 'Descended' mean the same thing. In the case of a man, this is called birth and in form of Lord, this is called descended. Therefore, there is no difference in both these. When this word is used for Lord Rama then it will be called as descended in the disguise of God and will be called birth of Lord Rama. There is no contradiction in both.

Hindus believe that Lord Rama descended at this place. The belief of Hindus is my belief. My this belief is from a very early period. I may not be able to tell about the year or date, because this is a part of my rituals, as is the case with the people of all religions always. This is true that I believe in it since childhood. There are two reasons for this belief — one my study and secondly my rituals,

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.10866-10867 OF 2010

IN THE MATTER OF:

MOHD. SADDIQ (D) THROUGH LRS.

...APPELLANT

VERSUS

MAHANT SURESH DAS & ORS. ETC.

...RESPONDENTS

STATEMENTS OF O.P.Ws

PAPER BOOK

**VOLUME-IV
(PAGES 751-1000)**

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**KAMLENDRA MISHRA
ADVOCATE FOR THE RESPONDENT/STATE OF UTTAR PRADESH**

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which we adopt from the family. This is true that on the basis of studies, my this belief started in 1975. Till 1986, I had this belief but it strengthened slowly, as my studies continued. This advancement is a continuing process.

Question: The advancement to the firm belief which you achieved on 13th December 1992, whether it has increased or decreased during these ten years after that i.e., till today?

Answer: During these ten years, as my studies progressed, my belief advanced and thus the question of decrease does not arise.

This is true that the person who undertake the research has no opinion before starting the research.

Verified the statement after hearing

Sd/-

S.P.Gupta

17.07.2002

Typed by the stenographer in the open court. In continuation of this for further cross-examination, be present on 18.07.2002.

Sd/-

Narendra Prasad

Commissioner

17.07.2002

Date: 18.07.2002

Before Commissioner: Shri Narendra Prasad,
Additional District Judge/O.S.D. Hon'ble High Court,
Lucknow Bench, Lucknow.

O.P.W.3 - Dr. S.P. Gupta

(Appointed as Commissioner by an order passed on 213.2002/12.7.2002 of Special full bench of Hon'ble High Court, Allahabad, Lucknow Bench, Lucknow, in Other Original Suit No.4/89 (Original Suit No.12/1961), Sunni Central Board of Waqf, UP etc. Versus Gopal Singh Visharad etc.)

(In continuation of dated 17.7.2002, cross-examination of OPW 3 Shri S.P. Gupta by Mushtaq Ahmed Siddiqui, Advocate begins on oath).

In my statement, I said that an Aamlak was found at the time of barricading, about this I came to know approximately on 14 January from the newspapers. I do not remember as to when I saw that Aamlak in the Ram Katha Kunj but after the orders of Hon'ble High Court at the time of photography and videography, I saw that in Ram Katha Kunj. At the time of recovery of Aamlak, officials were also present, this also I came to know from newspapers and the then Commissioner, Faizabad. From the newspapers I came to know around on 14 January 1993. I got the information from the Commissioner when I went to Ram Katha Kunj at the time of photography and videography. This Aamlak is also a part of my continuous research work in connection with Ram Janam Bhoomi. Only after seeing the book, I will be able to tell whether I have mentioned this Aamlak in my book document No.289C-1 or not. The

witness was shown book No.289C-1, on seeing which the witness stated that he has mentioned that Aamlak as Karn Aamlak on page No.171 (document No.289C—1 /193) of my aforesaid book, although I have not mentioned its date of recovery. There may be more Karn Aamlak in the Ram Katha Kunj but in my book, I have mentioned about the same one Karn Aamlak and not about others. This thing I have not written in my book that the aforesaid Aamlak was found in the presence of officials at the time of barricading work done on 13th January 1993. What was published in the newspapers was that this Karn Aamlak was recovered in the eastern side of outside the disputed site. This was told to me by the Commissioner herself at the time of photography and videography in Ram Katha Kunj in which there was a pit in which that Karn Aamlak was fixed in-situ, the pit which was prepared by the Government officials in connection with barricading work to fix the iron pillars. I was shown only photo, was not shown any article in this regard. I have no copy of that photo. On seeing that photo, the depth of that pit seemed to me about one and a half feet to two feet. Insitu does not mean that it was found in the temple where it was fixed but 'In- situ' means that it is in the same position in which it was found and from there itself photo and other details are taken, before that article is transferred to some other place. As per my estimate this Aamlak might have been found at about fifty feet away from the eastern boundary wall of outer courtyard.

In Ayodhya of Faizabad district, there is a rampart by the name Ramkot. This I do not know whether this is revenue village or not. I cannot tell whether there is any mohalla by the name Ramkot in Ayodhya or not. 'Kot' means 'fortified area'. In general term, it can also be called as the boundary of a fort. I did not try to know its length,

breadth but about this, many writers have written about it during the last one hundred and fifty years, which I have read. As per those writers what may be the area of this rampart, this I do not remember.

I have mentioned Babri Masjid — Ram Janam Bhoomi site as mound. I have no estimate about the distance of Kuber Tila from that mound. This is possible that the height of Kuber Tila is more than the site of mound. I myself never went to Kuber Tila. I never tried to collect any information about Kuber Tila. It is true to say that if any archaeologist wants to know about any place then he tries to know about the places situated at high altitude but this has not been my subject as to how many mounds are there in Ayodhya and what is their height.

I have seen Nal Tila. As per my estimate, this Nal Tila is situated about half km. away on the eastern side of Babri Masjid — Ram Janam Bhoomi mound. I have gone on Nal Tila. I went there once. This Nal Tila is perhaps about 15 feet high from ground level. It is correct that I had investigated about Nal Tila. Babri Masjid — Ram Janam Bhoomi mound may be approximately 25 feet high than the ground level. I cannot say whether Nal Tila in comparison to Kuber Tila is much nearer to Babri Masjid-Ram Janam Bhoomi mound or not. There was no special reason for my not going to Kuber Tila. Pottery and one idol was found on Nal Tila, as I have already said. I did not do any excavation work at Nal Tila myself but while constructing road perhaps labourers got this and kept it beneath Tila. I found that pottery and idol from the lower surface of the Tila.

Professor B.B. Lal undertook his first excavation in Ayodhya in 1975 and I remained with him for 2—3 days. It

is correct that since I have been going and coming to Ayodhya. I partially agree with Professor B.B. Lal's report, which has been published in "Indian Archaeology — A Review". The witness was shown document No. 107C—1/62, on seeing which the witness stated that he does not know about it as to which were the trenches of Sita Rasoi which has been described in this document, because I was there for 2-3 days. I made no efforts to know about it. It is correct that I have been continuously trying for 27 years regarding Ram Janam Bhoomi, but it is to be remembered that when excavation of any place is done then we can know only that much to the extent which the excavator publishes. It is true that Sita Rasoi is an important issue in this dispute.

Question: In 1986 on the saying of Lal Narain Sinha you vowed and engaged with full force that there was a temple beneath Babri Masjid. In spite of this, you did make no effort to find out about Sita Rasoi, which has been mentioned in the said document Number?

Answer: As I have said earlier, this is the privilege that at which place which trench which excavator fixes and what he gets in it, to publish it and tell others about it is the prerogative of the excavator, no other person has this right. Due to this, all scholars of India got all that information, about all the excavations which took place regarding Ram Janam Bhoomi, which they published, such as Professor A.K. Narain and Professor B.B. Lal, because these two persons did all the excavation work in Ayodhya. It is correct that the possibility of a vast temple of 84 pillars at the disputed site, as expressed by me,

the basis of the report also of excavation done by Professor B.B. Lal. Probability is based on imagination but there is some shred of evidence also of that definitely.

Medieval period is considered after 12th century. Broadly speaking medieval period starts from 1201. After medieval period, modern period starts. The start of modern period is considered approximately from 1760 AD. Use of gravels and lime started in medieval period and before that; it was used in ancient period, because in those two periods cement was not introduced. The witness was shown document No. 107C— 1/63, and after reading fourth paragraph of that the witness stated that it is related to the leveling of the excavations which was got done by Professor B.B. Lal. This is not its full substance. I do not totally agree with this levelling, I agree with it only partially. The portion with which I do not agree is "But the entire late period was devoid of any special interest".

I retired in December 1990. I came to Allahabad in 1989, the month I do not remember, came approximately two years before retirement.

In my view, there is no difference between the building and the structure.

Question: The building standing on the disputed site, which was demolished on 6th December 1992, whether it was a building or structure?

(On this question, the learned advocate of plaintiff Shri Ved Prakash objected that building, i.e. structure, as the case may be, at the disputed site, was definitely

demolished, therefore the building or structure that was standing there, there is no dispute about it in this suit and nor it has any relation with the point in dispute. Therefore, this question should not be allowed to be asked. This is being asked just to harass the witness.)

Answer: As per archaeological science, as I have said earlier, building and structure are the same thing whether idols are kept in that building and structure or were being used for any secular or worship. Therefore, on the day of 6th December 1992 all the buildings or structures, which were on the disputed site, were demolished, whether they were built for idols or not.

Question: Is it full answer to my above stated question?

Answer: In my view, whatever I have said by describing the principles of archaeological science, that there is no difference between building and structure as per archaeological science, is correct. Therefore, my answer should be sufficient.

It is not correct that for an archaeologist, it may be necessary to know as to what is happening in the building whether worship is being done or namaz is read or somebody is living, but it is secondary.

Question: Kindly tell from the point of view of an ordinary person whether the building standing on the disputed site on December 1992 was a building or structure?

(The learned advocate of the plaintiffs objected that it was not for the witness to decide whether said structure

was a 'building' or 'structure', therefore, with regard to this, his answer that from the point of view of archaeology both are same, by repeatedly asking question to him is just to harass him and such questions should not be allowed repeatedly.).

Answer: I am an archaeologist and have told from the point of view of archaeology that there is no difference between building and structure. The same is the answer from me in the capacity of as an ordinary person.

There is a temple straight in north, after the road, of disputed structure. Now—a—days that temple is called 'Janmsthan' temple. As far as I remember. There is a board also on which Janmsthan temple is written. There I have not seen any stone inscription. I cannot say anything in this respect that the Sita Rasoi which has been mentioned by Professor B.B. Lal in document No. 107C-I/62, is the same Sita Rasoi or not. Under the area of Babri Masjid -- Ram Janam Bhoomi mound, this 'Janamsthan' temple also comes, but during British period, when a road was constructed, which divides this mound, archaeologists call the same mound as Ram Janam Bhoomi mound, on which disputed building or structure was standing. It is true that before the construction of the road, archaeologists considered that mound also as an extension of Ram Janam Bhoomi-Babri Masjid mound, which was inside the Ramkot, which is by name Janamsthan. The area of Ramkot was spread over a distance and in north of temple of Janamsthan, but I cannot tell about its boundary. The southern Ramkot area of the disputed structure was also spread over, but I cannot tell its boundary also. In its east also the area of Ramkot was further extended, but I cannot

tell the boundary of this also. Perhaps Nal Tila also may have come inside Ramkot. I know 'Hanumangarhi' of Ayodhya, but never went inside. In my view, this 'Hanumangarhi' also comes inside Ramkot. I am not able to tell whether the area of Ramkot extended upto National Highway or not, which is on the eastern side. The area of Ramkot was not very far off in the west, it was upto a very less distance, at the most upto 10-15 metres, I cannot definitely tell.

Question: Whether there is any special reason for destruction of all the temples of Gahadwal dynasty, whereas temples constructed before that period are still in existence?

Answer: It is correct that the temples prior to period of Gahadwal period still exist, but those temples are outside the kingdom of Gahadwal, because during the time of Gahadwal dynasty, there was a straight fight of Muslim attacks from the western direction and later on Muslim invaders established their supremacy over that kingdom. Therefore, it was but natural that the temples of Gahadwal period in this area were destroyed. It is not correct that Muslim invaders invaded only Gahadwal kingdom. Other kingdoms in western area were also attacked by Muslims and their temples were also destroyed, such as Somnath temple, which is in Gujarat and was outside Gahadwal kingdom. As per my knowledge, Muslim invasions on Gahadwal kingdom started in 11 century itself. In the whole Gahadwal kingdom not a single temple was left of the period untouched earlier to the eleventh century, all were destroyed by Muslim invaders. If there is

only small, insignificant temple is left then I have no knowledge about that.

Rivers come out of mountains, the origin of some may be lakes also, rivers come out of rivers also and small rivers merge with big rivers and sometimes not. It is also not correct that all rivers in the end merge in sea, because some river ends up in lakes, some river ends up in desert and a few rivers end up in other rivers, a few rivers end in marsh etc.etc. Ghaggar river of India ends up in desert of Rajasthan. This river is considered as a big river. I cannot tell which is the origin place of Ghaggar river, but its origin place may be Shivalik Hills. Ghagra river, after merging with Saryu ends in Ayodhya. I cannot tell the origin place of Saryu river. As per my estimate, its origin place is Shivalik Hills. Between Ghagra and Saryu rivers, Saryu is considered as a big river but a few people may consider Ghagra as big river. I may not be able to tell whether before merging in Saryu river Ghagra river was big or Saryu river. Here by big, I mean the length of the rivers. On the basis of breadth, as per the principle of geography, there can be no determination with regard to big and small river, because width of a river depends on the 'geomorphology' sites through which the river passes. As per my knowledge, Saryu river merges in Ganges. At which place it merges with Ganges, this I cannot tell. By geomorphology, I mean that this is a scientific term, which mean formation of the earth. There are many things in the formation of earth, such as hilly areas are high and low, due to this, the rivers become thin, but when they come in plain areas, then there also high and low land, such as area of Khadar, there also the river may be wide or less wide, but when it goes at the mouth of sea or desert, where the base line of the rivers become low, then there rivers get divided into many parts.

Question: Do you not want to say that if the surface of the land is less deep then the same river will be more wide and if the surface of land is deep then the same river will be less wide?

Answer: Broadly speaking, this is correct.

I have seen Ghagra river in Ayodhya. I have not seen anything ahead of it. I have seen Saryu river also in Ayodhya, where Ghagra river merges with Saryu river. I have seen it nearby there. It is not true that Ghagra river goes further towards east from Ayodhya. This is possible that it might be said in the books and maps of Geography that Ghagra river goes in the east from Ayodhya, but in my view Saryu river is main river and the same goes further towards east from Ayodhya. It is not correct to say that Saryu river is very narrow and is like a big drain. I do not know whether the Ghagra river is spread over in a width of two-three kms. or not. Whatever I saw in Ayodhya, there during the remaining season the width of Saryu river spreads over upto two kms. Because both rivers merge, so I may not be able to tell as to the width of each river in Ayodhya. But it is true that during the rainy season, the width of Saryu river in Ayodhya becomes 2 kms. I may not be able to tell as to how much is the width of Ghagra river in Ayodhya during the rainy season.

Question: Will you tell the reason that at one place and at one stage, you are telling the width of one river whereas you are expressing your inability about the other?

Answer: The reason is obvious because the merger of both of them does not take place right at the bank of Ayodhya city, but as per my information, it

occurs at some distance and I know only Saryu.

Because I have not even seen Ghagra, so I may not be able to tell that the width which I have told, whether Ghagra is included in that or not, but as per my own understanding, this was the water of only Saryu, the width of which I have told. I have not gone further in the north of Saryu river.

Question: On page No.296, you have stated that "I have seen Ghagra river in Ayodhya" and on page No.297, you have stated that "because I have not even seen Ghagra". Which of these two statements is correct?

Answer: There is no contradiction in both the statements because what I stated above that Ghagra river merges in Saryu, by that I only mean that at the point where both the rivers merge, we see both the two waters but this does not mean that I have seen Ghagra river. Seeing is a process which keeps its length. Only seeing is not enough, whatever I have said is correct.

Question: Whether this is the complete answer of my question?

Answer: In my view, the answer is complete.

As per my knowledge, it is correct that in the kingdom of Gahadwal, Ayodhya, Kashi (Varanasi), Prayag (Allahabad) were included. As per my knowledge, there were definitely temples before the 11th century at these places, but all were destroyed in the medieval period. Whatever temples today exist in Ayodhya, Prayag and Varanasi, they are all of after the period of the 12th century.

It is wrong to say that on this point, I am telling a lie.

At several places in northern India, Nagar style is still continuing. There have been many sub-styles of Nagar style which are known as per kingdom. The temples of those sub-styles still are continuing. In Uttar Pradesh Nagar style is prevalent, but now its sub-styles are in use, I have no knowledge about them.

As I have already told my knowledge about Nagar style is about those temples which were constructed upto the 16th century. I have no knowledge as to which sub-styles developed of Nagar style after 16th century. I know Vishwanath temple of Varanasi and I had even gone there. The Krishana temple of Mathura is also very famous. Both these temples are after the period of the 16th century. So, I cannot tell about the sub-styles of these temples. This is wrong to say that both these temples are of the period prior to the 12th century.

After seeing the remains of any temple on the basis of their structure, it can be said as to which period they belong.

Question: You have said that from 5 century to 6 century temples of Nagar style were built in north India, then how after seeing only the structure of the remains, you will decide as to which century these remains of the temple belong?

Answer: The remains of the temple are alongwith its art. Therefore, by seeing the remains, their art can be seen and on the basis of mixture of all these, the date of the remains is decided. I have studied art history also. At most of the places art

history is taught alongwith archaeology and since I have read archaeology and I have a degree of that, therefore, I had to logically study art history also. In art history, the changing dimensions of art of 5000 years of India is studied, which include study of symbols, styles, iconography, iconometry etc. Art history is a generic term which has its sub—divisions. Art history applies for all temples, masjid etc. People have separate specializations. Art history is a combine of buildings, flowers-leaves and all kinds of decoration. Art is related to 'History art', therefore, it is a man's creation, it is not natural. The remains found during levelling were studied from the point of style of art and about the portion of which they were part.

In the medieval period, there are examples where Hindus themselves destroyed the temples of Hindus, such as Kashmir. In northern India, the difference between Shaivas and Vaishnavas was philosophical, ritualistic and iconographical. As per my knowledge, in northern India never any Vaishnav or Shaiv have destroyed the temples of each other. As per my knowledge, Buddhist shrines were also destroyed by Muslim invaders in north India. As per my information, no Buddhist shrine was destroyed in north India by any Hindu. Buddhist shrines were destroyed by Muslim invaders even before the 12th century.

As per my information 'Gorkha' is no Sect. I do not know about Nath Sect. I do not know the fact that people of Nath Sect have enmity towards Vaishnavs. During levelling, the remains of temple which I saw were seen by me 'In-situ'. I saw on 21 July 1992. These were perhaps found on 18

June 1992. When I went there on 2nd July 1992 then they were lying in the pit.

Question: Whether the labourers digging the pit during levelling saw the remains and stopped the digging immediately?

Answer: This I do not know whether labourers had stopped the digging at that time, but it is true that on 2nd July 1992 when I saw them, then the labourers were digging at the nearby place but remains were lying there as it is. The stage at which these remains were found, the pit was a little deep than that.

Generally speaking, introduction in English language is called preface. By 'Prashathbhoomi', I mean background word of English language. Introduction is different than background. Bhoomika is called introduction also.

The witness was shown his book document No.289C-1 by learned cross-examining advocate, on seeing which the witness stated that it contains no Bhoomika. It is correct that if any person says that it has got a chapter of Bhoomika also then it is not completely correct. Because in 'Background', all those things have appeared which a writer writes under 'Bhoomika'. There is no hard and fast rule of this. "Prakkathan" is never a conclusion of a book but ideas which may lead to conclusion, are written in 'Prakkathan'. It is wrong to say that 'Prakkathan' has no importance. Every word written in the book has some way or other have importance.

The witness was shown his book document No.289C-1/210 and 289C- 1/21 1, on seeing which the witness stated

that this was not the same photo which was shown to me by Dr. Sudha Mallayya. Dr. Sudha Mallayaa gave me the photo for the first time, I got that studied by Dr. Ramesh in Delhi in his office. This may be the thing of 14th or 15th December 1992. At that time, we were only two persons and no other was present. Dr. Ramesh's full name is Dr. K.V. Ramesh. Dr. K.V. Ramesh is the first person who told me something after reading that inscription. Before this, nobody had told me about it.

I have read summarily the book "Ayodhya" by Dr. Haynes Baker. The witness was shown his book document No.289C—1, first page of 'Prakkathan', document No.289C— 1/5, on seeing which the witness stated that on this, I have mentioned the book of Dr. Haynes Baker. Dr. Haynes Baker is a European writer and as many European writers have presented the Indian history in a distorted manner, like that Hains Baker has also distorted the history of Ayodhya by getting inspiration from the biased history of Ayodhya as many scholars of Europe have seen through the colonial, imperialist and racial view. They did not understand the soul of the tradition of India and its long lasting tradition. To totally negate any book, is not a sign of scholarship. Some things are written true but wherever the question of racial view or bias arises, there many times it has come to the notice that writers of Europe distort the Indian history and negate it which in English is called 'Negationism'.

Question: Whatever you have read in the book 'Ayodhya' by Dr. Haynes Baker, in that as per your view, what are the main points, which according to you are wrong?

Answer: As far as I remember, Haynes Baker has negated

even the existence of Ayodhya, whereas it is well known that according to Indian tradition, this is the same Ayodhya, which was Balmiki's Ayodhya and where Shri Ram Chandraji was born. In this context, I have said that how at last king Ashoka came to know that Lord Buddha was born in Lumbini due to which king Ashoka went to Lumbini and at the birth place of Lord Buddha, got a rock pillar fixed and got written that Lord Buddha was born here. This only mean that Lord Buddha was born approximately 300 years before king Ashoka, the tradition of birth place of Lord Buddha was alive at the time of Ashoka also, that is why Ashoka went to Lumbini and got a rock pillar fixed there. This tradition which is now two and a half thousand times old is still recognized in the whole of world and Buddhists from all over the world go to Lumbini and consider that as the birth place of Lord Buddha and worship that. This long historical tradition of India, which is still alive, be it Buddhists tradition or Jain tradition or Vaishnav tradition, is true, which is negated by Haynes Baker, is very unfortunate. Haynes Baker has written many other things which are not in accordance with the Indian tradition. If I am permitted, I can quote them by reading.

In my preface at first page 289C-1/5, whatever I have written about Dr. Haynes Baker is correct. This is correct that I do not consider myself as a historian, but consider as an archaeologist, whatever I have stated about king Ashoka above is related to archaeology because that is related to the pillar of Ashoka and the pillar of Ashoka is directly

related to archaeology. The place where that pillar is fixed is in Nepal and I have never gone to Nepal. But about the pillars of Ashoka, I have described in my book 'the roots of Indian art'. I have mentioned this book earlier also.

Verified the statement after hearing

Sd/-

S.p.Gupta

18.07.2002

Typed by the stenographer in the open court. In continuation of this for further cross-examination, be present tomorrow on 19.07.2002.

Sd/-

Narendra Prasad

Commissioner

18.07.2002

Date: 19.07.2002

Before Commissioner: Shri Narendra Prasad, Additional District Judge/O.S.D., Hon'ble High Court, Lucknow Bench, Lucknow.

O.P.W.3 - S.P. Gupta

(Appointed as Commissioner by an order passed on 21.3.2002/12.7.2002 of Special full bench of Hon'ble High Court, Allahabad, Lucknow Bench, Lucknow in Other Original Suit No.4/89 (Original Suit No.12/1961), Sunni Central Board of Waqf, UP etc. Versus Gopal Singh Visharad etc.)

(In continuation of dated 18.07.2002, cross-examination of OPW 3 Dr. S.P. Gupta begins on oath).

I cannot tell as to how many years before today Lord Rama descended. I did not even consult scholars in this respect and nor even tried to read. There may be mention of Saryu river in Balmiki Rainayan. I have seen the two waters, i.e. the water of Saryu and Ghagra, at the place where they merge. By seeing the stream, it can be known that this is the water of two separate rivers. Yesterday what I said about two km, width of Saryu river, in that water of only Saryu river is included. The witness was shown his book document No.289C-1, of which seeing the document No.289C-1/201, the witness stated that the map given on the page of this document does not seem to be fully correct, there may be a little difference. This was not my subject that is why I did not mention it in my book. Ghagra river has been mentioned and is shown also in it. In it, Tons river is also shown and Tedhi river is also shown. The Tedhi river

shown iii it is a stream of Saryu river, which merges near Ayodhya. The Tedhi river merges in Saryu river which is it's a separate stream. As per this map, this Tedhi river merges near Ayodhya. The witness was shown document No.289C-1/203 of this book, on seeing which the witness stated that in its upper portion on the left side at the vacant place, where Ghagra is written, that is white and that is a stream of water, whereas in the upper and lower part, the sites with black signs are islands. The witness was shown the document No.s289C-1/202 of this book, on seeing which, the witness stated that whatever is written in this, may almost be correct. This is Dr. T.P. Verma's subject. In it, at the lower left side, Kuber Tila is written and a line is drawn, which indicates the direction, It is true that in it, the main sitting site of seating of Ram Lala is also shown. It is also true that in it, Kuber Tila's distance has been shown as 219 metres. But this is not my subject. This is the subject of Dr. T.P. Verma. The witness was shown document No.289C-1/209 of the book, on seeing which, the witness stated that in it, three pictures are shown. All these three pictures are some of the photos of articles which were recovered in the excavation done by Professor B.B. Lal. These three pictures are not part of his published report so far, but he gave these photos to me. The headings given on the pictures were given by Professor Lal and I agree to that and whatever I mentioned yesterday about levelling in document No.107C-1/62, this relates to that.

I have not read Balmiki Ramayan. From the point of rituals, I have faith in that. In Hindu dharma, in my view, there is no holy' or pious or unholy book. I consider it as a book. In a book, I do not see any divinity or non divinity. Because this book is related with the character of Rama and people have faith in Rama as a God, so they read it and keep it with respect. I have faith in Rama as a ritual,

i.e. as a God. By faith in ritual form, I mean that whatever I got from my parents and family, that is the faith of my rituals, but I have not read this book myself. Therefore, I cannot say that I have faith on the basis of knowledge. The witness was shown the first page 289C- 1/5 of preface of his book document No.289C- 1, on seeing which the witness stated that the following thing written on the page 1 of this book they also forget that if today's Ayodhya was not ancient Ayodhya that explanation is exemplary, is correct, i.e. as per my knowledge is correct. In it, I have shown that many places described in Ramayan are known by those names even today. Volunteer: that the names which I have mentioned in the preface. In these lines, I have mentioned the names of only four places, which I myself know, about rest, I do not know. About other places given in Balmiki's Ramayan, I cannot say whether they are imaginary or exist even today. I cannot tell that there is mention in Balmiki Ramayan or not that Saryu merges in Ganges because I have not read Balmiki Ramayan.

Question: Whether the fact written in Balmiki Ramayan that Saryu merges in Ganges, is not correct as per you, as is written in Doha (couplet) no.5 of first part of Balmiki Ramayan (document No.261C-1, page No.79)?

(The learned advocate of plaintiffs Shri Ved Prakash objected to this question that it was not related to the point of the case, secondly the witness has said that he has not read Balmiki Ramayan, so whatever is written in Balmiki Ramayan, is correct or not, such questions should not be allowed to be asked.)

The witness replied after reading the couplet that —

Answer: Although I have not read this book and has not read even the shloka, but from the point of tradition, I would like to say that Ganga has become a generic term in Hindus, which is used for a holy river. Therefore, it seems to me that here Ganga has been used in this sense. I have read the translation of the couplet written beneath it. In my view, this is not for that Ganga which now—a—days flows through Prayag. I cannot tell that the word 'Ganga' used in this shloka, for which river this has been used. No river is unholy. But few rivers are considered holy by virtue of rituals. As per rituals, the rivers which are considered as holy are: Saraswati river, Mandakini and Ganges flowing through Prayag. Besides these three, I have no knowledge about others. I have no knowledge about the description of Vishwamitra Ashram in Balmiki Ramayan. I have not read Balmiki Ramayan, so I cannot tell whether Shri Rama and Lakshman stayed at the place where Saryu and Ganga merged. I also cannot tell that it was later named as Ananya Pradesh. The witness was shown the couplet Nos.12, 13 and 14 at page No.80 of the said document book No.261C-1/1 and was shown the translation written beneath it and was asked that.

Question: Do you agree with the things written in it?

After seeing the aforesaid couplets and their translation the witness replied that -

Answer: I neither agree nor disagree with the things written

in these couplets and their translation.

The witness was shown the first page 289C-1/5 of preface of his book 289C-I, on seeing which the witness stated that the word 'Ramayana' appearing in fifth line from bottom of its para 2, I did not read that. The word 'Ramayan' written on this page, by that I mean general Ramayan Katha which I inherited in rituals. In fourth line of second para of this page by that word 'Ramayan' also I mean general Ramayan Katha.

Question: By the word Ramayan used in these places, do you not mean by Balmiki Ramayan or Shri Tulsidas's Ramcharitmanas?

Answer: There are many versions of Ramayana which are in vogue in south, north, east, west provinces. Therefore, the Ram Katha in vogue is prevalent among Hindus is one Ramkatha, which is in Balmiki Ramayan also, in Ramcharitmanas also and other versions also of Ramkatha. But there is a bit of difference in all the versions, this has been told to me by the historians. I have not read both the books referred to in the question.

Question: At two places in the bottom lines of para 2 of this document No.289C-1/5, the word 'Ramayan', as per your view relates to which Ramayan — northern Ramayan, eastern Ramayan, southern Ramayan or western Ramayan and Ramayan of which language?

Answer: As I have stated earlier that here the word 'Ramayan' means Ramkatha which in its core form is prevalent in all the versions which has become a part of Hindu culture. Therefore, these

both references are in which versions, this question is irrelevant. This is in all versions and is a well known part of Hindu culture, as I have said earlier also.

By all versions, I mean that whatever I have said above that historians told me that in all versions in India, this is mentioned in core form. I myself have not read any version.

Question: Kindly mention names of all those versions?

Answer: As I have told earlier that I am not a historian. I do not know the names of all versions. I only know that this Ramkatha has been written in Tamil, Telugu language and all these are called versions of that language.

Question: At this place what do you mean by words 'this Ramkatha'?

Answer: As I have already told that by Ramkatha I mean 'core' Ramkatha, the same answer applies here also.

'Core Ramkatha' means that Rama was the son of Dashrath and was born in Ayodhya and on the saying of his father, he was exiled for fourteen years and in the end, there is a war between Ram and Ravana because Ravana had abducted his wife Sita. In this war, Ram won and returned back alongwith Sita.

Question: Do you know only this much about Ram Katha?

Answer: No, I know more than this. As per our culture, I know this also that when Ram started for exile from Ayodhya then he crossed Ganges in

Shringverpur and stayed in Bharadwaj Ashram at Allahabad. After that, he moved towards south and reached in Chitrakoot situated at the bank of Mandakini river.

Question: In your book document No.289C-1, whatever is said about Lord Ram, is that based on this information only about Rama?

Answer: As I have said repeatedly and has been written in this book that this book was the creation of two writers, therefore, this book is based on the knowledge of Dr. T.P. Verma, who is my colleague writer also.

Question: The book document No.289C-1, written by you and Dr. T.P. Verma, whatever is written by you, i.e. S.P. Gupta about Lord Rama, is that based on this much information only given by you?

Answer : The portion written by me that is based on my knowledge as revealed in this book and as described in my statement. Through rituals, one gets many information, but author cannot give full information in his book or part of the book. So, I have not mentioned any other information. It is true that I have other information also which I got through rituals.

Question: Do I take that on page No.1 document No.289C-1/5 of preface of your book document No.289C-1, the bottom lines of para 2 the word 'Ramayan' has come at two places, is that based on your information through rituals or is based on Ramkatha, as mentioned by you above?

Answer: There is no contradiction in my these two

statements because about the 'core' of which Ram Katha, I have repeatedly mentioned, this is the same core and this 'core' I received through rituals. It is true that both those 'Ramayan' words, which have appeared in d No.289C-I/5, they are based on the same 'core' 'Ramayan', because had these been based on some specific book then there might have been reference of that.

I do not know that as to what is sing in 'sohar'. It is possible that the couplets written by Tulsidasji, which may contain description of the birth of Rama, may have been sung in those sohars. It is just possible that knowledge based on rituals may include the said thing.

Question: I mean to say that you were so much overwhelmed with the weight of your scholarship that you wrote the book only on the basis of rituals and sent a message to the whole world that this is the most important book from the period of Rigveda period till today?

Answer: This is absolutely not right. Every archaeologist discerns through his wisdom and prudence. He does not allow his prudence to collapse under the weight of any other factor. I have knowledge about Lord Buddha. No historian says that he was contemporary to Lord Rama., Rama is considered as prior to Buddha. As far as I know, no historian doubts about Lord Buddha being a historical person, but if some people doubt then I have no information. I have no doubt about it. I know the period of Buddha which is 5 century B.C. I cannot say as to how much prior to this

Lord Rama son of Dashrath was born, about whom I have stated today. As far as I know, the followers of Lord Rama, who are innumerable in number, they do not consider Lord Buddha as bad. I have no knowledge if Lord Rama had said about Lord Buddha that he is very bad.

Question: The witness was shown shloka 34 at page No.45 of Balmiki Ramayan document No.261C-1/1 and was asked to explain that?

(On this point, the learned advocate of plaintiff Shri Ajay Kumar Pandey and defendant No.20 of Other Original Suit No.4/89 Shri S.P. Pandey objected that this point was not related to the case and the witness has said earlier that he has not read Balmiki Ramayan and he is not a scholar of Sanskrit. Therefore, to ask witness to clarify is unjust, irrelevant. So such question should not be allowed.)

(The defendant No.4 in this suit Shri Zaffaryab Jilani objected that advocate Shri S.P. Pandey, who is a pleader of defendant No.20 in Other Original Suit No.4/89, has no right to object about asking any question from this witness, because he is neither his witness and neither he has got any right to cross-examine this witness because his case and the case of plaintiff of this suit is almost the same. I mean to say that since the witness has referred to Ramayana repeatedly in his book and has referred to in his statement also which has been entered in this court. Therefore, there is every justification to ask question relating to Ramayan and by stating his objections repeatedly in this respect, the learned pleader is wasting court's time.).

(Shri S.P. Pandey, who is a pleader of defendant No.20 in Other Original Suit No.4/89 said that the witnesses being produced here, they will be deposing in Other Original Suit No.4/89 also, therefore, I have right to object).

Answer: Although Sanskrit has not been my subject, but shloka 34 as defined in Hindi, I want to tell about that the words which appear in 'inverted comas' in the writing, that is not the word by word translation of the words of shlokas but are the ideas of the commentator. So, if we read the Hindi portion also then it will be clear that here the meaning of 'Buddha' cannot be the followers of Buddha Dharma and words appearing above that cannot be 'anti Vedas'. Further to 'Tathagat' the word 'nastik vishesh' and further to 'nastik' in written 'charvak', that is also in bracket. Therefore, both are the opinions of the commentator. It is also not possible that when Lord Buddha was not born during the time of Lord Rama, then how Rama can say anything about Buddha. As it is well known that Buddha, as I have stated earlier was also born after Rama, therefore, the version printed here, according to me, is totally corrupt.

Question: The Hindi translation of the shloka which is printed beneath the shloka, does that not make it clear that these are the words stated by Lord Rama?

Answer: These are Rama's own words or not, this I cannot say. I have neither read this book and nor I am a scholar of Sanskrit. As I have said earlier that

this translation is corrupt because as per my knowledge, Lord Buddha was considered as an incarnation by Vaishnavists and when anybody recognises the other as an incarnation then how can I admit that they can tell such things about the other.

Question: Does this corrupt and faulty translation (as you call it) not mean that Lord Rama said this thing?

(On this question, the learned advocate Shri Ajay Kumar Pandey objected that by asking one question repeatedly the time of court is being wasted and efforts are being made to create a dispute between Vaishnavists and Buddhists and by this, the religious feelings are being harmed. Such questions should not be allowed to be asked).

(The learned cross-examining advocate on this said that Shri Pandey is totally wrong. There is a question of personality, history and the period of two great personalities. The learned witness is not replying even after asking the question three times. Therefore, I am helpless to ask the question).

Answer: As I have repeatedly said that the words appearing in bracket, is not translation at all, therefore, to say anything on that basis is unjustified.

Question: By totally not knowing the Sanskrit, even then you have stated the translation of shloka 34 as corrupt. Your this act is amazing?

Answer: Perhaps my statement was not taken correctly. I have repeatedly said that the words appearing in

bracket are not translation. Therefore, this question is irrelevant.

The witness was shown the Hindi translation of shloka 4 at page No.451 of Balniiki Ramayan document No.261C-1 and was asked—

Question: Only four words 'Ved Virodhi', 'Bodha Mataviambi', 'nastik vishesh', 'charvak' are in bracket, whether by virtue of these four words in bracket, you do not agree with it that it was stated by Lord Rama?

The witness replied after seeing it-

Answer: As I have stated earlier, I have not read this book, so I cannot say whether these are the words of Shri Ram's himself or not. I only mean to say that this is not a translation but are the views of a commentator, which have been given in bracket and these are wrongly being interpreted, therefore, this translation is totally corrupt.

Question: Do we take your this answer as an amendment to your earlier answer?

Answer: This is not so because as I have said earlier, my answer is the same, in whatever words or sentences it may be said. As per my view, my all statement on this point are one and the same and there is no contradiction in these.

In this translation in second line Buddha and Buddha Matavlambi have been used side by side. How Buddha himself can be a 'Buddha Matavlambi', because the meaning of Buddha matavlambi is a person who is a

follower of Buddha, therefore, I say these comments are corrupt. But it is true that in this translation, only Buddha word alone is not in bracket.

Question: Do you want to say that after the word Buddha by writing Buddha Matavlambi this word Bodh has been marked as Buddha Matavlambi?

Answer: As per my view, the words 'marked' has been developed from 'mark', which means 'symbol'. This is not true that after Buddha by writing 'Bodha Matavlambi' it is marked.

Question: Do you mean that after the word Buddha by writing Buddha Matavlambi, in this word all Buddha Matavlambi have been included?

Answer: As I have said earlier that the meaning of Buddha is a particular man, namely Lord Buddha, whereas Bodha Matavlambi means a person who is the follower of the dharma started by a particular man. How a man can be Buddha himself as well as 'Bodha Matavlambi'? Therefore, I have said repeatedly that this translation and comments made about that is corrupt.

The witness was shown page 24 of his statement and was asked that in para 2 of your statement on that page the first word Ramayan has appeared, to which Ramayan it relates?

The witness after seeing his aforesaid statement said that

Answer: As I have said earlier that the word 'Ramayan'

here also has been used in cultural perspective for 'core', no special version or writing or writer has been mentioned in it. The same thing has been said by Professor Narain also and this is its reference.

On page 25 of this statement wherever the word Ramayan has appeared, by that I mean the same as I have stated above. The witness was shown page No.27 of his statement and questioned that-

Question: In it, you have said that 'Rama is dear than heaven'. On the basis of which Ramayan you have said this?

Answer: My this statement is also based on 'core' fiction of Ramayan, It is not based on any particular Ramayan. It is true that core fiction is the same, about which I have told today earlier.

Verified the statement after hearing

Sd/-

S.P.Gupta

19.07.2002

Typed by the stenographer in the open court. In continuation of this for further cross-examination, be present on 23 .07 .2002

Sd/-

Narendra,Prasad

Commissioner

19.07.2002

Date: 19.08.2002

Before Commissioner: Shri Narendra Prasad,
Additional District Judge/O.S.D., Hon'ble High Court,
Lucknow Bench, Lucknow.

(In continuation of cross-examination of Dr. S.P. Gupta on 19.07.2002 before full Bench cross-examination by Shri Mushtaq Ahmed Siddiqui begins on oath)

As I have stated above that at the time of excavation, i.e. during 1975-80, the floor of which different cultures were found are of the following cultures — at the lowest stage floors of the period of N.B.P.W. were found. After that at the surface above this floors of Maurya period were found, after that at the surfaces of above these floors, floors of Shung period were found, afterwards in the area of Hanumangarhi floors of Gupta period were found, after these floors of medieval period were found. It is not true to say that floors of Gupta period were found only in the excavation done in Hanumangarhi. It is true that the excavation done near the disputed site, in that floors of Gupta period were not found. In the excavation done near the disputed site, floors of above mentioned culture were found. Then said that after Shung period, remains of culture of Kushan period were found which were in the trench excavated at the disputed site. Many floors of these cultures were found. Besides many articles of other cultures were found, which may include floors also. At present, I may not be able to tell as to how many floors of N.B.P.W. were found there. I may also not be able to tell that how many layers were found. I may also not be able to tell that during excavation, how many floors of the period of Maurya culture were found. Similarly, at present, I may not be able to tell as to how many layers of Kushan and Shung

cultures were found. Since I am not an excavator, I may not be able to tell about all the floors of medieval period, but in my scrapping of two layers were clearly found. The two floors of layers of medieval period which I found, their names cannot be given. At the time of section, the thickness of both the layers was seen separately, the picture of which was prepared by me and published. Scrapping is a part of excavation, i.e. is one kind, which I did in Ayodhya. Full excavation is not done during scrapping and trenches are not fixed. During excavation in Ayodhya, I did scrapping of only section, which I published in the book. I did some scrapping during the excavation done by Prof. B.B. Lal in Ayodhya and did scrapping of the section exposed while levelling work was done by Government of Uttar Pradesh, which was a separate work than scrapping of B.B. Lal, which was also published in my book. The work done by B.B. Lal was in 2-3 trenches, I did scrapping of that. These trenches were in western and southern side at a distance of 2-3 meters from disputed site. These were separate trenches. Scrapping was done in one trench which was on western side and there were several parts of a big trench in south, out of which I participated in the scrapping of two portions. That scrapping was done during 1975-80. After fixing of a trench unless it is filled, the scrapping work can be done. In a trench fixed by some other excavator for doing scrapping, the permission of that person is necessary. I also took permission of Shri B.B. Lal before scrapping. My above statement is based on excavation done by B.B. Lal and scrapping done by me. I did scrapping at a time when B.B. Lal was present there and excavation work was going on. As I stated above, I did scrapping during 1975-80.

Question: In your statement of 24.5.2002, which is given on

page 105, you have stated that during the time of B.B. Lal I did scrapping on two days and it was during 1975. I did scrapping alongwith him, not in 1977, I just participated in the scrapping. Participation in scrapping section is called dressing, but in today's statement you have stated about scrapping during 1975-80. Which is true among these two?

Answer: Both are true. There is no contradiction. Doing scrapping and participation in scrapping, which is a part of dressing, are technically two faces of the same coin. In full scrapping, it is done upto some length, whereas in dressing, this scrapping is partial. But dressing is also a part of scrapping.

Question: Do I take that the statement given by you on 24.05.2002 regarding participation in scrapping alongwith B.B. Lal and the statement of today in which you have stated about scrapping with his permission during 1975-80, it is different than that?

Answer: My today's statement is not different than that of my previous statement, as is clarified from the further lines of statement of 24.05.2002.

Between 1975-80 when Shri B.B. Lal did excavation in Ayodhya, I did some scrapping just to help him. As far as I remember during 1977, I helped in Shri B.B. Lal's scrapping for two days. Volunteer: that in archaeology, there is a block year 1977-78 is one block year, by merging them I took part in scrapping. This block year is decided by the excavator, there is no fixed date. The excavation year 1977

by Shri B.B. Lal was from the winter months of 1977 to the winter months of 1978. During block year 1978-79, I did not work with Prof. B.B. Lal. During the block year 1978-79, I worked at the disputed site. It is true that in that year my work of scrapping was in those 2 trenches also, which were in the western and southern side of the disputed site, although I went in other trenches also and participated in the scrapping there too. Besides these two trenches I participated in the trenches of Hanumangarhi.

Court question: Did any trench was fixed or not inside the disputed structure and land, i.e. approximately 149X86 feet?

Answer: In my knowledge, no trench was fixed in it nor any scrapping was done. All this excavation took place at a distance of 3 metres from the disputed site with the permission of Government of India.

I saw very well and as far as possible, the disputed site and land adjacent to that. The trench on the western side of disputed site may be approximately 30 feet deep from top to bottom, i.e. upto a depth of 30 feet, remains of population, i.e. hamlet were found. In the trench on southern side of the disputed site we had not gone to such a depth. Perhaps we had gone upto the depth of sixth feet, afterwards said that work was stopped there because many floors were found and for going downwards, the floor had to be broken. And at that depth, pillar bases were also found, without breaking them, it was not possible to go down. As per my information remains of a total six pillars were found. All these pillar bases were built at one level. At present, I do not remember, this might have started at the depth of approximately 3 feet. It is true that in my earlier statement, I stated that all these pillar bases were in the direction of

disputed site. It is also true that I said this thing about the same six pillar bases. At this point, the learned cross-examining advocate invited witness's attention towards the picture in document No.289C-I/208 filed papers in this picture, about which you have stated in your above statement, kindly mark them with red ink. The witness after seeing the photos marked those six pillar bases with ink as 1,2, 3, 4, 5, and 6 with the permission of the court. About these six pillars, I stated in my statement that all those were drawn on one level. In the same picture one man is seen sitting and the brick seen above him is not pillar base, but is a part of the wall. In this picture, wooden pegs are fixed which excavators fix for their own measurement. In this picture, nineteen pegs are seen. This picture is of the trench fixed in the southern side of disputed site. This picture was not printed in the written report by Shri B.B. Lal which was published in 'Indian archaeology : A review'. Before fixing trenches, pegs are fitted at the excavation site. This picture is not of full trench. The 17 pegs seen in the picture were fixed in the northern side. Five floors are clearly seen in this picture. The witness marked the five floors with red ink as I, II, III, IV and V with the permission of the court. The thickness of all the floors is different. Only B.B. Lal can tell about the exact thickness. It is not possible to estimate from this picture because this is the problem of vanishing point. I had definitely seen this trench with my own eyes. I had gone only for two days, so I did not take full details and this is the work of excavator only. It is true that chapter 11 of this book has been written by me. In my article, I had consulted my opponents and critics. At this time, I may not be able to say about the views and name of any particular person, which I have mentioned in my article. I had consulted only those critics whose opinion was published in the newspapers those days. I did not

study the book or article of any critic before writing this article. On this point, the learned cross-examining advocate invited witness's attention towards acquist 63(005 No.4/89) and asked whether you have studied this book or not. After seeing the book, the witness said that I have seen and read this book summarily. Witness's attention was drawn towards page 1 to 15 of the same book, seeing which the witness replied that this is the introduction written by Shireen Ratnagar, I have read this. This is true that in this introduction he has described the principles of archaeology. I have read it summarily. I agree with some of the principles given by him and do not agree with some of them. On page 16 to 65 of this book are the articles of Prof. B. Mandal. This is true that in his article, Shri Mandal has given plates and figures at some places. In this book after page 24, there is a plate. This is the same picture which is in my book 289C-1/208. In plate 2 of the same book, the same picture has been depicted which is in 289C-1/208, it has been extensively shaped. This is true that Shri Mandal has marked those pillars in this picture which I had marked in my book 289C-1/208 with the orders of the court. I do not consider it a pillar which he has shown in his picture as pillar No.5, as is clearly seen in that picture. Plate 3 is also a picture of that photo which is in my book 289C-1/208. But this has also been spoiled by marking lines etc. in it. In plate 1 of Shri Mandal's book is the same photo which is in my book 289C-11208 and it has not been touched. This is true that at plate 2, Shri Mandal has done numbering of the pillar, floor has been numbered and layer has been numbered. Volunteer that doing so is not scientific because this work can be done by an excavator only. By seeing any photo neither layer making can be done nor something else can be done. The photo given on plate 2, S.I. has been written on it. This is wrong to say that in plate 2 this is the:

first surface. I will not tell about the first surface in this photo because this is the work of the excavator and as is seen in this picture, where 'P-5' has been written, many surfaces are seen beneath that, which has not been mentioned by Shri Mandal and nor any numbering has been done in the photo above that. It is not true to say that in plate I where S.I. is written, that is a part of the floor shown in my book Roman I marked by me. Volunteer that S.I. is below Roman I. Therefore, it is of later period. The part marked as S.I. in the photo is Roman second part. Likewise, Roman 4 marked by me and S-4 of this plate is same. It will not be correct to say that S.4 is the lowest part of the excavation. Volunteer: that as is seen in this picture, excavation was done below this floor which is not seen due to blackness and I have marked that part as Roman 5. In this photo, there may be many floors in Roman 5 which is not clear in this photo, due to its blackishness, it is dark. Due to this, the photo is not clear, which is due to lack of light. For excavation, this is not at all necessary that on one side, excavation is done vertically and on the other side, it is done ladder-wise. The same work can be done by a wooden ladder. This photo at 289C-1/208 is not of full trench. Therefore, it does not appear as to how this excavation was done, i.e. ladder was prepared or not. I had seen this trench and ladders were not cut in it.

Trench is always vertical and trench at the site was also vertical, it expands when it is horizontal and in that case, trench is spread over a sufficient space. The photo shown by Roman I in my book 2890-1/208, in the floor which was found first during excavation. 'The floor beneath that written as Roman 2 is the floor of second level and likewise the floor shown as Roman 3 is of third level and below that the floor shown as Roman 4 is of fourth level

and floor of Roman 4 is of fifth level. Volunteer: that all these floors of a small area, not of full trench, which was excavated. This numbering of floor is only between two pegs. I cannot tell about the distance between one peg and the other, because this is excavator's own arrangement. By photo it is clear that the one area of trench seen in the photo is of two pegs. The Roman numbering from 1 to 5 which I have marked; that area of Roman is of between two pegs. These two page Nos. are 1 & 2 from below. It is not correct to say that the base of No.3 pillar is the floor of the layer in base Roman 2. The floor of Roman 2 marked by me is a bit lower than floor of the pillar 3, as is seen. There is a cut also in the middle. I have written No.6 in Arabic about this cut. The floor of Roman 3 is higher than pillar base. It is true to say that Pillar 2 base is the level of floor of Roman 4. It is difficult to tell the number of floor of Roman 5, because here it is darkness. The floor below this, being invisible, so it is difficult to tell as to how many floors are below. I have not done numbering of floor of pillar 4 and nor it can be done through this photo. Therefore, I am not in a position to tell whether pillar 4 was below or above the floor of Roman 3, only excavator tell about this. It is also difficult to tell whether pillar 5 was below or above Roman 1, because there is a big pit in between, only excavator can tell about this. By seeing this picture, it is difficult to tell whether pillar 5 was above the floor of pillar 2. It is also difficult to say that pillar 6 was made on which floor. This is wrong to say that I am hiding to tell the floor of the level of pillars.

In photo No. plate 3 of Prof. Mandal's book document No.1198C-2, line 'A', 'B' drawn by Professor Mandal is very dubious and bad. Because that line passes through pillar base near 'B' and this is also true about pillars because it

passes through middle. Whereas this line passes through P2, P3 and p4. To check the alignment of pillars method can only be of coordinates, which can be obtained through satellite.

The trench seen by side in my book document No.298C/208 is parallel to southern outer wall of disputed structure. Therefore, this picture must be seen by revolving it a little then it will be clear that pillar 3 and 5, pillar 2 and 6 are going towards the same direction and this direction indicates towards disputed site. Pillar 4 is called robbers trench, the direction of that is also towards that direction. The direction of both 2 and 6 pillar, 3 and 5 are towards disputed site. On this basis, I say that the direction of this is towards disputed structure. This also applies in respect of No.4 and 1, although the pillar bases opposite to this are not seen in this picture. (On asking by court told that -) if more trench is fixed towards pillar bases disputed site, then it is possible that more pillars are found, but this cannot be said that pillar bases of this type will be found or not below the disputed structure, because the main reason of this is that if this temple was of Panchaytan type, then there may be four small temples at four corners of main temple, in that case it may not be correct about finding pillar bases inside the disputed site.

It is difficult for me to say that on which level pillar 2 and 6 were built, only excavator can tell about this. Pillar 4 is called robbers trench because its bricks etc. were already removed. Excavation was stopped alongside pillar 3, because floor occurred and it was decided not to break it. After the finding of pillar 4 excavation in the lower part and in the vicinity was stopped. This is wrong to say that pillar 4 might be in the shape of a wall because there is a

difference in: the floor alongside and this pillar base, therefore, there is no question of this wall being in the base. The upper portion of pillar 1 is clearly seen. Pillar 1 has been excavated from three sides, whereas Roman 4 floor, which is with it, was left. The place where I have written Roman 4, that portion was also not excavated. The white place seen in my book document No.289C-1/208, was left at the time of excavation, this does not apply for the whole picture, but it is for Roman 4. Floor of Roman 2 was excavated but after seeing the floor excavation was stopped, only a little excavation was done. The space seen as white during excavation that floor was left. Excavation was done two and a half side of pillar, one and a half side was not excavated. Pillar 2 is not seen furthering towards disputed structure, i.e. pillar 2 is not seen extending towards the place of excavation. Only one side of pillar 3 was excavated, in the rest directions excavation was done upto floor only. In the direction where excavation was done, some bricks are seen in that section, which is rubble and which is not of this structure of disputed site, not of any regular structure. In lily book document No.289C-1/208, I have mentioned about the possibility of two parallel lines, that is based on the basis of pillar fixed in the middle of trench and alongside trench, i.e. pillar 5 and 6 are in one line and 1, 2, 3 and 4 are in one line.

If after publication of my book, there has been some criticism of it then I do not know. The critics referred to in my book, are related to my first book, namely "New archaeological discoveries", which is about criticism of my book document No.115C-1/96 'Historians report to the nation', which has been written by four persons including Professor R.S. Sharma etc. In it, page 3 to 6 are related to at which is under the title 'Archaeological fallacy'. I read

this portion at that time. I do not agree with this portion. The facts mentioned by me in para 2 of part 1 of chapter 11 of my book, are correct. This is based on my studies. I got the article written in Sanskrit first of all read by Dr. Ramesh, who was at that time, Joint Director General, ASI. As far as I remember, I got this read on 14 December 1992.

I have quoted Ramkot as rampart in my book, about archaeological remains of which has been written by many people. I have referred Ramkot as 'Vistrit teela' in chapter 11 of my book. I did not try to know about the size of mound. I have correctly stated about griddle as one of the items kept in Sita Rasoi, in para 2 of chapter 11. The writer of appendix 'A' as mentioned on page No. 173, 174 of my book, is my colleague Dr. T.P. Verma. When this was written, about it only Dr. T.P. Verma can give any reply. When I went for scrapping in the third week of July 1992, then I found that there was already a cut during levelling upto 10-12 feet. The remains found during levelling, were already kept by UP Government in the Museum. Again said that during the first week of July 1992 also I went to the disputed site at the time of excavation and on 2nd July, I saw all the inscriptions, in-situ, the picture of which was published by me on the opening page of my book. The picture on opening page in which inscriptions are seen, are of the inner side of the pit. These inscriptions have been kept one upon one. There were more inscriptions below that are not seen in this picture. I have shown the size of that pit on page No. 289C-1/206 of my book, the width of which is approximately 25 meters. The section prepared on the basis of picture shown on the opening page in my first book 'New archaeological discoveries', which was found in the pit, is given on page 205 in my second book. The width of 25 meters shown in this picture is full section which has

been seen by cutting original pit. This pit was at a distance of 8.18 meters in the southern side of the disputed structure. It is difficult to tell the length — width of the original pit, because during levelling its plan was destroyed. At present, only through its depth, diameter of that can be told. On 2nd July 1992, when I went to see this pit for the first time, then some portion of this pit was lost, but some portion was in existence in-situ. On 2 July 1992, when I saw this pit, at that time diameter might have been 15-16 meters and depth might have been of 10-12 feet.

Verified the statement after hearing

Sd/-

S.P.Gupta

19.08.2002

Typed by the stenographer in open court as dictated by me. In continuation of this for further cross-examination, be present on 20.08.2002.

Sd/-

Narendra Prasad

Commissioner

19.08.2002

Date: 20.08.2002

O.P.W. 3 — Dr. S.P. Gupta

(In continuation of cross-examination of Dr. S.P. Gupta on 19.08.2002 before full Bench cross-examination by Shri Mushtaq Ahmad Siddiqui continues on oath).

It is difficult to tell about the size of the pit I saw on 2.7.1992 because two-third part was destroyed during levelling. But the portion which existed was upside. By upside, I mean it was half in circle. Likewise since two-third part of that pit was destroyed, therefore, it is not possible to tell about the volume. As I stated yesterday in my statement, that the depth of this pit may be about 10-12 feet and its diameter may be 15-16 meters. By multiplying it, whatever is the area, that will be its volume. On this point, the learned cross-examining advocate invited witness's attention towards document No.289C-1/205 and 289C-1/206, filed in other original suit No.5/89, on seeing which the witness stated that this is the section of that pit which was in the east of disputed site. During levelling on 2.7.1992 only one pit was found, by cutting which a pit of ancient period was found. This is true that during levelling, only one pit was found. The pit found during levelling, section of that is framed in 289C-1/206, which was prepared by me in-situ. The section of this was framed by me. That section I prepared there in-situ, i.e. on 2.7.1992. The length and breadth of the pit found during levelling on 18.6.1992 is given in 289C-1/206. I myself measured the length and breadth of this pit. The length of the section seen in 289C-1/206 as 25 meter, that is of the base of pit. 1-20 meter 0.80 cm., 1.25 meter and 40 cm. in this section is the measurement from upward to outside of the pit. This is correct that this is the measurement of that pit which I

saw on 2nd July 1992.

Question: On 2nd July, 1992, the full measurement, i.e. depth, length and width, as per your statement, whether you tried to know from the labourers and other persons present there or not?

Answer: I asked from the persons present there, but all of them said that Government have refused us to do that and now no excavation should be done under that and all the things may be left in-situ i.e., as they are. The labourers told that they were not allowed to go under that pit, and were stopped there itself. That is why they were unable to tell the depth, width and length of that pit.

Question: What was the size of the pit on floor of that land, i.e. what was on the surface? Did you try to know that?

Answer: When we asked from the labourers as to when did they cut it and what was its length and breadth, then they said that before our cutting it was already cut and other labourers were working there. Two-third upper part of pit was already destroyed before 18th June.

The thing which I told in my previous statement that there during excavation surface of four periods were found — N.B. P.W., Maurya, Shung, Kushan. Those four surfaces were found in the trench fixed in west of disputed structure. As no excavation was done in the lower part of the trench on southern side, therefore, no surfaces were found. There I was doing scrapping work, by that I got all this information. I did not publish the trench of southern side or section of

that in my book, but it was published in "Indian Archaeology: A review". The photo of western trench was published in Indian archaeology 1976-1977: A review, a copy of which is filed in the court in other Original Suit No.5/89, document No.291C-1/2. The witness was shown document No.291C-1/2 and was asked to identify the four surfaces, then the witness said that this work can be done by an excavator and since the surfaces in the lower part are not clear in the photo, so it is not possible to identify different layers and levels. I did not go deep inside the pit on western side. I did only scrapping. I myself saw there four surfaces, i.e. cultural levels. The statement which I am giving today is based on my memory of whatever I saw. I have no document of that because all these things are with excavator. At this time, I do not remember but it can be that I may have written an article on Ram Janam Bhoomi and Marxist Historian article. As far as I remember, I did not write any book or article, but I can tell after seeing that. At this point, the learned cross-examining advocate invited witness's attention towards para 2 of page No.14 of exhibit filed in other original suit No.4/89, on seeing which the witness stated that he agrees with the things written in it. After seeing page No. 15 of this book, the witness stated that he also agrees with the thing written in it. In both these paragraphs broad principles of archaeology are given, I agree with these. The learned cross-examining advocate invited witness's attention towards para 3 on page 13 of the same book, on seeing which the witness stated that "In order to everyday use", I agree by it. In the second line from the bottom of page 19 of this paper, the word "mosque" has been used, it is about the disputed structure. It is true that I have given my conclusion in third para on page 30 of this paper and in that instead of the word temple, pillar structure word has been used. But it is

possible that in full article, I have used the word temple. This would be wrong to say that my this article may be prior to 1986 and due to those reasons, the word temple was not used.

On this point, the learned cross-examining advocate invited witness's attention towards five lines from the bottom of last paragraph on page No.3 of document No.288C-I filed in other original suit No.5/89, i.e. "It in the masjid", on seeing which the witness stated that this is true. I agree with the fourteenth line from bottom on the same page "The V.H.P. says to excavation". I agree with the thing written in third line from the top of page 4 of the same paper "single pillar extension". I have seen RD. Banerjee's book "Eastern Indian School". This pillar is painted in plate LXXIX (b) and (c) of his this book this pillar is painted in XC(d) the length, breadth and thickness of that pillar is different than that of pillar fixed in the disputed structure. By reading from eleventh line to the end of first para on page No.4 of the same book "Under Ferozeshah Tuglaq decorate", that I partially agree with the things written in it. Volunteer that I do not agree with the last sentence because this is a question of archaeological methodology and I agree with the rest of the things. Again said that if we accept this methodology then the scope of today's dispute will become larger, because the examples given here are the examples which are outside our jurisdiction and there are examples of several periods. If we apply the same methodology with regard to the pillars of disputed site then many questions of history will arise. But I agree with the rest of things of this paragraph. The witness's attention was drawn towards para 3 of page No.4 of the same book, on seeing which the witness stated that I

agree with the words "It may be further..... pillars are found". The witness's attention was drawn towards seventh line of first para on page No.5 of the same book "In the contextcenturies", by reading that the witness stated that I do not agree with this sentence. Volunteer that here "L" of "later" is written in small so the meaning of "later" relates to time, i.e. it has relation with time and this is not 'period teller'. After reading first line of second para on page 5 of the same book, the witness stated that I do not agree with it, because whatever is written in the following sentences, is farther from the truth related to archaeology. I agree with this sentence of paragraph 2 of page No.5 of the same book "Islamic glazed.....Hindu temple". I agree with one of the things given in the bottom two sentences of paragraph 3 on page No.5 of the same book "Find of Islamic glazed offering prayers", i.e. in this para, I agree with "Find of Islamic to 13th century", and I do not agree with the later portion.

I know Dr. T.P. Verma for the last thirty years. We have traveled together. We have given lectures also in the seminars, but I never noted his speech or lecture. On this point, the learned cross-examining advocate invited witness's attention towards para 75 of document No.107C-1/62 filed in Other Original Suit No.5/89, "Excavation of Ayodhya", and asked that in your statement the description of four periods given by you have not been mentioned by Shri B.B. Lal here. After reading that paragraph, the witness replied that in para two and three of this chapter Shri B.B. Lal said that in the lower level northern black polished wares were found and in the first sentence itself of para 3 it is clear from "With this inscription..... structural phases" that till Kushan period there was habitation and several layers of that were present. On this point, the

learned cross-examining advocate invited witness's attention towards picture given in document No.289C-1/208 filed in Other Original Suit No.5/89 and asked if it had been excavated in the southern side of that site then whether there was any possibility of such pillars being found or not. The witness stated that such pillars may or may not be found. This is correct that in the reports of Shri B.B. Lal, which were printed in "Indian archaeology: A review", this picture was not published. I do not remember whether this photo has been printed somewhere or not, but I have published it in my both the books. Shri B.B. Lal did both excavations mainly to find out the antiquity of Ramayan sites near the disputed site. From this point of view, the excavation done in the western side is more important. In my above statement, I have told that a seminar was held in Ayodhya from 10th to 13th October 1992 in which nearly forty scholars took part; It is correct that proceedings were written on the last day of the meeting and was signed by all the scholars present there. It is not correct to say that the conclusions of my research, which are given in chapter 11 of my book No.289C-I and have been expressed in other reports also, were made just to fulfill the words which I said before Lal Narain Sinha in 1986. It is wrong to say that my conclusion is not correct. This is also wrong to say that my conclusion is based.

(From the side of defendant No.5, cross-examination by Shri Mushtaq Ahmed Siddiqui, advocate concluded).

(In continuation of dated 17.-7.2002 on behalf of defendant No.6, Shri Mehmood Ahmed cross-examination by Shri Abdul Mannan).

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It is correct to say that Babri Masjid was built during the rule of Babar. It is also correct to say that Babar's rule started in 1526. After this, Babar won several areas which include Awadh also. This is all correct to say that after winning the area of Awadh, Babar appointed Mir Baqi as his Governor. Mir Baqi got Babri Masjid constructed in 1528-29 and this was called as Babri Masjid. It is a matter of dispute that this was called as Babri Masjid till 1949. This is also a matter of dispute that since then and till to—day it is called as Babri Masjid. It is not correct to say that even after its demolition till today, it is called as Babri Masjid. That Masjid on 6th December, 1992. Again said, this structure was demolished on 6th December 1992. Since I was not present there during the demolition of the disputed structure, so I do not know as to how many people were present there. I do not remember that after how many days of the demolition of disputed structure, I went to the disputed site. Whenever I went to the site of disputed structure after demolition, I went alongwith Commissioner and pleader cross-examiner. I do not remember if Shri Mannan was present or not, but other advocates were there. After demolition of disputed structure, I went to Ram Katha Kunj on 13th December 1992, where artifacts were kept. At that time, I did not go to the disputed site. Ram Katha Kunj is situated at 250-350 yards from disputed site. But after that I went to the disputed site 3-4 times. Again said that when I went for videography at Ram Katha Kunj, then Commissioner took us for videography at the disputed site. At present, I do not remember the date when we were called for videography. I do not know whether before the demolition of disputed site videography was done again or not because I did not go there. I do not know whether before the demolition of disputed site videography was

done again or not because I do not remember whether I had gone there or not. I do not know if before demolition third time, late Devaki Nandan Aggarwal or Shri Mannan went to the disputed site or not. I do not know during 17th century whatever other material was kept in Sita Rasoi was kept there after bringing or not. I do not know this also if before 17th century neither there was any Rasoi nor there was any article in Sita Rasoi.

(On behalf of dependant No.6, cross-examination by Shri Abdul Mannan, advocate, concluded).

On behalf of defendant No.26, Shri Irfan Ahmed, advocate accepted the cross-examination done by defendant No.4, 5 and 6.

Answers of the questions asked by the court

Question: Do you know the design, style and process of the foundations of temple and masjid? Have you any knowledge about the thickness of the upper wall of foundation of temple or masjid?

Answer: The design and style of the foundation of temple depends whether it was a singular temple, i.e. temple of one building or was Panchyatan, i.e. a pool of five temples was on a single base, in which one is constructed in the middle and there are four corners on one base only. This depends on the fact whether there was a gap and whether in front of this gap, there was a 'Mahamandap' and whether there was an 'Ardhmandap' in front of this Mahamandap? The depth of foundation of any temple will depend as to what is the height of the temple and in how much area it is spread

over. For example, if the area of temple is 50 feet in length and 100 feet in height, then the depth of foundation may be 8-9 feet, but this will depend upon the strength of the soil. If the land is rocky then there is no need of a deep foundation. For example, if the height of temple is 100 feet and length is 50 feet then the thickness of its wall can be 6-7 feet.

I have no knowledge about the design, style, process of a masjid and the thickness of the wall of foundation, so I cannot say anything about it.

Question: Whatever excavation has taken place in the south and west of disputed site or scrapping done by you in the east, how much relevancy those results have got about whether there was a masjid or temple at the disputed site, i.e. how on the basis of study of that excavation you can say that there was a temple at the disputed site?

Answer: As per my view, the excavation done in the western and southern side, have shown enough evidence that at the disputed site, before the disputed structure, what kind of structures and in which period buildings were constructed. Whatever archaeological evidence was found in the excavation on southern side, that indicates that perhaps before construction of disputed structure, a temple was built on this mound, it is difficult to say anything more on the basis of excavations. Except pillar bases found in the excavation in southern side, no proof was found on the basis of which a full conclusion can be arrived at as to what kind of structure was there

at the disputed site, whether mandir or masjid. In the excavation done on western side, the structures found of 11th century, their shape is not known but there is a possibility that it might be the back portion of the temple which may be of brick, but it cannot be said definitely. On the basis of brick structure found in excavation in the western side, we assumed that it might be the back portion of the temple, but cannot be said definitely. The wall of pakki mitti found by me in the scrapping in east, on that basis, it cannot be said that it was the wall of temple because there a big floor of bricks was found which was spread over in hundreds of feet and was found during levelling and which was seen by Professor Grover also, and photo of which was also published by us, on that basis, it can be said that there might have been a temple. The potteries etc. found in that scrapping, does not show any base of a masjid being there and Babri Masjid was at a distance of 8-9 meters from there.

Question: On what basis you came to the conclusion that on the disputed land, there was a temple in Nagar style?

Answer: The biggest proof of this is the findings of many Aamlak in the vicinity outside the disputed structure, which was used in the temples of Nagar style and even today such Aamlak are used in construction of such temples.

Question: Which type of foundation is there in the temples of Nagar style?

Answer: The foundation of the method of Nagar style is not of any special type. This, as I told above, depends on the super structure of the temple. To know about the method of construction of any structure, only foundation is not taken into consideration, but from the super structure built on that, it can be found whether this is Hindu temple of Nagar style or Bauddha temple or temple of Jains or Church. Since I have no knowledge of medieval archaeological design, so I cannot tell whether the foundation of masjid can be considered on the basis of super structure or not, but my guess is that whether it is a temple or masjid, on the basis of its super structure only it can be said as to which type of structure it was and to which dharma it related. Only on the basis of foundation, it cannot be said that the structure constructed on it was of which type and to which dharma it related.

Question: Whether by getting the excavation done at the disputed site, can proof of any temple or masjid be found at this site?

Answer: In my view by getting the excavation done at the disputed site, foundation of the buildings built there can be found, but it will be impossible to say the building constructed there was of which type, i.e. mandir or masjid or residential house.

It is correct to say that one portion of my article has been quoted by Prof. Mandal on page 19 of his book "Ayodhya (198C-2/33) as follows:

"Obviously, many more will be found existing if we are

allowed to dig below the mosque.”

I stand by this opinion even today. However, I would say that the result of excavations will not be conclusive, i.e. it will be difficult to conclude if pillar bases are found there then will that be of a mandir, of masjid or of any house?

(Opportunity to cross-examine the witness was afforded to all the parties advocate, but more of them opted for cross-examination after the court questions concluded. Witness is discharged.)

Verified the statement after hearing

Sd/-

S.P.Gupta

20.08.2002

Typed by the stenographer in the open court as being dictated by me.

Sd/-

20.8.2002