

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

O.O.S. No.5 of 1989
(R.S. No. 236/89)

Bhagwan Shri Ram Virajman
and others ...Plaintiffs

Versus

Rajendra Singh and others ...Defendants

**STATEMENT OF O.P.W. 4
SHRI HARIHAR PRASAD TIWARI**

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**EXAMINATION IN CHIEF BY WAY OF AFFIDAVIT IN
SUPPORT OF OTHER SUIT NO. 5 OF 1989 BY SHRI
HARIHAR PRASAD TEWARI OPW 4 UNDER ORDER 18
RULE 4 CODE OF CIVIL PROCEDURE:**

I Harihar Prasad Tiwari, age about 85 years , son of
Late Shri Balmukand Tiwari, original resident of Village and
P.O.—Kareemuddinpur, District Gazipur, U.P., solemnly
affirms on oath as under:

1. I was born in 1917. After studying upto Prathama, I
obtained the Degree of Bheeshagacharya which is
also known as Ayurvedacharya, in 1938-39. I studied
Ayurveda while staying at Ayodhya. I came to
Ayodhya in late 1938. Shri Shiv Kumar Vaidhya had
opened the Ayurveda Vidhyalaya at Jagdishpur Mandir.
I studied Ayurveda from that Vidyalaya. I lived at
Ayodhya for 4 years to study Ayurveda. This Ayurveda
Vidyalaya was affiliated to Dhanwantari Ayurveda
Vidhyapeeth, Calcutta. During my study of Ayurveda I
lived at Ram Niwas Mandir, Ram Kot, Ayodhya. My

partner Baba Hari Das ji also lived there as a hermit. His home name was Shir Han Nandan Tiwari.

2. After obtaining the Degree of Bheeshagacharya (Ayurvedacharya) I went back to my village Kareemuddinpur and started practicing Ayurveda there as a Registered Medical Practitioner. My family has been Ram Bhakta (devout) Vaishnav family. I am also Ram Bhakta and from my childhood Lord Shri Ram has been my Deity to worship. The distance of Shri Ram Janam Bhoomi from Ram Niwas Mandir, Ram Kot, Ayodhya is about 250-300 steps. There are 7-8 Temples in between Ram Niwas Mandir and Ram Janam Bhoomi. While living at Ayodhya I used to visit daily to Shri Ram Janam Bhoomi, Kanak Bhawan, Hanuman Garhi etc. temples for Darshan (viewing). Besides me a large number of Hindus used to visit these temples daily for Darshan.
3. Ayodhya is an ancient and the holiest Pilgrimage for Hindus where Parambharma Parmeshwar Bhawan Vishnu incarnated as Shri Ram, son of King Dashratha. The followers of Hinduism have the faith from the time immemorial that Bhagwan Vishnu incarnated at Ayodhya as Lord Shri Ram. This place is adorable. Owing to this trust and faith people used to visit for Darshan and Parikrama (taking round) of Shri Ram Janam Bhoomi. My family members, my grand father, and elderly people, saints and hermits of Ayodhya, during my study there from 1934 to 1938, used to say that Bhagwan Vishnu had incarnated as Bhagwan Shri Ram at this very place and this is Shri Ram Janam Bhoomi. Based on this faith and belief I have been going to Shri Ram Janam Bhoomi for Darshan. After

completing my study, whenever I came to Ayodhya I used to go there for Darshan invariably. I mostly live in Sugreev Quila, Ram Kot, Ayodhya for about last 8-9 years and usually go to the Ram Janam Bhoomi for having Darshan.

4. The way to Shri Ram Janam Bhoomi premise was from the east side and this east-side door was known as Hanumatdwar. On entering Shri Ram Janam Bhoomi from this door, on the left side, idols of Shri Ram Darbar were seated there on Ram Chabutara (platform). To the south of the platform there were trees one each of Peepal and Neem and idols were seated there too. On the right side of the Hanumatdwar a big Hut of thatched roof was there called Bhandar Grah (store-house). Hundreds of saints and hermits lived in it and there was full arrangement for Preparing their food and they used to prepare and eat their food in it. The hermits sang Kirtans (devotional songs) for twenty four hours beating Dhol (drum) and Playing Manjeera (cymbals) and other Darshanarthies (viewers), pilgrims also participated in Kirtans. The Northern entry door of this premise was known as Singh Dwar. There was staircase from the road to reach the Singh Dwar which was time-worn and broken and nobody did use it. Inside Singh Door there was Sita Rasoi wherein there were Chauka-Belan-Choolha Charan Chinha (foot marks) etc. which were viewed by the pilgrims of Hindu Faith. On the south of it there was Janam Bhoomi of Bhagwan Shri Ram called sanctum-sanctorum which was viewed by me also.

5. On the occasion of Chaitra Ramnavami, Sawan Jhoola, Parikrama Mela and Ram Vivah, Hindu Pilgrims comes to Ayodhya from the nook and corner of the country and have darshan in Temples after taking bath in river Saryu. All the pilgrims invariably used to go to see the Ram Janam Bhoomi and according to their veneration they offered fruits-flowers-money etc. Outside the premise of Shri Ram Janam Bhoomi, Parikrama Path was there. Pilgrims, viewers (people who came for Darshan) used to perform Parikrama (taking religious round) of the whole premise. Hundreds of devotees had been performing Parikrama daily.
6. At the east side corner of Shri Ram Janam Bhoomi premise, at a distance of about 200-250 steps there was Sita Koop (well). Water from this well was used by Pilgrims, Darshanarthies (viewers) and hermits and saints living in the premise of Shri Ram Janam Bhoomi. Shri Ram Janam Bhoomi premise always remained crowded by Hindu pilgrims, hermits and saints. Any Muslim never turned around the premise and neither any Muslim used to go inside the premise. I had never seen any Muslim going inside and offering Namaz there. Unknowingly if any Muslim came near the premise, the hermits and saints used to run to beat him, therefore, because of fear no Muslim turned up there. Pillars of black touch stone (Kali Kasauti) were there in the building having Sanctum- Sanctorum in the Shri Ram Janam Bhoomi premise wherein pictures of fruits, leaves and Gods and Goddesses were there. The building having domes was the holy sanctum sanctorum, where, it is believed that Bhagwan Shri Ram had taken birth. Hindu pilgrims and Darshanarthies (viewers) used to offer fruits,

flowers and money there also, owing to their faith. Various temples of Hindus have been there from the beginning in the vicinity of Shri Ram Janam Bhoomi.

Deponent

Sd/-

Lucknow

Harihar Prasad Tiwari

Dated 01.08.02

VERIFICATION

I, the above named deponent Harihar Prasad Tewari do solemnly affirm that the statement made by me in my affidavit paras No. 1 to 6, are true and correct to the best of my knowledge. Nothing is false or nothing has been concealed. May God help me.

Verified today on dated 1.8.2002 at the premise of High Court, Lucknow bench Lucknow.

Deponent

Sd-

Harihar Prasad Tiwari

Dated 01.08.02

Deponent Shri Harihar Prasad Tiwari put his signature on this affidavit on this date 01.08.2002 before me (Ved Prakash Advocate). I certify it.

Sd/-

(Ved Prakash)

Advocate.

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at Shri Ram Janam Bhoomi
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O.P.W.-4 Shri Harihar Prasad Tiwari

Shri Harihar Prasad Tiwari, age about 85 years, son of Late Shri Bal Mukand Tiwari, original resident of Village and Post Office Kareemuddinpur, District Gazipur, Uttar Pradesh, submitted examination in chief by way of affidavit. Taken on record.

Cross-examination on behalf of: Nirmohi Akhara, defendant No. 3 by Shri Ranjit Lal Verma, Advocate.

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During 1934-38 when I go to the disputed building , that was a temple. Nobody goes inside it during those days. On entering the disputed area there was a Chabutra (raised platform) on left hand side where people had Darshan of Bhagwan Shri Ram and his family and on the right side Saints used to live under a big thatched roof and prepared their food. I comprehended the entire building as a temple

and it was so said by the elderly people also. During 1934-38 when I visited the disputed site for the first time my age would have been approximately 17-18 years. During 1934-38 I frequents visited the disputed site to have a Darshan of Bhagwan Ram. Inside the building at the disputed site there was no idol of Bhagwan Ram seated, but his photo hanged on a wall which was visible from the outside of the gate. The gate was locked so I had seen that photo from outside. This photo was neither framed in glass nor drawn on the wall but was hanging like a calendar. The distance of the calendar from the gate had been approximately 8-10 hand-measures. There was no wall in between the gate and the wall on which the photo was hanging. I do not remember now whether the wall on which the photo hanged was roofed or not. The door was to the East of the wall having the photo hanging on. Whether there was roof to the west side of the wall or not I do not remember. There was only one door from the front and that was locked. To the right of that door there was a small door which opened towards Sita Rasoi (Kitchen). There was only one door for entry into the building from the east side which was locked. Except this door there was no door for entry into the building.

Question:- How many number of such fairs are held at Ayodhya in a year, in which Darshan (viewing) of Bhagwan Ram is arranged for?

Answer:- Main fair of Ramnavami was held in the Hindi month of Chaitra , Sawan Jhoola fair 4 in the month of Sawan, Bhagwan Ram's wedding fair in the month of Aghan and Parikrama was held in the month of Kartik.

During 1934-38 Ramayana Path (recital) and Kirtan (devotional singing) 4 in praise of Bhagwan Ram were held daily. I understand the meaning of Nawah Path (nine day recital). In this Path the whole Ramayana is recited in 9 days. During 1934-38 I had seen 2-4 people reciting Ramayana there but who got it done I do not know. At the time of nine-day recital one or more than one people used to sit as audience there. Hanuman Garhi (fortress) was about at a distance of a quarter km. from Ram Niwas Mandir. I used to visit to Hanuman Garhi also for having Darshan. I was not knowing whether Hanumangarhi was managed by Nirvani Akhara or not. Well, there are many other temples in addition to the temple of Hanuman ji, namely Ram-Janaki Temple, one more Hanuman temple apart from main Hanuman temple and Temple of Goddess Durga. That was Ram-Janaki Temple where Katha (religious-discourse) was held regularly. In all these temples there were idols seated. During 1934-38 I saw many times Ramayana recitation being held inside Hanumangarhi and nine-days Manas recitation was also held there. Besides, Ram Niwas Temple there are Kanak Bhawan, Rang Mahal, Ratan Sinhasan, Lav Kush Bhawan, Ram Kachhari, Temple of Jagannathji, Amava Temple, Ram Gulela Temple etc. at Ayodhya. Behind Ram Kachhari Temple there is Amava Temple which is opposite to Ram Nivas Temple.

I never went inside Ram Kachhari Temple and I had its Darshan (viewing) from outside only. Around 1934-38 the head Priest of Ram Kachhari Temple was Ambar Das Ji. I do not have knowledge to which Akhara he belonged. To the North-east of Ram Kachhari Temple, Ratan Sinhasan Temple is situated. The distance of Ratan Sinhasan Temple from Ram Kachhari Temple is about 100

steps. It is true, Ram Subhagdas Ji is the Head Priest of Ratan Sinhasan Temple presently but I do not know whether he is arbitrator (panch) of Nirmohi Akhara or not. I have no knowledge that after the event of 22/23 December, 49 whether Ram Subhag Das Ji was arrested or not.

During 1934-38 whenever I went to the disputed site I found it locked. I did not make any effort to know at that time as to who locks it, when it is locked, when opened and why it is locked. After 1938 I used to come to Ayodhya once in a year or so. On my arrival to Ayodhya I used to visit to the Janam Bhoomi. I do not remember now when the lock of disputed site was opened after 1938.

I do not remember whether at the East side door of the disputed building i.e. out side Hanumatdwar, there was a stone board or not with the engraving "Ram Janam Bhoomi. Nitya Yatra". On entering the Hanumatdwar a wooden temple was kept on the Chabutara (platform) on the left side, inside which Bhagwan was seated. Beneath the platform there was a small door and there were idols inside this door. Who was the priest at the platform or Ram Mandir, where he came from and what was his name and address I am unable to state. Between 1934-38 who were the hermits and priests there I did not make any effort to know. At Ram Chabutara, Aarti was performed in the morning and evening only, not five times a day. I sometimes participated in both the Aarties. Aarti was performed by the hermits. During Aarti there was ringing of bells also and this was also performed by the Hermits and Saints.

There was a door on the north side of the precincts. This door was known as Singh Dwar. While going inside Singh Dwar, on left side, on a platform there were rolling

board (Chauka), Belan (rolling pin) Hearth (chulha) and Charan Chinha (foot marks) etc. Charan Chinha were in four pairs. According to belief these Charan Chinhas were of Ram, Lakshaman, Bharat and Shatrughan. All the above things existed on the platform during 1934 to 38. Worship was performed by the priests at the platform also. At first the priests did worship at the Ram Temple Platform and then walked to above platform for worship. The devotees offered oblation at the above platform which included Rupees, Paise, fruits-flowers and sweets also. On the platform under the tree of Peepal, there was Shiv-Darbar. There were idols of Shiva, Nandi and Ganesh ji on it. Only one priest worshipped at above platforms. The priest performed worship at above platforms between 1934 to 38 also. Out side the eastern door of the precincts there were the shops of the Prasad (offerings). At Sita Koop (well) there was always a person to offer water to the thirsty.

Inside the Hanumatdwar on the right hand side there was a store- house (Bhandar) of hermits. The length of the Bhandar Grah, (store) was 20 hand measures and the breadth was 4-5 hand-measures. On the west side, the Bhandar Grah was on support of a wooden pillar. The thatched roof of the Bhandar Grah rested on the wall on eastern side, on tin sheets in the north and south sides and on west side also on tin sheet having space for two doors. Under this thatched roof there was kitchen, Bhandar Grah (store) and space for living of the hermits. The food offerings to the deity were prepared in the kitchen of this Bhandar Grah. The length and breadth of the Bhandar I have stated is based on approximation. Besides store and kitchen, 5-7 hermits could live in it. In addition to it, on the northern side, under a number of thatched roofs, hermits lived. I never went to the Ram Temple at such time when,

food was being offered to the deity. I can not say whether the hermits living in the Bhandar Grah at the time of Aarti or worship, used to ring the bells or not. Even after 1938 I saw the Bhandar Grah, Ram Chabootara, Shiv Darbar, Chhathi Pooja site in the same state as it was earlier. This state existed 15 years before from now. The way to Hanumatdwar from the road was rough. Near Sita Koop (Well) there was the Temple of Hanuman ji and a number of small temples were there. On the south of Sita Koop there was Sumitra Bhawan which is also called Sheshawatar Temple. Angad Teela (mound) was on the south-east side of the Sita Koop and Kuber Teela was on its south. Angad Teela is at a distance of almost 100 steps from the Sugreev Teela towards the south. Hanumatdwar is at a distance of about 400 steps from Angad Teela. I can not state the name of the priest of the temple near Sita Koop and also to which Akhara he belonged.

I came to know about Hindu—Muslim riots of 1934. I do not know whether large number of Muslims were killed in the riot and riot tax was levied on Muslims or not. Between 1934 to 38 population of the Hindus was more as compared to the population of the Muslims at Ayodhya. After riots the Muslims owing to fear did not go towards the temple and if by mistake any Muslim went there he was driven away by the hermits. In between 1934-38 I saw no Muslim going inside the precincts and offering Namaz there.

In photo no-57 of Album 200-C-I the very Ram Temple is seen which I have stated above earlier. In this photo beneath left and right platform, cave temple is visible. In photo No. 58 also the picture of the same platform is seen. In photo No. 59, 60 and 61 under the Peepal tree Shiv Darbar is seen in the platform. In photo No. 70, 71 and 72

of above album the platform of Chhathi site is there. In photo No.45 of Album No.200 C-i the outside door was known as Hanumatdwar. On the right side of this door a stone plate is fixed which is seen in photo No.44. What is written in it is not legible rightly.

Outside the precinct of Ramkot , towards the east, Temple of Hanuman ji is there, to a little distance from the south west, Vashistha Kunda existed but I do not know whether Nal- Neel Teela existed towards the west or not. In Mohalla Ramkot, Palace of Dashrath, Palace of Kishoreji, Kanak Bhawan etc are also situated.

The river Saryu flows to the north of Ayodhya. On the road towards the west of the Post Office is Jagdishpur Temple where from I had the Degree of Ayurvedacharya. I do not know who was the Sarbrankar (manager) of the Jagdishpur Temple. When the disputed precinct existed, so far as I know , the north side door never opened. I do not know, in between 1934 to 38 whether the idol of Ramlalla existed in the sanctum sanctorum or riot. Both the doors leading to sanctum sanctorum, I had seen closed in between 1934 to 38. The God in calendar hanging in sanctum sanctorum was worshipped by the priest of the Ram Platform from outside and the devotees used to throw Rupees-paise, fruits —flowers and sweets from outside the door. I do not know whether someone had been taking out the thrown up sweets and money or not.

I know Paramhansa Ramchandra Das for 8-9 years. I have come to know that he is the head priest of Digambar Akhara. I have not gone inside Digambar Akhara but I have seen it from out side. Digambar Akhara is situated at Ramghat on way from Hanuman Garhi. I have walked on

that road. I have not seen the Nirmohi Akhara Precinct situated at Ramghat from inside but I have seen it from outside. It is incorrect to say that I know the name of the Head Priest of Nirmohi Akhara and it is also incorrect to say that I am concealing information about Nirmohi Akhara. In between 1934 to 38 I did not know that Ram Janam Bhoomi Temple was managed by the Priest of Nirmohi Akhara. I have come for giving my evidence in this litigation at the behest of next friend Triloki Nath Pandey. Shri Triloki Nath Pandey is the resident of Karsevakpuram at Ayodhya. I do not know whether Karsevakpuram is the venue of Vishwa Hindu Parishad or not. Katha is held there.

Cross- examination on behalf of Nirmohi Akhara, defendant No-3 by Shri Ranjeet Lal Verma Advocate: concluded.

Cross-examination on behalf of U.P. Central Board of Wakf, Lucknow, defendant No-4, by Shri Zaffaryab Jilani Advocate.

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I have been living alone at Ayodhya for 8-10 years now. The age of my elder son is about 40-42 years. I have 5 children. The age of my youngest son is about 30 years. I got married before 1950. I do not remember now, after how many days of obtaining the degree of Ayurvedacharya I got married. The age of my wife is about 75-76 years. After having the Degree and registration of Ayurvedacharya I practiced as Vaidhya for 40 years after. I practiced at my village Kareemuddinpur, District Gazipur. Now I am not practicing for 10-12 years. I got the Degree of Bheeshagacharya from Dhanwantari Ayurveda Vidhyapeeth,

Calcutta. This Vidyapeeth is not a University. The Ayurveda Vidyalaya of Shiv Kumar Vaidhya was known as Jagdishpur Mandir Ayurveda Vidyalaya. Study was held there daily. After the study for four years examination was conducted by the Dhanwantari Vidyapeeth but Shiv Kumar Vaidhya used to take examination only in fourth year. At Jagdishpur Mandir Vidyalaya, after four years the last examination was conducted. The papers were sent here from Calcutta. Besides Shiv Kumar Vaidyaji there was one more teacher of Ayurveda at Jagdishpur Vidyalaya. His name was Jagannath. He did not come for teaching daily but sometimes when called by Shri Shiv Kumarji, he used to come for teaching. 15-16 students appeared for examination with me. During 1934-38 I read some books in Sanskrit which include Madhav Nidan, Sarangdhar Sanhita and Bag Bhatt etc. All these books are in Sanskrit. The notes from these books were taught in Hindi. After reading these books I can understand Sanskrit Language to some extent not completely. I have read the Hindi Translation of Valmiki Ramayana not Sanskrit version. On reading I can understand Valmiki-Ramayana to some extent in Sanskrit also. The Ramayana by Tulsidas I have read in Hindi. I have read above two epics on Hindu Religion, none else.

Statement read and verified

Sd/-

Harihar Prasad Tiwari

01.08.2002

The Stenographer typed in the Open Court as dictated by us. In continuation for cross-examination on 02.08.2002. Witness be present

Sd/-

1.8.2002

Dated 02.08.2002

(In continuation to dated 01.08.2002 the cross examination of Shri Harihar Prasad Tiwari, O.P.W.—4 begins on oath.)

I do not know whether in the Ramcharitmanas written by Tulsidas the location of the Janam Bhoomi of Shri Ram has been narrated or not and also whether there was a temple at the Janam Bhoomi or not. It is a fact that Ramcharitmanas is an important book for Hindus which is about Bhagwan Shri Ram. Likewise Valmiki Ramayana is also an important book for Hindus and this also belongs to Bhagwan Ram. I have no knowledge whether there is any other Ramayana or not in addition to these two Ramayanas. I have heard the name of Vedas. These are religious books. I have read no Veda. I have not heard from anybody as to what has been described in Vedas. I know that the number of Vedas is four. Smritis are also there but I have no knowledge about them. Bhagwan Ram had born in Treta Yug (age). Dwapar yug was after Treta Yug not before it. Bhagwan Shrikrishna had born in Dwapar Yug. It was Satyug before Dwaparyug and Tretayug. I do not know that the period of Satyug was for about 17 lac years. I do not know the period of Dwapar and Tretayug. I have no knowledge that Bhagwan Ram had born 9 lac years ago from now. I have not studied any book in this regard. Bhagwan Ram ruled for 11 thousand years not 10 thousand years. This I know by listening Katha etc. I don't remember now whether I have read about the duration of rule of Bhagwan Ram in Ramayana or not.

On this point of the cross-examining learned advocate drew the attention of the witness towards witness's statement paper No.261 C-112 (Valmiki Ramayana) Page

813 at 9 Sloka (couplet) in column 1 in which he has translated as 'upto ten thousand years' which was read by the witness and he stated that it was not written in this Shlok that Bhagwan Ram ruled for 10 thousand years. What is written is that he performed Yaggya (religious sacrifice) for 10 thousand years. It is correct that in Valmiki Ramayana it is not stated that at which place Bhagwan Ram was born at Ayodhya.

The cross examining learned advocate drew the attention of the witness on paper No. 261-C-1/1 presented in other Main Suit No. 5/89 at page No.41 on the Hindi translation of the couplet fifth and sixth. On reading this translation the witness answered that it is correct, as I have said above, the Hindi translation of these couplet is also the same.

As I have said in para-3 of my statement, Ayodhya is the ancient place of pilgrimage for the Hindus and as I perceive the importance of Ayodhya is more than Prayag and Varanasi. In my opinion Ayodhya is the most sacred among the places of pilgrimage in India. Ayodhya not only for thousand years but is a place of pilgrimage from ancient times.

Similarly as I have said in my statement at page No-3, Para-2, it is the belief of the followers of Hindu Religion that Bhagwan Vishnu had incarnated at Ayodhya. This opinion is from time immemorial, I mean from lacs or more years. Valmiki Ramayana is a book lacs of years old. Any other Ramayana was written before it or not, I have no knowledge. in my opinion the terms incarnation and taking birth have the same meaning. Hindus are of the faith that Bhagwan Ram was born in the Palace of King Dasharath.

There is no mention in Ramcharitmanas as well as Valmiki-Ramayana as in which area of Ayodhya was the Palace of King Dasharath situated and how much area it covered. The cross-examining learned Advocate drew the attention of the witness towards paper No.25 8 C-1/2 filed in another main Suit No. 5/89. This was Bal Kand's Doha (couplet) No.32 B's third Chaupai to 6 Chaupai "Jehi Jehi Satkoti Aparā". On reading which the witness stated that I have full faith in the matter written in the Chaupai.

There is narration of the river Saryu flowing to the north of Ayodhya in Valmiki Ramayana. So far as I know in Valmiki Ramayana there is narration of river Saryu only, there is no mention of Ghagara river. The river Ghagara does not flow through Ayodhya whereas the river Saryu flows to the North of Ayodhya. I have no knowledge whether the river Ghagara flows through Bahraich or not. I have heard the name of river Ghaghara but where does it flows I have no knowledge.

It is right that in my above statement I had stated that the disputed site is the Janam Bhoomi of Ram . This faith of mine is not by reading any religious book but is based on what I have heard from old and aged persons. I am having this faith well before I came to Ayodhya. That is to say when I gained consciousness I have such faith and this was so by hearing from the people. In between 1934 to 38 when I was at Ayodhya , possibly I would have gone to the Janam Bhoomi i.e. the disputed site thousands of times. During my studies I used to go to the Janam Bhoomi. As I have said in para-2 of my statement, it may be possible, in any month I would have gone there only for 28 or 27 days and if I went there 27 or 28 days too even though I consider I had gone there daily. Whenever I went to the Janam Bhoomi or the

disputed site I remained there for 15 minutes and used to have Darshan and Parikrama. It took 10-15 minutes in Kanak Bhawan and in Hanuman Garhi it took 10 minutes for darshan etc. I did not go to any other temple daily at Ayodhya except Janam Bhoomi, Kanak Bhawan and Hanuman Garhi. I have used the words "I used to go to these temples etc. in second line from the 4 bottom of the Para-2 of my statement in the page. I used the word etc. because except above three temples I had darshan daily in that temple also in which I was living. I used to go the Janam Bhoomi temple between 6-7 A.M. and some times at 7.30 cir 8.00 P.M., when it was time for Aarti. I used to go to Kanak Bhawan from Janam Bhoomi temple than to Hanuman Garhi and from there back to my place. When I went to the disputed place i.e. Janam Bhoomi I worshipped the whole family of Bhagwan Ram and had Darshan. The idol was kept on the platform which was on left side on entering from the Hanumatdwar. After visiting the above platform I used to go to the left side of the southern door and through the living place of hermits to the Sita Rasoi for Darshan. Back from there, coming out from the eastern door the Hanumatdwar I had Parikrama of the disputed site, it took five to seven minutes time inside the disputed precinct. Whenever I went to the disputed site and had Darshan of the platform and Sita Rasoi, I did not go inside the building because it was locked.

On the northern side of the disputed site there was a temple which was known as Janam Bhoomi Sita Rasoi temple. I did not go there for Darshan daily, sometimes I went there. Considering Janam Bhoomi Sita Rasoi temple as Janm Sthan I used to go there. He said himself, earlier people used to tell these two temples were connected to each other and later road was laid in between. In Janam

Sthan Sita Rasoi temple there was a room which people called as Sita Rasoi. In that room there were hearth and rolling pin, I sometimes used to have Darshan of these items also. The building situated at the disputed site was older than Janam Sthan Sita Rasoi temple, which was known as Janam Sthan. I can not state exactly how old the disputed building was. The disputed building was very old, it appeared hundreds of year old, may be thousands of years old. I had heard, the disputed building was got constructed by Vikramaditya. Janam Bhoomi Sita Rasoi temple which was to the north of the building, appeared 25-30 years old. I can not state which is the oldest temple at Ayodhya. I can not also tell that which is the oldest building at Ayodhya. I have no knowledge about that which is the oldest building at Ayodhya, whether it is a building for living of someone or a Temple. To the south of the disputed building it was Sumitra Bhawan temple. The length of this temple was 15 hand measures and breadth 6-7 hand measures. I had seen this Sumitra Bhawan till the year 1938 during the course of my study. At present the building is not there. I can not say from when this building is not there. The idol of Bhagwan Ram was seated in Sumitra Bhawan also. There were idols of all four siblings of Bhagwan Ram, idol of Sitaji and idol of Hanuman Ji in the Bhawan. I sometimes had Darshan of these idols also. I can not say as to when this Bhawan was removed from there. I am not knowing where the idols kept in Sumitra Bhawan, which I referred as Sheshavatar temple also in my statement, have gone. I can not say as to when did I notice first time after 1938 that the Building is not there. Sheshavatar temple i.e. Sumitra Bhawan was at a distance of about 50 hand measures from the northern—eastern corner of the disputed building towards the south-east. It

would have been at the same distance from Sitakoop to Sumitra Bhawan.

Sitakoop is hundreds of years old. In my opinion disputed building is older than Sitakoop. People used to go to Sitakoop for drinking water only not for Darshan etc. Then said himself, there people and saints lived for offering water who used to pull out water from the well for offering to the thirsty. At this point the cross-examining learned advocate drew the attention of the witness towards the paper No.201 prepared by U.P. Archaeological Organization and photo No. 32 and 33 of the black and white album, on seeing which the witness said, this picture shows the idols which I have talked about in my statement. These were in the disputed precinct at the bottom of the Peepal and Neem tree at the south east corner of Ram Chabutara. During 1934-38 when I had been visiting the disputed site, I used to darshan only not worship there. During 1934-38 when I had been visiting the disputed site, the appearance of this Chabutara was such as shown in Photo No. 32 and 33. During 1934-38 when I used to go to the disputed site, such tin sheds were there as are shown in photo No. 32 of this Album. The shape of Ram Chabutara shown in Photo No. 29-30 of the album was same in 1934-38 too. On seeing the photo No. 35 of this very album the witness said that it was the picture of outer wall of the disputed site. In between 1934-38 the wall was same as shown in the picture. Similarly the stones seen in photo No. 35 and 37, on which something is written, were there during 1934-38. On seeing the picture no.38 of this very album, the witness said that he is not able to understand this. Further said that the scene which is visible here was not present during 1934-38. On seeing the photo No. 39 of the album the witness said that the Kaushalya Rasoi shown in

it was not there in between 1934-38. On seeing the photo No. 39 of this very album the witness said that he was unable to state whether the wall shown in it was of the disputed structure or not. On seeing the photo No. 40 of this album the witness said that it was the same gate kept locked between 1934-38 which was towards the east of the Chabutara. On seeing the photo No. 43 of this very album the witness said, he was unable to understand that which portion it belonged to. He was also unable to state whether this photo was of any part of the disputed precinct or not. On seeing the photo No. 47, 48 and 49 of the album the witness said he was unable to state whether these photos were of any part of the disputed precinct or not. On seeing the photo No. 21 and 22 of the album the witness said he was not able to state that the photo was of any part of the disputed building or not. In the same order, on seeing the photo No. 23 of the album the witness said that he was unable to understand whether this photo was of any part of the disputed building or not. On seeing the photo No. 1 and 2 of the album the witness said that the photo seemed to be of the back portion of the disputed building. On seeing the photo No. 8 and 28 of the album the witness said whether it was the picture of any part of the disputed building or not he was unable to state anything. On seeing the photo No. 11 and 12 of the album the witness said he did not understand whether those were the photos of any part of the disputed Precinct or not. On seeing the photo No. 15, 16, 17 and 18 the witness said he could not understand whether it was of any part of the disputed premise or not. On seeing the photo No. 27 of the album the witness said that he could not understand whether it was of any part of the disputed premise or not. On seeing the photo No. 27 of the album the witness said that in this photo, 23 July, 75 was written on the stone which is shown above. A pillar was

visible on the side of that stone. Similar pillars were there on both the sides of the Hanumatdwar on entering the disputed building.

During my stay at my village Kareemuddinpur in between 1938 to 1986, I visited the disputed premise over 50 times. The situation changed in 1952-53 in comparison to 1938. In 1951-52 the idol of Ramlalla was inside the dome on the Chabutara touching the western wall but the gate was still locked and people had Darshan from the small holes on the gate.

Learned advocate cross-examinee the witness invited the attention of the witness towards the main suit No. 1/89 filed by Basheer Ahmed Advocate and the photo No. 13 of the paper No. 154 containing the pictures of the disputed structure filed with the report of the Commissioner. On seeing this, the witness said that the set up shown in the photo was seen by him in 1951-52 onwards up to 20-25 years. In 1985-86, may be 1987, I do not remember exactly, the devotees started going inside the disputed building for Darshan after the lock was opened. I knew about the opening of the lock on coming to the disputed building. Before that I did not hear or read about the opening of the lock. I would have gone inside the disputed building over fifty times after it was unlocked. After the opening of the lock some change was there in that place where idols were kept. As I remember the Chabutara adjacent to the western wall, was made spacious and extended and a number of idols were kept on it. After the opening of the lock all the devotees used to have Darshan inside the disputed building under the dome. Inside the gate which was seen locked by me during 1934-38, there was the building having the dome. There was no space between the door and the building

having the dome. That is to say the door at the building having the dome was locked. On seeing the photo No. 154/12, 14 and 15 the witness stated that the scene in those photos were of the disputed building but those photos were of which part he was unable to state. On seeing the photo No. 154/15 the witness said he did not understand as to which one door was it. On seeing the photo No. 154/9 the witness said that the door seen in that appears affixed on the northern wall of the disputed building. On seeing the photo No. 154/5 the witness said, something like a Chabutara was seen in that, which was not a tomb. In this photo a big gate was visible, it is right to say that the gate was of the disputed premise, but it was on which direction he could not able to state. In the very photo, on the front side, the staircase seen, he did not remember, if he had seen that outside the disputed premise. In photo No. 154/7 and 154/10 the disputed building is seen. In between 1934-38 also this building was seen just like this. In 1934 some labours were seen working on the dome in the middle of it. In 1986 also the state of the disputed building was almost similar. At some places in the disputed building grass had grown up which were not looking fine. The Photo No. 154/16 is of the disputed Building. There was the idol of Bhagwan Varah on the wall situated on the south of the Hanumatdwar. This photo seems of that place. In photo No. 154/4 it is not perceived whether it was of the disputed Building or not. Photo No. 154/11 is certainly the photo of the disputed building, but it was of which part, is difficult to understand.

On entering Hanumatdwar there was Ram Chabutara on the left side. On the Chabutara there were idols of his (Ram's) three brothers. In addition, the idols of Sita ji and the whole family existed there. The idols of the entire family were kept on the Chabutara, not inside the cave. On the

Chabutara seen in photo No. 57 of album No. 200 C/1, there were idols of Lord Ram, His three brothers, their wives, Sita ji and Hanuman ji etc. I had seen these idols in between 1934-38. In between 1934-38 the shape of the Chabutara was the same as is seen in the photo No. 52. In 1950-51 also the shape of the Chabutara was same but the people had the Darshan of Bhagwan from the Chabutara and also from inside the dome. In 1986 also such was the shape of the Chabutara. From 1934 to 1986 the Darbar (court) of the Bhagwan kept on the Chabutara remained the same. All the idols remained in the same state. In photo No. 56, under the thatched roof it is the same Chabutara which is seen in Photo No. 57. The second tin shed as seen now I had not seen in 1934. In 1986 also I did not see the tin shed. On the west of the Chabutara seen in the photo no 57, on walking 4-5 steps, there was the gate which was locked. From the Chabutara, on Westside of that gate was situated to a little northward. In photo No. 77 of this very album to the north of the disputed Building a door is seen. We saw this door locked till 1985-86. In photo No. 75 a door is seen near a tree. On entering through Hanumatdwar, in the north corner the tree as seen in photo No. 75 was really there. In photo No. 75 a wall is seen near a tree, in fact it is the barrier constructed for the safety of the store—house of the hermits. I can not say whether the wall seen in photo No. 75 is of the inner court yard of the disputed premise or not. I also can not say, whether it was having windows and gate.

I neither heard nor read in News papers whether in 949, idols were kept under the dome of the disputed building or not. But when I came to Ayodhya in 1951-52, I came to know that the Darshan of idols was arranged inside the building. I had Darshan in 1951-52 from the barrier seen in photo No. 68 of this album. From this barrier, at a distance of 5-7 hand measures the idols were kept. The

length of one hand measure is about one and half feet. It means, the idols were kept at a distance of 10 feet from the barrier. In eastern wall of the building having dome, the barrier existed from where people had Darshan. I am unable to guess the distance between the eastern and western walls of the building having the dome. After the lock was opened, Darshan ceremony was arranged for under the dome from a distance of 4-5 feet.

Photo No. 81 and 82 of album No. 201 C-1 are beyond my identification. I can not say even that whether these photos are of the idols kept in the disputed building or not. I am unable to say whether the floor seen in photo No. 82 and 83, was of the inner side of the disputed building or not. What was the location of the door seen in the photo No. 107 of this album is beyond my identification. The pillars which I have mentioned in para —6 of my affidavit I do not remember their number but such two pillars were there at Hanumatdwar. Inside the Building having dome where from people had darshan of the Bhagwan, there were also two pillars side by side. Besides, there were many pillars inside the building but I do not remember their location. Of the all pillars, I had seen four pillars closely. Two of these were at Hanumatdwar and two under the dome. There were idols of Hanuman ji, Ganeshji, etc. on all the pillars. I do not remember any thing else. I do not recollect whether photos of any human being were there on the pillars in addition to these idols or not.

Statement read and verified

Sd/-

Harihar Prasad Tiwari

02.08.2002

The Stenographer typed in the open court as dictated by us. In this order for further cross- examination before the Commissioner on 05.08.2002. Witness be present

Sd/-

02.08.2002

Dated 05.08.2002

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

O.P.W.-4 Shri Harihar Prasad Tiwari

(Appointed by order dated 02.08.2002 passed by Hon'ble High Court of Judicature at Allahabad , Lucknow Bench at Lucknow in other Regular Suit No.5/89 (Regular Suit No. 236/89)- Bhagwan Shri Ram Virajman and Others Versus Rajendra Singh and others.)

(In continuation to dated 02.08.2002, O.P.W.-4 Shri Harihar Prasad Tiwari's cross-examination starts after taking oath.)

Ayodhya city is lacs of years old . Prayag and Varanasi are also thousands of year old cities. The origin of all the three cities of Prayag, Varanasi and Ayodhya would have been at the same time. Ayodhya is famous with the name of Shri Ram, Prayag is famous due to the confluence of the three rivers and also renowned Sages. Varanasi is famous because of Baba Vishwanath. There had been renowned scholars and a number sages which is also the reason for its famousness. I am not knowing that when Sitaji separated from Ramji she stayed in Valmiki's hermitage or not. I have heard that Lay and Kush were two progeny of Sitaji. I myself have read nothing about it. I do not know whether Lav and Kush took birth in Ayodhya or at some other place. I have no knowledge about the number of rooms Hall or small palaces in the mansion of Dashrath ji.

When I used to go to the disputed site on coming out from Hanumatdwar I had religious round (Parikrama) around all four sides of the building. Hanumatdwar was known as Hanumatdwar not as Hanumatdwar. This door was named after Hanuman ji. After coming out of the Hanumatdwar, through the south, having Parikrama (full round), I used to come again at the same Hanumatdwar. It took one and half to two minutes to take full round. Outside the Building, on all four sides, adjacent to the wall there was five-six feet broad pavement for Parikrama (religious round). Parikarma was performed through this pavement. Till the existence of this building i.e. upto 1992, this Parikrama pavement was also there in same condition. When I saw the disputed building for the first time the Parikrama Pavement was there in the above mentioned state. Almost outside every temple at Ayodhya there is a Parikrama Pavement on same line as I reported to be outside the disputed building. Janam Sthan Sita Rasoi temple to the north of the disputed building is very large in size but outside the main temple where the idol of the Bhagwan has been installed, there is Parikrama pavement. Which is inside the big premise. To the west of the disputed building there was a very deep slope which would have been 30-40 feet deep. By the side of the wall at the edge of the Parikrama Pavement, that slope was there. The road to the north of the disputed building would have been down by 6-7 foot. For Parikrama, it was not required to go to the road on the north of the disputed building, but there was slanting Parikrama pavement leaving the road aside. At this point, the learned advocate cross examining the witness drew the attention of the witness towards the photo No. 15 of the black and white album 201 C-1. On viewing the photo the witness said that the photo was of the disputed building but to which part it belonged he is unable to state. On

viewing the photo No. 23 of the album, the witness the said the photo was of the disputed Building but as to which part it belonged he is unable to state. Similarly on viewing the photo No. 16, 17 and 19 of the same album the witness said that those photos were also of the disputed building but to which part these belonged he is unable to state.

Photo No. 154/6, presented in other Original Suit No.1/89 was shown to the witness, on seeing which the witness said that he is unable to say whether the photo was of the disputed building or not. On viewing the photo No. 154/8 the witness said that the photo was of the disputed building but from which side of the building the snap was taken he is unable to state. On seeing photo No. 154/7 and 154/10 the witness said that those two photos appeared to be of the disputed Building but of which part were these he is unable to state. Photo No.6, 7 and 8 of the album Paper No. 200 C-1 were shown to the witness. On viewing these, the witness said that the photo No. 6 appeared to be of the disputed Building but of which part was it he could not state. About photo No. 7 and 8 he is also unable to state whether these were of the disputed Building or not. On seeing photo No. 22, 23 and 24 the witness said that those photos appeared to be of the disputed building but he is unable to state to which part these photos belonged. Likewise on seeing photo No. 25, 26 and 28 the witness said that those photos also appeared to be of the disputed Building but of which part of the building were these he was not able to state. Similarly on viewing photo No. 30 and 35, the witness said that the photo might be of the disputed building but of which part it was he was unable to identify.

Question: Was there only one wall towards the west of the disputed Building on which roof with dome rested

or there was yet another wall to the west after the said wall?

Answer: There was one more wall to the west of the wall on which the dome rested.

This wall would have been 15-20 feet in height. Then he himself said that besides the wall with west side dome, whether there was any other wall he did not remember. The Singh Dwar to the north was attached to the wall. The north side wall having the Singh Dwar in it connected to the wall having the dome. There was no more door except the Singh Dwar and to the west of the Singh Dwar upto the west side wall of the dome there was no more door.

From 1950 to 1992 whenever I went to the disputed site, after having darshan I sometimes did parikrama and sometimes not. I do not remember, between 1986 to 1992, as to how many times I did Parikrama of the disputed site, was it 10-20 times or 50-60 times, I can not state. Between 1986 to 1992, I had Parikrama of the disputed building one time or so. During this period how many times I had Darshan there, I do not remember, but I had not to go to the road on north side, instead I used to take turn before the road towards the Singh Dwar and passed through the front side of the Singh Dwar. The level of the road was 6-7 feet below the Singh Dwar.

When I went there in late 1934 I came to know that the wall and dome of the disputed building were damaged in Hindu-Muslim riots. I do not know whether the repair work was done at Government expenses or not.

Question:- Was the damage caused to the west side wall and dome of the disputed Building in 1934 repaired or not?

Answer:- I have no knowledge.

Between 1934 to 1992 I did not see the west-side wall of the disputed building in damaged condition. It would have been repaired. I can not state as to who caused damage to the dome and the west-side wall. I also can not state whether the damage to the dome and wall of the disputed Building was caused by the Hindus or by the Muslims. I have heard it that the disputed Building was demolished by the Hindus on 6th December, 1992. I can not state that the Hindus who demolished the disputed Building were devotees of Ram or opponent of Ram.

Question:- If the demolishers of the disputed Building on 6th December, were devotees of Ram, why did they demolish the said Ram Temple where you used to perform Pooja (worship)?

Answer :- It may be possible that the disputed Building would have been demolished for new construction because its state was time-worn.

The painting of Ramchandra ji, Krishna ji or Sita ji printed on the calendar are not necessarily worshipped. Some people have worship such calendars and some people have not but nobody considers them idols. Such pictures are worshipped considering them pictures only. Calendars with such paintings may be hanged at any place whether that is a shop, home or some where else. The place where such paintings hang does not become a temple.

Such calendars if kept safe will remain intact for hundreds of year. Such calendars if hanged on wall, can remain intact for on month. two months, one year, two years and even 10 —20 years also. But by the force of air or on tearing by somebody these can perish soon.

Photo No. 19 to 25 of the album No. 286 C-1/4 A were shown to the witness and he was asked that:-

Question :- The four pillars which you have stated that there were seen by you closely in your previous statement are these photos of any of those Pillars or not?

On seeing the said photos the witness said that:

Answer: Photo No.20, 21, 22 and 23 appear to be like those pillars whereas photo No. 19 and 25 do not appear like those pillars.

I was not present at Ayodhya in 1989 and 6th December,1992 at the occasion of the both the Kar Sewas. It is incorrect to say that I never went to the disputed site at Ayodhya before the year 1949. It is also incorrect to say that my age is not more than 70-75 years. It is also incorrect to say that I am not having the Degree of Ayurvedacharaya (Bheesha-gacharya). It is also incorrect to say that Ayodhya is not older than 2700 years. It is also in to say that the Disputed Building was not a temple but, Babari Masjid (Mosque) and Namaz was offered there till 1949 and Northern Gate used to open till 1949. It also untrue to say that the place in the Disputed Building which I stated as place for storage was a place for Muajjin (those who read Namaz aloud it in a mosque) to live. It is also

incorrect to say that I being a worker of Vishwa Hindu Parisad so giving false evidence.

(Cross-Examination concluded by Shri Zaffaryab Jilani Advocate on behalf of respondent No. 4, Sunni Central Board of Wakf, Uttar Pradesh.)

(On behalf of respondent No. 6 cross- examination by Shri Abdul Mannan Advocate begins.)

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I first time went to Ayodhya in late 1934. I studied there from 1934 to 1938. During this period I used to see the city of Ayodhya. I know what is a Mosque. From 1934-1938, there was a time- worn Temple not a Mosque. No Namaz was offered in the Disputed Building. Muslims were not even seen there. People did not go there to read Namaz. In the year 1938 also people did not go there to offer Namaz. After ss1938 I used to come to Ayodhya once in a year or so and stayed there for two to four days. When I stayed at Ayodhya I used to go to the Temple not to the Mosque. The Disputed Building was a Temple the Janam Bhoomi of Bhagwan. After 1938 there was some such place at the disputed site which was locked. Entry was forbidden there but arrangement for Darshan of Bhagwan was done at the Chabutara. For banning entry under the dome of the Temple there was lock. In 1952 when I went to the disputed site, though it was locked yet arrangement for Darshan for Darshan of the Bhagwan inside existed. In 1949-50 I did not go to Ayodhya. In late 1951 and in 1951 went to the Disputed Site and also in 1953 and in 1954. After 1952 I have been going to Ayodhya regularly. I do not remember whether I went to Ayodhya in 1986 or not. In late 1992 and

early 1993 I went to the disputed site and heard that Darshan of the Bhagwan can be had there in the Sanctum sanctorum where the lord was born. In late 1934 when I went to Ayodhya there was no Mosque at the disputed site but it was a time worn temple. I do not know as to when the Disputed Building was constructed. I can not say whether the Disputed Building was constructed in 1528 or not. It is incorrect to say that the disputed Building was a Mosque from the beginning. In fact it was a Temple from the beginning to last till it was demolished. After demolition too the Lord is Virajman (seated) there. I heard that the Disputed Building crumbled down in 1992 . What happened in 1986 I do not know . After the demolition of the Disputed Building, at that very place , by arranging some new place, arrangement for Darshan is still continued there. When the Disputed Building was demolished I heard that lakhs of people were there but I was not there. I do not know as to who took those lakhs of people there. I do not remember exactly how many people were there on December ,1992. I did not know later on too how many people were there but I have heard that a large number of people were there. After 6th December, 1992 , I went to the Disputed Site in 1993 on the occasion of Ramnavami. I did not come to know even then how many people had demolished the Disputed Building. When the Disputed Building was being demolished at that time also the Lord was seated there. Before 6 December , 1992 the Lord was seated there and after the demolition also the Lord is still seated there. I can not say that on 6th December, 1992 there were 2 to 4 lac people at the Disputed Site but I have heard that there were lacs of people present. I am having no knowledge that when this incident occurred on 6th December 1992 , any suit was filed in the Supreme Court or not. I do not know that after this incident some people went

to near about Prime Minister or not. I do not know that on 6 December the demolition process of the Disputed Building started at about 12 noon and this work continued till 5 p.m. I do not know that between the aforesaid time people went to the Prime Minister in Delhi or not. I do not know that after that there sitting of the Supreme Court happened or not.

When I came to Ayodhya in 1934 my age would have been 16-17-18 years. I do not remember exactly whether it was 16 years or 18 years. At that time I could differentiate between 'Temple' and 'Mosque'. It is incorrect to say that at that time the Disputed Building was called ' a Mosque' . People did not go there to offer Namaz at that time. People did not use to go for Namaz in the Disputed Building from 1934 to 1949. It is incorrect to say that I am giving wrong evidence on this point.

(At this stage the witness was shown F.I.R. dated 23.12.49 attached to the section 145 of the Criminal Procedure Code on viewing which the witness said that he could not read it and he did not know whether it was right or wrong.)

Question:-Whether this F.I.R. was got written by Shri Ramdev Dubey , Assistant Inspector, Incharge , Station (Thana) Ayodhya through constable Mata Prasad.

(On this question the Learned Advocate of the Plaintiffs Shri Ajay Kumar Pandey objected that the witness had already said that he had not lived at Ayodhya in 1949-50 therefore, it was not relevant to ask question about F.I.R. and asking such question should not be allowed.

Answer:- I have to say nothing in this regard.

What is written in the F.I.R. is right or wrong I do not know. When I reached Ayodhya in 1934 the disputed Building was a Temple not a Mosque.

Question:-At this stage the extract of the F.I.R. "50-60 people (names not known) causing riots entered inside the Mosque and setting an idol there desecrated the Mosque which was seen by the employees posted on duty there and various other people" was read for the witness and he was asked whether this matter written in the F.I.R. was correct or not?

(This question was objected by the Learned Advocate of the Plaintiffs, Shri Ajay Kumar Pandey on the ground that the witness has already said that he had not lived at Ayodhya in 1949-50 and about the F.I.R. he said that he had no knowledge of it. Therefore, this question is not relevant and it should not be allowed to be asked.)

Answer:- Whether the above matter is correct or not I have no knowledge in this regard.

I do not know whether statements about the incident of 7th, 8th December, 1992 were published or not. I did not read any News Paper during those days. On 7th, 8th December, 1992 I did not even hear about any statement on this incident. In December last I heard that Mosque at Ayodhya was demolished. I heard people talking but I am unable to tell their names. It is incorrect to say that my evidence is false.

(Cross- examination by Shri Abdul Mannan Advocate on behalf of respondent No. 6 concluded.)

(Cross-examination started by Shri Mushtaq Ahmed Siddiqui , Advocate , on behalf of respondent No.5).

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Before coming to Ayodhya in 1934 I was in my village. At that time there was a school in my village. Education was imparted upto class 8 in the School. There is an institution in Lucknow known as "Bharatiya Chikitsa Parisad" where Vaidhyas are registered. I have been registered in this institution also but I am unable to state in which year I had got registered. It is more than 25 years when I had got registered in the institution. I do not remember whether at the time of registration I produced the certificate of any Vaidhya about me or not. For registration some fee was charged but I do not remember the exact amount. The registration is still valid and there is no need for its renewal. Before the study of Ayurveda I got my education in my village school. I do not remember after how many days I came to Ayodhya when I completed my education at the village school. I studied upto 8th class in that School but I could not appear for the examination of 8th class. I had taken the examination of the 7th class. Urdu language was taught at that time also but I did not opt for that. The School at my village was a middle school. I can not state if I had passed middle examination from that School than I had been admitted to the seventh class of any English School or not. I do not have the knowledge that after passing middle from that school to which class I would have got admission.

I have heard about a place known as Dorahi Kuan at Ayodhya and I had gone to that direction. Between the North side of the Disputed Building and the Janam Sthan Temple a rough road from East to West was there. In 1992 that road was simple, it was not a good road. I did not attention whether the road was bituminous or not. People say that before construction of the road Janam Sthan Sita Rasoi Temple and the disputed site were in one precinct. I can not state that when the above road was laid ,whether it was 100years before or 50 years before. On the back side of the disputed building, the way we call Parikrama Marg was not cemented, it was of bricks etc. The land to the north of the disputed building was deep but not much deep. To the East of the Disputed Building the land was plain. On the East side of the Disputed Building there was Sakshi Gopal Temple and near that there was way to Janam Bhoomi Temple. Sakshi Gopal temple was from the last side to the north of Hanumatdwar. Sakshi Gopal Temple would have been at a distance 200 or 250 steps from the Hanumatdwar. If we walked on the road that goes from the Dohri Kuan to Hanuman Garhi , the Sakshi Gopal Temple would be on the right side. I have heard the name of Dashrath Mahal and in the same Dashrath Mahal there is a Temple named Bara Sthan. He again said Dashrath Mahal is itself known as Bara Sthan Temple. I have heard the name of Ramkot Mohalla at Ayodhya I do not have knowledge whether there is Ramkot village at Ayodhya or not. The name Ram Kot reveals that it would have been fort or Palace etc. of Lord Ram. Dashrath Mahal also falls in Ramkot village. It is possible that Ramkot Village (Mohalla) might be a Palace, Fort etc. of Lord Ram. The main idol in Bara Sthan Temple is of Lord Ram and he is called Dhanurdhariji Bhagwan(The Lord having bow) . In Janam

Sthan Temple also main idol is of Bhagwan Shi Ram. The Chabutara where there was wooden Temple, there too the main idol was of Shi Ram with the idols of other members of his family. In 1951-52 in Disputed Building also the main idol was of Bhagwan Ram. In my opinion there would be about 40 temples in Ramkot Mohalla and in all those Temples the main idol is of Bhagwan Ram.

Statement read and verified

Sd/-

Harihar Prasad Tiwari

05.08.2002.;

The Stenographer typed in the Open Court as dictated by me. In this order, for further cross examination on 6.8.2002.

Witness be present.

Sd/-

(Narendra Prasad)

Commissioner.

5.8.2002

Dated 6.8.2002

O.P.W.-4 Shri Harihar Prasad Tiwari

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

(Appointed by order dated 02.08.2002 passed by the Hon'ble High Court of Judicature at Allahabad, Lucknow Bench, Special Full Bench at Lucknow in other Regular Suit No. 5/89(Regular Suit No. 236/89) — Bhagwan Shri Ram Virajman and Others versus Rajendra Singh and others.)

(In continuation to dated 5.8.2002, O.P.W. —4 Shri Harihar Prasad Tiwari's cross-examination starts after administering the oath.)

I have gone to Hanumangarhi at Ayodhya. I can not state whether this Temple is in Ramkot Mohalla or not but idol of Bhagwan Ram is there also. The main idol there is of Hanuman ji. The Temple of Thakurji is treated as the Temple of the God. In every temple there is idol of the God but the idols are not named by the people at their will. It is known by the name of that God of which it really is. The idol of Lord Ram in any Temple in India is considered the idol of Lord Ram. Shri precedes the name of Lord Ram. He is called Param Bhrama Paramatama Ram also.

Question: Besides above which words are also associated to the idol of Lord Ram?

(This question was objected by Learned Advocate of the Plaintiffs Shri Ved Prakash on the ground that there was no point of dispute in regard to the question and there is no

dispute that the idol of Lord Shri Ram is not at the Disputed Site therefore, such questions as how many names Ram have and he is known by how many names, have no relevance to any point to the litigation therefore, such question should not be allowed to be asked.)

Answer :- Shri Ram is also known as Ramlalla, Avadhesh Ram and Kaushalya Kumar. Besides he is known by many other names but I do not remember now. He is known as Dhanurdhari also.

Temples have also names. I do not know whether people offer their immovable property as offering to Bhagwan Ram or not. Fruits, Flowers, Rupees, coins etc. are offered. I have no knowledge whether there is any immovable property in the name of Dhanurdhariji Bhagwan or not.

I have also gone to Faijabad city once or so . I have heard that in between Faijabad and Ayodhya there is a place known as Devkali but I have not gone there. Near about the Disputed Site a place known as Kuber Teela is also there. I can not tell about Nal Teela .Kuber Teela is on the South of the Disputed Building. I did not see any Temple at Ayodhya known as Swarg Dwar. I have heard about Swarg Dwar Mohalla but I did not hear about any specific temple as Swarg Dwar. I have seen a Temple of Jams at Ayodhya . I have seen it from outside. I have not gone inside it, so I can not state which idol is seated there. I did not see any Gurudwara at Ayodhya . I do not know whether there is any Gurudwara at Ayodhya or not. I did not see any Mosque at Ayodhya. I know that there is any colony of Muslims at Ayodhya. I also know that Muslims read Namaz . They offer it at home as well as in a Mosque.

I have seen Mosques from outside in my village and at other places also. When I was at Ayodhya between 1934 to 1938 I did not see any Mosque there. During that period I did not see any Graveyard there. I did not hear if any place at Ayodhya was known as Naugaji. I have heard the name of Sugreev Teela, I live there. I have been living at Ayodhya for about 8 years. During these 8 years also I did not see any Mosque at Ayodhya. Outside the west side wall of the Disputed Building there was a Parikrama Marg (route) close to the wall and walking on this route I used to perform Parikrama (religious round). This route was made walk able and some old bricks were laid on it. There was no lime plaster on that route. Below the route towards low land also I did not see any lime plaster. After 1934 whenever I saw that route ,its condition was unchanged. I did not see any change or modification in it. Eastward and Westward routes were almost similar to westward Parikrama routes, walking on which I used to perform Parikrama. That is to say, it was close to the wall and bricks were laid at some places and some places were without bricks but it was made walk able. Eastward to the eastside route of the Disputed Building there was waste land and after some waste land small temples such as Sita Koop ,Sumitra Bhawan etc. were there. A Hanumanji's Temple was also there. The wasteland to eastward of eastside route was not uneven but plain. People could have walked on that land if they wished to. But people used to come and go through the route only. To the north of the Disputed Building there was a gate known as Singh Dwar. There was some low land in front of Singh Dwar which was converted into a walk able slanting way. People used to perform Parikrama through that way. While performing Parikrama people passed through the side of the wall to the north side of the Disputed Building. Parikrama was not performed through

the way to Sakshi Gopal Temple. He again said people that the people did not go the Sakshi Gopal Temple, they used to go to Hanumatdwar before that. The gate in the Eastside wall of the Disputed Building was called Hanumatdwar. From the time I went there, on my viewing and hearing from people I came to know that it is Hanumatdwar. At that door there was photo of Hanumanji on the upper side, therefore, on viewing it was perceived that it was Hanumatdwar. On upper side of that door there was a photo of Hanuman ji. The said photo was on paper. There was an arc of iron strips and on that arc that paper hanged—photo of Hanuman ji which made us feel that it was Hanumatdwar. Southward to the south side route of the disputed Building through which people used to perform Parikarama, there was some unoccupied land and beyond that land there was Sumitra Bhawan Temple.

I have seen tomb in my village where people light a lamp etc. in the evening. It is the pucca grave of muslim. I did not see any tomb in the south of the Disputed Building. I do not know that the south side tomb was called the tomb of Quaji Kidwa. On the south side of the disputed Building I did not see anything like heap of bricks, at least I do not remember now. I never heard that there was the tomb of Quaji Kidwa.

There are many methods of performing Pooja. All people perform Pooja by their own method. Some people go inside a Temple and standing in front of the idol of the Lord with folded hands they do prayer for their safety. Some people perform Pooja by offering flowers and some by offering water. There are many more methods of performing Pooja and the people perform it by their own ways. To see idol of God by going in front of it with folded hands is called

the Darshan of God. There is priest in Temple. He performs Pooja by his own way. I can not say as to how he performs Pooja. Aarti (Circular movement of a lamp before an idol) is also performed in the Temples. The priest, in a dish or in some other thing (name not known to me) wherein there is space for keeping Batti (lamp taper), keep the taper soaked in Ghee (clarified butter) and there after lighting it do its circular movement in front of the God. This is called Aarti. I do not know whether the priests perform Pooja early in the morning or not. I have heard that Gods are also bathed. I do not know about any religious performance known as 'Rag'. I also do not know that a religious performance known as 'Rag' is performed in a Temple daily. I know about Bhog (food offering). At the time of Aarti Stuti (invocation) of God is performed. At the time of Aarti the priest and other people present read aloud Bhajans (the devotional songs for God). I have been present in Bhajan. Bhajan is like "Twameva Mata Ch Pita Twameva, Twameva Bandhush Ch Sakha Twameva" etc.

Such Aarti is performed both in the morning and in the evening time. Besides, other Bhajans are also sung at the time of Aarti. At dusk —time Aarti also, such Bhajans are sung. I have been there sometimes at the time of Aarti of the God seated in Ram- Chabutara in the disputed premise. I do not remember the Bhajan sung there at the time of Aarti.

I have heard the name of the book "Vinay Patrika". I have also heard the name of "Ramcharitmanas". The writer of both these books was Tulsidasji. May be, a 'Chaupai' from Ramcharitmanas had been sung at the time of Aarti in the morning. I do not remember that Chaupai. When Aarti was performed at Ram Chabutara this Bhajan "Bhaye

Prakat Kripala, Deen Dayala, Kaushalya Hitkari' etc. was also sung. This Chhand (metre) is from Ramcharitmanas by Tulsidas. The Bhajan sung at the time of Aarti at Ram Chabutara was from Vinay Patrika. Again he said that, "I can not state whether there is any such Bhajan in Vinay Patrika or not. Earlier most of the children took birth in homes but now children take birth in Hospitals. At the time of birth of a child, mothers of that very child are not taken to Temples, Mosques, Gurudwaras etc. Earlier children took birth at homes.

I can not state whether Sakshi Gopal Temple is still there or not as nobody is allowed to enter there at present. That area is under the siege of the Government. I do not remember as to when I went last to the Sakshi Gopal Temple. I also do not remember when did I go last to the Disputed Site. Then he said that last time he went to the disputed site last month. I do not remember exactly when did the way from the Sakshi Gopal Temple to the disputed site was closed. Nobody is now allowed to enter Janam Sthan Sita Rasoi Temple. Now no Parikrama is performed. I do not remember from when Parikrama has been stopped. I have no knowledge that in 1990-91 the planning work was done or not. I have no knowledge whether any Ram Deewar (wall) was constructed or not. I used to go to Ayodhya sometimes twice in a year and sometimes once in two years.

I have heard the name of Lalkrishan Advani and I have also heard that he is the Deputy Prime Minister of our Country nowadays. I do not know whether any Rath Yatra was held or not in 1990 under the leadership of Shri Lalkrishna Advani. I have neither heard nor read about that Rath Yatra because at that time I was in rural area. Later I heard that the people in Rath Yatra climbed on the dome of

the disputed Building and the Police killed them. I had heard it after months of the event took place. I do not know that the Bharatiya Janata Party had deplored the event of killing the people by passing a resolution. Because I was in rural area, that is why I came to know about many events relating to the disputed Building belatedly. What I came to know is in my knowledge and which I did not know I am knowing nothing about that. Therefore, I can not say whether my knowledge about the Disputed Building is less or not. I have summarily read the Ramcharitmanas written by Tulsidas but I do not remember it fully.

Question: Whether in the Ramcharitmanas written by Tulsidas there is a metre or couplet like ,“Shudra Gavar Dhol Pashunari, Yeh Sab Hain Tadan Ke Adhikari”?

Answer: I do not remember.

It is possible that small children may be knowing the above couplet and it may be well known but I do not know the meaning of the word “Tadan”.

Question: As you are showing your unawareness about the above famous couplet, so it may be presumed that you have not read Ramcharitmanas at all?

Answer : It is incorrect to say, I have read the Ramcharitmanas a little. The above couplet would have gone through my eyes but I do not remember now.

In this litigation, I am a witness on behalf of Ram Lala. During discussion about this litigation , Triloki Nath Pandey asked that whether I would testify as to what I have seen than I told him that which I saw, I can tell. I and Triloki

Nathji had discussion one or two months before. I have testified in this litigation for four days. There were holidays in between for two days and I had no summon from the court. Before my statement I had discussion with the advocate after that I had my statement. My statement was recorded and that recording was done at Lucknow.

It is incorrect to say that the Disputed Building was a Mosque. It is also incorrect to say that before placing idol in 1949 there had been Namaz for five times a day and Ajaan also. It is also incorrect to say that Namaz of Jumma was performed there. It is incorrect to say that Disputed Building was not a Temple.

(Cross-examination by Shri Mushtaq Ahmed Siddiqui , Advocate on behalf of Defendant No. 5 concluded.)

(On behalf of defendant No.26 Shri Sayyad Irfan Ahmed, Advocate adopted the cross by defendant No. 4 , 5 and 6).

(Cross-examination on behalf of all defendants/Parties concluded. Witness is discharge.)

Statement read and verified

Sd

Harihar Prasad Tiwari

6.8.2002

The Stenographer typed in the Open Court as dictated by me.

Sd/-

Narendra Prasad

Commissioner

06.08.2002