

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 SRI RAM VIRAJMAN
AND OTHERS PLAINTIFFS

VERSUS

RAJENDRA SINGH
AND OTHERS DEFENDANTS

STATEMENT OF O.P.W. 6
SHRI HOUSILA PRASAD TRIPATHI

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

(Before Shri Narendra Prasad, Additional District Judge/
Officer on Special Duty appointed by the Special full
Bench)

O.O.S. No. 5 - 1989

BHAGWAN SRI RAM VIRAJMAN
AT SHRI RAM JANAMBHOOMI
AYODHYA AND OTHERS PLAINTIFFS

VERSUS

RAJENDRA SINGH
AND OTHERS DEFENDANTS

**EXAMINATION IN CHIEF BY WAY OF AFFIDAVIT OF
SHRI HOUSILA PRASAD TRIOATHI i, O.P.W. 6 IN
SUPPORT OF THE EVIDENCE OF O.O.S 5 OF 1989
UNDER ORDER 18 RULE 4 OF CODE OF CIVIL
PROCEDURE**

I, Housila Prasad Tripathi aged about 80 years S/o late Shri
Ram Lakhan Tripathi original resident Village – Pahunti,
P.O. Saya, Tehsil – Akbarpur, District Ambedkarnagar, at
present resident of Tripathi Sadan, Acharya Nagar, city and
District Faizabad, solemnly affirm on oath as under:-

1. My place of birth is Village Pahunti. Village Pahunti
was earlier in the Faizabad Janpad but now it is in
Janpad Ambedkar Nagar. I got my primary education
in the primary school of village Saya. I received the

degree of Sahitya Visharad from Hindi Sahitya Sammelan, Prayag in the year 1952-53. I have been living in Mohalla Acharya Nagar at Faizabad since January 1960.

2. I am a founder member of the institution named Gram Swavlambi Vidyalaya, Raneevan District, Ambedkar Nagar (erstwhile District Faizabad) which was set up in 1946 by Shri Dharendra Majumdar. Prior to this, in 1939, I had received training of making paper with hand in Gandhi Ashram Raneevan and thereafter, I was appointed in Gandhi Ashram, Raneevan. In 1942, the British rule seized the Gandhi Ashram, Raneevan. After the Gandhi Ashram was seized with inspiration from Mahatma Gandhi and as per the instructions of Dharendra Majumdar, we started making paper in our homes and then supplied it to the Gandhi Ashram. For fear of the British rulers, the workers of the Gandhi Ashram remained at large for about a year. During that period also, I made papers and supplied it to the Ayodhya Faizabad printing press.
3. I took part in the freedom struggle and I am a freedom fighter. However, I have not received any pension and any other facility from the State and Central Government, out of a feeling of sacrifice. My name figures on the Swatantra Sangram Simani Pillar built in the Faizabad court.
4. Ayodhya is approximately 30-35 kms. from my village Pahunti. From Acharya Nagar, Ram Janam Bhoomi is about 9-10 kilometers. In December 1935, I had come to Ayodhya for the first time with my uncle Shri Mata Prasad Tripathi and at that time, I was 12-13 years of

age. At that time, I had stayed at Ayodhya for 5-6 days. My uncle, at that time, used to live at Vijay Raghav temple, Ayodhya which is about half a k.m. from Shri Ram Janam Bhoomi. He was 10-11 years elder to me. My uncle used to study in the Badasthan Sanskrit Maha Vidyalaya. He lived at Ayodhya from 1932 to 1945 and received education from Prathma to Acharya. My uncle had taken me to Ayodhya for sight seeing. First we had bath in river Saryu and then we went to Nageshwar Nath temple for darshans. Thereafter, we went to Hanumangarhi, Kanak Bhawan, Ram Kachehri and Shri Ram Janam Bhoomi for darshans. After that, I used to go for darshan morning and evening everyday to Shri Ram Janam Bhoomi and Kanak Bhawan so long as I stayed at Ayodhya.

5. After that in the Chaitra month of the year 1936, I went to Ayodhya on the occasion of Ram Navmi with my father and grand mother. We had darshans of Hanumangarhi, Kanak Bhawan and Shri Ram Janam Bhoomi. At the time of Ram Navmi, lakhs of people had come to Ayodhya from every nook and corner of the country. Majority of the pilgrims and visitors to Ayodhya come for the darshan of Ram Janam Bhoomi and offer prayers there. After having darshan of Shri Ram Janam Bhoomi, I have seen thousands of people doing Parikrama of the entire Shri Ram Janam Bhoomi premises from outside. I, alongwith my father and grand mother also had Parikrama of the entire Shri Ram Janam Bhoomi premises after darshans. Due to old age, my grand mother could do Parikrama only once whereas I and my father completed the Parikrama of Shri Ram Janam Bhoomi five times.

6. I was born in a Vaishnav Bhakti family. Lord Ram is the Supreme God of my father, my grand father and grand mother and of the whole family. I am too a Vaishnav devout and ever since my childhood. I have been a devotee of Lord Ram. I have been worshipping Lord Ram all through and I worship him even now.
7. We have this faith and belief that Lord Shri ram was born at Ayodhya and that place is famous as Shri Ram Janam Bhoomi where people in lakhs come from every nook and corner of the country and after having darshan of Shri Ram Janam Bhoomi do its Parikrama. It is on the basis of this faith and belief that we also come to Shri Ram Janam Bhoomi three to four times a year and make it a point to have the darshan of Shri Ram Janam Bhoomi and then have its Parikrama.
8. I am also of firm faith and belief that Lord Shri Ram was born at the same very place at Ayodhya where thousands of Hindu pilgrims come for darshan and Parikrama. It was on the basis of this belief that since 1935, I also went to Ayodhya 3 to 4 times every year and after a bath in the Saryu river had darshans of Kanak Bhawan, Hanumangarhi and of Shri Ram Janam Bhoomi and had the Parikrama of Shri Ram Janam Bhoomi.
9. From 1935 to 1945 – so long as my uncle was at Ayodhya, pursuing his studies, till then whenever I came to Ayodhya three to four times in a year I would stay for 2 to 4 days continuously and had the darshans of Hanumangarhi, Kanak Bhawan and Shri Ram Janam Bhoomi everyday. After 1945 also, I would go to Ayodhya 4-5 times in a year and have the

darshans of Hanumangarhi, Kanak Bhawan and Shri Ram Janam Bhoomi and return the same day.

10. For going to the Shri Ram Janam Bhoomi premises, the main gate was in the east which was known as Hanumatdwar. After going inside through the Hanumatdwar, there was Ram Chabootra on the south side where the idols of Ram Darbar were placed. In its south-east corner, there was a peepal tree and a neem tree beneath which near the roots were placed the idols of Shiv Darbar. To the north of Hanumatdwar, there was a huge hut of thatch which was known as Bhandar (store) where there were arrangements for keeping the food grains, utensils etc. of Sadhus and of cooking food. In the Shri Ram Janam Bhoomi premises, sadhus and vairagis lived. Right in front of the Ram Chabootra and Bhandar, there was a wall to the west in which there were several barred windows and two doors. The doors used to remain locked. There was a building of three shikhars to the west of the wall with iron-bars in which the place of the central shikhar portion is Shri Ram Janam Bhoomi which is called Sanctum-Sanctorum, according to Hindu tradition, faith and belief. On the basis of this faith and belief, I also used to go for the darshan and Parikrama of the Shri Ram Janam Bhoomi.
11. The northern entry gate of Shri Ram Janam Bhoomi premises was called the Singhdwar. For reaching the entry gate, there were stairs which were broken. On reaching inside, one saw Sita Rasoi where one could see Rolling board, Rolling pin, Hearth and footprints etc. To its south was Lord Shri Ram's birth place

which was known as Sanctum-Sanctorum. The temple on the Janam Bhoomi is remnant of the ancient grand temple.

12. All the pilgrims – darshanarthees would enter the Sri Ram Janam Bhoomi premises from the entry gate to the east and have darshans of the idols placed at: Ram Chabootra, of the idols placed under the neem and peepal tree located to its south-east corner and Sita Rasoi and the foot prints etc., there and also have darshan of the sacrosanct Sri Ram Janam Bhoomi located inside the barred wall which is considered to be the Sanctum-Sanctorum. The pilgrims and those coming for darshans and we used to make offerings like fruit and cash according to our shardha. At the Sanctum-Sanctorum also, the pilgrims and we after the darshan of this used to make offerings through the barred wall as per our belief.
13. All round the Sri Ram Janam Bhoomi premises, there was a Parikrama marg through which people used to do Parikrama. To the south-east corner of the Sri Ram Janam Bhoomi premises at a distance of 200-250 steps there was Sitakoo. Its water was used by the pilgrims, the darshanarthees and the sadhu-ascetics living in Sri Ram Janam Bhoomi premises. This place always used to be crowded by Hindu pilgrims, darshanarthees and sadhus and ascetics. I never saw any Muslim coming towards the Shri Ram Janam Bhoomi premises nor did I ever see any Muslim entering that premises. Sri Ram Janam Bhoomi being a very sacred place of the Hindus and because of fear of Sadhus, no muslim ever dared to

come near this premises because sadhus and ascetics used to kill him.

14. In the Sanctum-Sanctorum located in Sri Ram Janam Bhoomi, there were black pillars of touchstone on which drawn the pictures of flower-leaves and Gods and Goddesses. The temple with shikhars is the sacred Sanctum-Sanctorum where as per the ancient belief, Lord Ram was born. There are several temples around the Sri Ram Janam Bhoomi premises. The touchstone (black stone) pillars were fixed at the doors of the Grabh Griha. The Hindu pilgrims also used to have the darshans of the idols drawn on those pillars. All round the Sri Ram Janam Bhoomi temple, there is Hindu population and temples in large numbers in which darshan-pooja goes on regularly and bells etc. keep ringing. There has never been any mosque on Janam Bhoomi nor has any Muslim ever read the Namaz in that building. Ram Janam Bhoomi has always been under the possession of the devotees of Lord Ram.

Lucknow

DEPONENT

Date : 13.08.2002

Sd/-

Housila Prasad Tripathi

VERIFICATION

The statement made in para 1 to 14 is correct and true as per my personal knowledge. Nothing has been suppressed here nor has any wrong statement been made. May God help me.

Lucknow

DEPONENT

Date : 13.08.2002

Sd/-

(HOUSILA PRASAD TRIPATHI)

The deponent Shri Housila Prasad Tripathi signed on this affidavit today, i.e. 13.08.2002 in my (Ajay Kumar Pandey, Advocate) presence and I verify the same.

Sd/-

(AJAY KUMAR PANDEY)

Advocate

Dated : 13.08.2002

O.P.W. 6

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

(Appointed vide order dated 2.8.2002 passed by the Hon'ble High Court, Allahabad, Lucknow Bench, the Special Full Bench of Lucknow in Other Original Suit No. 5/89 (Original Suit No. 236/89) Bhagwan Shri Ram Virajman and others verses Rajendra Singh and others).

Other Original Suit No. 5/1989
(Original Suit No. 236/1989)

BHAGWAN SHRI RAM
VIRAJMAN AT SHRI
RAM JANAM BHOOMI PLAINTIFFS

VERSUS

RAJENDRA SINGH
AND OTHERS DEFENDANTS

Examination in chief – Shri Housila Prasad Tripathi, aged about 80 years, S/o late Shri Ram Lakhan Tripathi, original resident of village Pahunti, Post Saya, Tehsil Akbarpur, District Ambedkarnagar, at present resident of Tripathi Sadan, Acharya Nagar city and District Faizabad, Uttar Pradesh, was submitted on affidavit and taken on record.

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

Xxx xxx xxx xxx'

The witness made a statement under oath that – my primary education started in Primary School, Saya. The Saya Primary School is at a distance of 2 kms. from my village Pahunti. I did not study further after the primary education. An organization by the name of Gram Swavlambi Vidyalaya was formed in 1946 where I was employed and during my employment, I studied simultaneously and obtained the degree of Sahitya Visharad. At the Saya Primary School, I had studied upto 4th standard after which I gave up studies. I had passed the IV class near about 1934. When I passed the fourth class, I used to read and write Hindi proficiently. Between 1935 and 1946, I had read whatever religious books I could get hold of. I had worked in Gandhi Ashram at Raneevan Mauja. This job I had started in 1939. Whether or not between 1939 and 1946 there were religious and historical books in the Gandhi Ashram of Raneevan, I cannot say. Between 1939 and 1946 – Acharya Kriplani used to come of the above Ashram and would stay for a day or two. He used to deliver a lecture there on History and Politics. I have not heard his lectures on religion. I do not remember whether or not Acharya Narendra Dev lived in the said

Ashram or not. I have heard Acharya Narendra Dev's lecture at Faizabad. Acharya Narendra Dev lived at Faizabad and I came in contact with him later on. I had heard that Acharya Narendra Dev is a scholar of religion, literature, politics and several languages. I have not read any article of Acharya Narendra Dev on religion. The religious books that I have read are : the Ramayana and the Mahabharata. I do not recall whether or not I have read the history of Faizabad District. About Ayodhya, I have read a book "Ram Charit" written by Shri Sudarshan Chakra. I read this book after 1946. I had read this book between 1946 and 1949. The said book was purchased by one of my friends from Mathura and I had borrowed it from him and read it. Its publishers are Shri Krishan Janam Bhoomi Mathura. That book must be at my residence. In that book, description of Ram Janam Bhoomi is there, but whether or not description of any other temple is there, I cannot say. The above book "Ram Charit" I read for the last time around 1990. I have several books at my residence and all of them relate to Gandhian thought. I have read the thoughts of Gandhi ji and I have been doing so. In the 1942 movement, I was not arrested by the British rulers. I had absconded. I have not been arrested till date in connection with the freedom movement of the country. A book mentioning the names of the freedom fighters has been published at Faizabad District. I have not seen either the book or the list and as such I cannot say whether or not my name figures there or not. I have no information whether or not in 1973 a list of freedom fighters was made by the District Magistrate, Faizabad approved by the administration. At a massive function in 1973, the freedom fighters of Faizabad were given a Tamarpatra by the Government and those who went to receive it, had got it. Some people had boycotted that function. I know this

thing because I myself had not gone to receive that Tamarpatra. All the freedom fighters had been sent invitation letter to receive the Tamarpatra in the seminar and I too had received an invitation card for the purpose. The temple is near Vijay Raghav Matgainr – in which Mohalla it is, I cannot say. Matgainr is the name of a temple. Vijay Raghav temple is located on the road going to the west of Ayodhya Post Office. Between 1935 and 1945, I used to go to Vijay Raghav temple regularly. Whenever I used to go there, I would stay there. Between 1935 and 1945, I did not go to the Vijay Raghav temple every month but four to five times in a year. It was on the occasion of the fair that I often used to go there. The four fairs popular in Ayodhya are Kartik Purnima Parikrama, Chaitra Ramnavami, Savan Jhoola and Ram Vivah. During Kartik, from Navmi to Purnima, Parikrama and Chaudah kosi Parikrama takes place, on the occasion of Ekadashi Panchkosi Parikrama takes place and on the occasion of Poornmashi Saryu Snan (bath) is done. It was mostly on these occasions that I used to go the Vijay Raghav temple with my uncle. Whenever I went there, I used to have the darshans of Hanumangarhi, Kanak Bhawan and Janam Bhoomi. Vijay Raghav temple is the temple of those believing in the Ramanujacharya Sect, i.e. this temple is of their Sect. Majority of the temples at Ayodhya are of the Ramanandi Sect. At Vijay Raghav temple, there was a Mahant before also and there is a Mahant now also. The person who was the Mahant of Vijay Raghav temple in 1935, our uncle used to call him Bade Swami – his name I do not know. Besides, there were other pujaris/prist also. Aarti, pooja used to be performed there in that temple. I do not recall whether Aarti was done there twice or five times. Bade Swami i.e. the Mahant used to make arrangements for Aarti and the pujari used to perform the Aarti. When I went

to the Ram Janam Bhoomi premises for the first time, to me the entire premises looked like a temple. Between 1935 and 1945, whenever I went to the Ram Janam Bhoomi temple, I had the darshans of Lord Ram at all the religious places there like Ram Chabootra, Chhati Poojan, Sita Rasoi and the main Sanctum-Sanctorum. At Ram Chabootra, Shiv Darbar and Sita Rasoi, I used to receive the prasad and offered Prasad also and at Sanctum-Sanctorum, I used to have the darshan of the Lord from outside the iron bars and would place the Prasad near the iron bar.

At the Bada Sthan Sanskrit Mahavidyalaya, my uncle used to study and from there, he received the degree of Vyakarancharya (Grammarians) and Sahityacharya. I used to go to the Ayodhya out of curiosity to see the temples. I am a complete atheist. Even today, the curiosity to see temples is still there and the faith and belief went on increasing with the advancement in age. When I had gone first time to the Hanumangarhi of Ayodhya, I had the darshan of the Vighraha idol of Lord Hanuman and offered Prasad. At the place of Hanumangarhi where the vighraha idol of Lord Hanuman is, there are small temples all around such as the Ram Janaki temple, temple of Lord Narasingh, Durga temple etc. Whenever I went to Hanumangarhi, I went to the Janam Bhoomi temple also. Hanumangarhi is a temple of the Vairagis (ascetics), but I do not know to which sect those Vairagis belong. I never wanted to get information about this – neither did my uncle tell me nor did I ask him as to what is the sect to which those Vairagis belong. My uncle had taken me to Ayodhya for the darshans of the temples when I was in the fourth standard. When my uncle had taken me for the first time for the darshan of the temples, he had told me that in the Hanumangarhi temple, there is the idol of Lord Hanuman

and similarly, he had explained about the other temples. About the Ram Kachehri temple also, my uncle had told me. The Ram Kachehri temple is in the east-north corner at a small distance from Janam Bhoomi temple – roughly at a distance of 400 steps.

From standard I to standard IV, I studied regularly. When I joined standard I, my age would be 7-8 years. When I went to Hanumangarhi for the first time, I saw Mahant ji sitting there and I saw a pujari also there. I could not know the name of any Mahant or pujari. Whichever temples I have mentioned in my affidavit when I went there for the first time, I had seen a pujari there. It was only in Hanumangarhi that I had seen a Mahant and not in any other temple. I do not know the name of any pujari of any temple. On entering the disputed premises from the eastern gate which was known as Hanumatdwar, on the left side was Ram Chabootra temple. On that eastern door, Hanumatdwar was written on a stone. This stone was fixed on the right side of the door. On entering through the gate, there was Bhandar on the right side. When I had gone there for the first time, the Bhandar would have been 30-40 hands towards north-south. Over this Bhandar was a Chhappar (thatch) and in front was a tin wall and tin doors. In that place there was the Bhandar, living accommodation for the sadhus and Rasoi of the Lord. When I went there for the first time, at that time sadhus and Vairagis lived there. When I went there for the first time, aarti was not being performed at the Ram Chabootra, but an earthen lamp (Deepak) was burning and Hari Kirtan was going on. When I had gone there for the first time, I had the darshan of the Lord at the Ram Chabootra and had received Prasad and charanamrit. I had also offered Prasad, flowers and batashas. At the Chabootra were Bairagies, sadhus and

pujaris but I do not know their names. I gave the flowers and the batashas to the pujaris, whereafter he did the ritual of applying bhog to the Lord and offered me Prasad and charanamrit. Whichever other devotees went there in my presence, they also offered the Prasad in the same manner and would receive Prasad. I have seen aarti of the Lord being performed at the Ram Chabootra only once or twice. This aarti had seen being performed in the evening and at the time of the aarti, shells and bells etc. continued blowing and ringing. This aarti was performed by the same pujari who used to give Prasad. Aarti used to be performed at the Sita Rasoi also. At Shiv Darbar also, similar aarti used to take place. I cannot say whether or not the pujari who performed the aarti at the Ram Chabootra, was the same who did the aarti at Sita Rasoi and Shiv Darbar. I did not see aarti being performed by Shiv Darbar and Shashti pooja place. It was my uncle who had told me that at Shiv Darbar and Shashti pooja place, similar aarti is being performed. I had offered Prasad at the Shashti pooja place and Shiv Darbar and whenever I offered prasad, the pujari took it, performed the bhog ritual and gave me the Prasad. Opposite to the Ram Chabootra temple on the north side, kirtan of Lord Ram was done and a carpet was spread out there. I do not recall whether or not there was a Chabootra beneath it – I do not remember whether or not there was a tin roof over the place where a carpet was spread out and kirtan used to take place. In front of the eastern gate, there was a wall with iron bars (seekhchas) in which there were two doors. One of the doors was in front of the Hanumatdwar and Sanctum-Sanctorum and the other was to its north. Inside the door was a small ground and then below the shikhar was Sanctum-Sanctorum. In the sanctum sanctorum there was a picture alike and in the corner an idol was placed on a shelf. This idol was that of Lord Ram

which would be more than one bitta high. This idol used to glitter but whether or not it was made of Ashtadhatu I cannot say. This idol depicted Lord Ram as a child. The glitter on it was blackish. This idol was kept at a far off distance and since this is something which I saw long back, I cannot say whether or not Shaligram was there. I also cannot say whether or not near the feet of that idol Lord Hanuman was there and whether or not any idol of any deity was there. I had seen there the idol of Lord Ram only. I do not remember whether or not the idol of Sita ji was there at that point of time. It is likely that the idol that I have just now mentioned was joined with some other idol. I cannot say whether or not the idol which was joined with the idol of Lord Ram, was of the same height and was of black colour.

From 1935 to 1945, I had the darshan of that idol regularly. This darshan I had from the age of 12 to the age of 22-23 years and at which time I had no problem with my eyesight. During that period whenever I had the darshan of Lord Ram, I did not see any idol joined with that idol of Lord Ram. In the Sanctum-Sanctorum, the photo of the Lord was hung and it did not appear to be framed using glass. I do not know whether it was oil painting or what but the picture of the Lord was drawn in that. It was not a photo calendar. I the photo which was hung there, Lord Ram had a crown on his head and bow the arrows in his hands. That photo was not full-size but bust size. My uncle had told me that in the Sanctum-Sanctorum, aarti was performed both the idol and the photo but I myself did not see it. I cannot say whether or not the pujaris who performed pooja aarti at the Ram Chabootra were the same who performed pooja and aarti in the Sanctum-Sanctorum. My uncle had told me that the sadhus-vairagis of the Sanctum-Sanctorum perform the pooja and they live in the disputed premises. My uncle

had not told me that the lock of the Sanctum-Sanctorum was opened by those sadhus and Vairagis who live in the premises. I had not even asked this of my uncle. I did not have the curiosity to know as to how the pujaris went inside the Sanctum-Sanctorum and I had not even asked about this from my uncle. Whenever I went for darshan of the Sanctum-Sanctorum temple, all the darshanarthees used to place the Prasad in front of the Lord inside near the wall of iron-bars. The same used to happen in all the fairs held there. On the occasion of Ramnavmi, lakhs of people used to throng there, there was pushing and jostling and it was with great difficulty that people could offer the prasad. Whenever I went there from 1935 to 1945, I saw the same thing. I do not remember whether or not the pujari used to perform the bhog ritual of the Prasad inside sanctum sanctorum which people used to place on the ground through the iron-bar wall on the occasion of the fair. I never received prasad at the Sanctum-Sanctorum nor did any darshanarthi get it in my presence. I believe that some pujari must be living there, because whatever money and Prasad was offered there was found removed from there. When we went to the fair, we used to offer the prasad at the Sanctum-Sanctorum and the Ram Chabootra and we used to be satisfied after receiving the Prasad.

From 1935 to 1945, when I was at Ayodhya, I used to go for the darshan to Ram Janam Bhoomi, Kanak Bhawan and Hanumangarhi every morning and evening. During these ten years, I have seen the morning aarti also at Ram Chabootra. My father and my grand mother both have died. In 1936, when I went with my father and grandmother for the darshan of the Ram Janam Bhoomi temple, at that time we had come from our village to the Vijay Raghav temple and had gone for darshan from there only. There

was a lot of rush in the temple due to the fair. At that time, all the arrangements like getting the darshanarthees in the queue and arranging darshans were done by the sadhus who lived in that premises. Between 1935 and 1945 also, there used to be similar arrangements and these arrangements were done by the sadhus-vairagis living in that premises. The door to the north of the disputed building was closed when I saw it. Between 1935 and 1945 also, I never saw that door opened because I did not go from there. When I went to Sita Rasoi for darshan, even then I did not notice whether or not the said door was open. It was our belief that all the idols in the disputed building were there after pran-pratishtha. According to the scriptures when pran-pratishtha of any God-Goddess is done, then all their activities are like those of a living person like bathing, kaleva, make-up, taking meals, sleeping etc. In the same very bhandar of which I have made a mention above, food was prepared for them and the ritual of bhog was also performed with that very food. All this was done by the sadhus-vairagis and they used to live in that bhandar. Between 1935 and 1945 whenever I went to the disputed premises on occasions other than the fair at that time in the Bhandargrah and in the premises 20-25 sadhu-vairagis used to live as I saw it myself. From the main door of the disputed premises, Sitakooop would be at a distance of 250-300 steps. To the north and the south of the Sitakooop, small temples could also be seen but I have never had darshans of those temples. I had gone upto the Sitakooop, I did not go there on every occasion, only once I have been there. There were temples in the vicinity of Sitakooop and there also one could see sadhus and vairagis. I cannot tell the number of these small temples but they were numerous. From the main gate i.e. from Hanumatdwar to Sitakooop – whatever temples were there in

the vicinity, their distance was almost the same as was the distance of Sitakoop from the main gate. When in 1936, I went to the disputed building with my father and grandmother, I had heard that the devotees arranged Nawah Paath and small bhandars, however, I never took part in that. I had heard this from my grandmother and father.

I had heard about the controversy which had taken place in the disputed premises in 1949. I had heard in the newspaper that several people had been arrested. Besides that sadhus and several people from the king's family had also been arrested. Prior to the 1949 controversy in the disputed building, the last time I had gone there, was on 12th February 1948 when Rajendra Babu had brought the ashes of Mahatma Gandhi for immersion (Visarjan). Whether or not Rajendra Babu was the President at that time, I do not know but it was he who had brought the ashes. When I went to the disputed building in 1948, the arrangements there at that time were the same as I had seen during 1935 to 1945. According to my information, no riot had take place till 1948.

Question : Uptil 12th February, 1948 did you get information from any source to the effect that at Ayodhya Hindu-Muslim riot had take place in 1934?

Answer : Ever since 1935 when I went there till 1948, I do not know anything about a riot having taken place there.

What I have said on page 8 of my affidavit that no Muslim dared to come near this premises out of fear of the sadhus and the vairagis, that was because the Muslims

were afraid of the sadhus. The reason why they feared the sadhus was that anybody encroaching into the others house would naturally be afraid. I do not know whether or not any sadhu or bairagi had murdered any Muslim there. There has been hearsay that the sadhu-vairagis of that place have been murdering the Muslims. Between 1935 and 1948, the number of sadhus-vairagis at Ayodhya was large while that of Muslims was limited. Even today, Muslims are in fewer numbers. The 1949 incident of the disputed building had taken place in a winter month but I cannot say which month it was. A month after the 1949 incident, I had gone to the Ram Janam Bhoomi temple. After the 1949 incident, when I went to the disputed building, the police was of course, there, but I had the darshan of the Sanctum-Sanctorum from near the iron bars. Before the iron bars pooja at Ram Chabootra, Sita Rasoi, Shiv Darbar, Shashti Pooja Sthal etc. was done in the same way as before. The only difference being that the police was deployed there. The police was deployed at the main gate also and police could be seen through the grill also. Before Sanctum-Sanctorum, at the Ram Chabootra, bandargrah, Sita Rasoi, Shiv Darbar, Shashti Pooja Sthal sadu-vairagis live as they used to live before and the darshanarthees also used to have darshan, perform pooja, offer the Prasad etc. in the same way as they used to do before. Batashas and flowers used to be bought from the shops in front of the main gate. I do not know whether or not any sadhu-vairagi used to be there at the gate for serving water from the Sitakoop. The sadhu-vairagis who used the water of the Sitakoop. The sadhu-vairagis who used the water of the Sitakoop for the pilgrims, darshanarthees and for the people living in the premises, these were the same sadhus-vairagis who used to live in Bhandargrah, Ram Chabootra, Shashti Pooja Sthal and Sanctum-Sanctorum etc. inside the premises.

The water of the Sitakooop was considered very sacred by the people. I went to the disputed premises a month after the 1949 incident of the disputed building and thereafter also I kept going there regularly. I was going there regularly every year in the years 1951, 52, 53, 54 etc. Between 1950 and 1960, I kept coming to Ayodhya from my village Pahunti and from 1960 I was coming to Ayodhya from Acharya Narendra Dev Nagar, Naka, Faizabad. When I came to Ayodhya after 1960, I do not remember of any board fixed at any of the places like Ram Chabootra, Shiv Darbar, Shashti Poojan Sthal etc. in the disputed premises. The height of the Ram Chabootra would be about two hands. There were three doors built there. All these three doors were made of wood and were temple shaped. In the form of the wooden temple ganga-jamuni i.e. leaves of gold and silver were affixed and over the wooden temple there was a thatch. Adjacent to the Ram Chabootra down below was the cave temple (Gufa mandir).

The witness was shown photo Nos. 56, 57 of album document No. 200 C-1, on seeing which the witness stated that those were the pictures of the Ram Chabootra about which I have given a statement above. In picture No. 57, cave is visible on both the sides. On seeing picture No. 58, the witness stated that it was the picture of the idols placed in the gufa mandir. On seeing photo Nos. 59 and 60, the witness stated that those pictures were of Shiv Darbar which is in the corner below the tree. On seeing photo No. 61, the witness stated that in that picture, mother Parvati, Ganeshji, Shivling on ardha and Nandi could be seen which are of the Shiv Darbar. On seeing photo No. 66, the witness stated that this picture was of the rear portion of Ram Chabootra. People used to do Parikrama of this Chabootra too. On seeing photo No. 71 and 72, the

witness stated that it was the picture of Shashti Pooja Sthal about which I have mentioned above in my statement. On seeing photo No. 77, the witness stated that in the photograph, one of the doors of the wall with iron bars was visible. He stated that in this picture on both sides of the door marble boards fixed in the wall could be seen.

On seeing photo No. 8 of Album No. 22 C-1, the witness stated that it was the picture of the outer wall of the disputed building. On seeing photo No. 10, the witness stated that it was the picture of a part of the wall of the disputed building of which photo No. 8 also is. On seeing photo No. 30, the witness stated that it was the picture of the Ram Chabootra.

On seeing photo No. 44 of album No. 22 C-1, the witness stated that it was the picture of the main gate i.e. Hanumatdwar. There is a stone fixed on this on which "Janam Bhoomi Nitya Yatra and digit 1" is written. On seeing photo No. 45, the witness stated that this too was the picture of the main gate and in that the door of the Sanctum-Sanctorum could be seen. Between the door of the Sanctum-Sanctorum and the main gate, can be seen a tin shed where kirtan used to take place. The same tin shed is visible in photo No. 46 also which is the site of the kirtan. After 1986, i.e. after the opening of the lock, people had started going inside. I do not know who was the Receiver of the Sanctum-Sanctorum, but I had heard that there was some Receiver. After 1960, I came to know that a suit was going on in this connection. Broadly what I had come to know was that a suit between the Hindus and the Muslims was going on. From then till now, I have not know as to in whose names the suit is going on nor have I tried to know anything about this.

At Ayodhya, the Nageshwa Nathji temple is to the south of the Saryu river and this temple is on the bank of the Saryu river. It has been in my knowledge before that Ayodhya is a city of temples and Matths (monasteries). I know the names of some maths and Akharas of Ayodhya. Among the Akharas are – Chhoti Chhawani, Badi Chhawani, Digambar Akhara, Hanumangarhi and Nirmohi Akhara. Besides these, there are Janmasthan and Ranopali Akharas also. The Mahant of Chhoti Chhawani Akhara is Nritya Gopal Das, the Mahant of Digamber Akhara is Param Hans Ramchandra Das, Damodar Dasji is the Mahant of the Ranopali Akhara. At Hanumangarhi, there are four patees, as people say, but I do not know about them. I do not know the names of the Mahant of the Nirmohi Akhara. I could never know whether or not the sadhus-vairagis who lived in the disputed premises were of Nirmohi Akhara. From 1935 till date, I have not known the name of any sadhu-bairagi nor did I try to know it. The devotees or darsharthees who go to Hanumangarhi for darshan, they will not be considered having possession of Hanumangarhi, but the possession would be of the sadhus-vairagis of Hanumangarhi. What I had heard about the 1949 controversy and read in the newspaper, I do not remember the name of any sadhu-bairagi. I am living at Naka even now. At Naka, there is a Hanumangarhi where I go for darshan once a year. I do not know the name of the Mahant of Hanumangarhi of Naka. At Naka, I live in my own house. I got this house built in parts from 1980 to 1990. I do not belong to any political party nor am I a member of the Vishwa Hindu Parishad. About my giving evidence here, I had discussions with one Ram Babu Aggarwal who lives near my house. I had told him that I will give evidence about what I have seen and what I know.

It is at his instance and with inspiration from God that I have come to give evidence. I do not know whether Ram Babu Aggarwal is associated with Vishwa Hindu Parishad or not. This is wrong to say that under pressure from Ram Babu Aggarwal, I am hiding the name of the Mahant of the Nirmohi Akhara. It is wrong to state that Ram Babu Aggarwal is associated with the Vishwa Hindu Parishad. It is wrong to say that since 1989 till Shiladaan, Ram Babu Aggarwal was the supplier of flour, pulses and rice. It is wrong to say that it is through the grace of Ram Babu Aggarwal that I have been able to build my house. I was getting Rs. 2500/- as salary towards the concluding period of my employment.

On behalf of defendant No. 3 – Nirmohi Akhara – the cross examination was concluded by the advocate Shri Ranjit Lal Verma.

To be present tomorrow on 14.08.2002 for further cross examination.

Verified the statement after hearing

Sd/-

Housila Prasad Tripathi

13.08.2002

Typed by the Stenographer in the open court on being dictated by me. In continuation of this, be present for further examination on 14.08.2002

Sd/-

(Narendra Prasad)

Commissioner

13.08.2002

Dated : 14.08.2002

O.P.W. 6 – Shri Housila Prasad Tripathi

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

(Appointed vide order dated 2.8.2002 passed by the Hon'ble High Court, Allahabad, Lucknow Bench, the Special Full Bench of Lucknow in Other Original Suit No. 5/89 (Original Suit No. 236/89) Bhagwan Shri Ram Virajman and others versus Rajendra Singh and others)

(The cross examination of O.P.W. 6 Shri Housila Prasad Tripathi begins under oath by Shri Abdul Mannan on behalf of defendant No. 6)

xxx

xxx

xxx

xxx

My father lived at his village Pahunti. I was born in 1922 and my father expired in 1969. Between 1935 and 1969, I must have gone to Ayodhya hundred times. I used to go to Ayodhya three to four times in a year. From Ayodhya my village is about 30-35 kms. I lived at my village and when I was under job-training at Raneevan, during that period also, I used to go to my village Pahunti in the evening. I have seen several mosques in villages and in Gosain Ganj. I have seen mosques at Faizabad and at other places too. I do not recall whether or not I have seen mosques at Ayodhya. While going to Ayodhya how many mosques come in the way, I do not know because I had gone to see temple. I do not recall whether or not there are mosques at Ayodhya. I have not seen the Babri Masjid, but I have heard its name. I cannot say where Babri Masjid is.

I have not seen the Babri Masjid at the place where the birth place is. I have not seen the Babri Masjid at the disputed place. I have heard and read in the newspapers that the Babri Masjid is at the disputed place, but where it is, I have not seen nor stated. I have not seen Babri Masjid anywhere.

Question : Where is Babri Masjid, have you seen it or not?

(To this question, the advocate of the plaintiffs Shri Ved Prakash raised an objection saying that this question earlier also has been asked and the witness has clearly stated that he does not know that where and at which place Babri Masjid is. Hence, asking this question repeatedly from the witness tantamount to harass him and waste the time of the Court).

Answer : I have said before and I am saying now that I have not seen the Babri Masjid. I do not recall having read in the newspaper as to where Babri Masjid is.

Question : Is Babri Masjid at Ayodhya?

(To this question also, the learned advocate of the plaintiffs raised an objection saying that the witness has clearly stated that he does not know where Babri Masjid is – as such asking this question from the witness, as to whether it is at Ayodhya or not, has no justification and hence, it should not be allowed).

Answer : I cannot tell whether or not Babri Masjid is at Ayodhya. I used to go to Ayodhya, three to four

times in a year. I did not have darshan of the Masjid.

Question : Were there stairs first outside the Masjid and then a door?

(The learned advocate of the plaintiffs raised an objection to this question saying that the witness has already said that he does not seen the Masjid and nor did he go for the darshan of the Masjid. Hence, there is no justification in asking the question whether there were stairs and door in the Masjid and no such questions be allowed to be asked).

Answer: When I have not seen the Masjid, how can I tell whether or not there were stairs and door outside the Masjid?

Question : Were there towers on both sides of the Masjid.?

(The learned advocate of the plaintiffs Shri Ved Prakash raised an objection to this question saying that this question is vague and misleading as it is not clear about which Masjid it is. The witness has already said that he does not seen the Masjid at Ayodhya and hence, such questions be permitted).

Answer : When I have not seen the Masjid, how can I tell whether towers were there or not.

Question : When we enter the Masjid, do we come across two-three stairs?

(At this question also, the learned advocate of the plaintiffs Shri Ved Prakash reiterated his above objection).

Answer: When I did not even enter the Masjid, how can I tell whether two or three stairs were there or not.

I do not know about Babri Masjid and as such the question of my entering Babri Masjid does not arise. I used to go to Ayodhya three to four times a year. I used to go to the temples. I never went to mosque. My answer to all the questions being asked about Babri Masjid be recorded as 'No'.

Question : When you went near the Babri Masjid – were there stairs or not?

(The learned advocate of the plaintiffs Shri Ved Prakash raised an objection to this question saying that the witness has clearly stated above that he has never gone to the Babri Masjid. Hence, repeatedly asking the whether there were stairs or doors outside the Babri Masjid amounts to harassing and misleading the witness. Hence, such questions should not be allowed to be asked).

Answer : When I have never gone to Babri Masjid, how can I say whether or not there were stairs outside it.

I was not at Ayodhya and as such I do not know what was demolished or what was not demolished on 6th December 1992. I had read in the newspapers that Babri Masjid had been demolished. I do not recall the date when I had read about the demolition of the Babri Masjid.

Question : Was Lal Krishan Advani also present at Ayodhya on 6th December 1992?

(The learned advocate of the plaintiffs Shri Ved Prakash raised an objection to this question saying that the witness has already said that on 6th December 1992, he was not at Ayodhya. As such there is no justification for asking the above question and hence, such questions should not be allowed to be asked).

Answer : I do not know.

On 6th December 1992, I was not at Ayodhya. Whether or not Lal Krishan Advani was at Ayodhya. I did not know because I was not interested in that. I also did not know whether Shri Lal Krishan Advani was at Ayodhya on 6th December 1992 from 12'O clock to 5:00 p.m. or not. I did not know whether or not Lal Krishan Advani was present at Ayodhya on 6th December 1992 from 6'O clock in the morning. I do not know that on 6th December 1992, in the presence of Lal Krishan Advani, Babri Masjid was being demolished. On 6th December 1992, I was at my village, I had fallen from the roof and I was hurt and as such, I could not move about. My village at a distance of 30-35 kms. from Ayodhya. The information regarding the incident of the demolition of the Babri Masjid on 6th December 1992 had not reached my village. I never got any information about the demolition of the Babri Masjid. When after about a month, I had come to Faizabad, only then I had got information about the demolition of the Babri Masjid and the collapse of the disputed structure.

Question : Did you get to know as to who or which people demolished the Babri Masjid?

Answer: About Babri Masjid, I did not know but the disputed building was demolished by the people who had come from outside. It was said that people had come there in lakhs.

After 6th December 1992, I had gone to Ayodhya for the first time on 12th February 1993. At that time also, I could not know whether or not Lal Krishan Advani was at Ayodhya on 6th December 1992 because I had not asked about this from anybody. People had told me that on 6th December 1992, lakhs of people had come to Ayodhya, but I have no personal information of that. I did not know from where lakhs of people had come and I did not think it necessary to ask people as to where those lakhs of people went.

Question : Did Lal Krishan Advani return with those lakhs of people or stayed back?

(The learned advocate of the plaintiffs Shri Ved Prakash raised an objection to this question saying that in this suit, no issue is connected with this question. About Lal Krishan Advani, the witness has already stated that he (the witness) was not present there. Hence, there is no justification in asking this question repeatedly. This results in wastage of the time of the Court. This witness is being misled and such questions should not be allowed to be asked).

Answer: I do not know.

I do not know which other leaders besides Lal Krishan Advani were present at Ayodhya on 6th December 1992. I do not know how long it took to demolish the Babri Masjid. I do not know that lakhs of people who had gathered at Ayodhya on 6th December 1992, when they started from there, I also do not know that at whose instance these lakhs of people had collected at Ayodhya. I do not know how many police personnel were present at Ayodhya on 6th December 1992. I do not know whether the police personnel were 400 or 500 in number. I cannot say

whether on 6th December 1992, there were 3 lakh or 4 lakh people at Ayodhya.

(On behalf of the defendant No. 6, the cross examination were concluded by Advocate Shri Abdul Mannan).

(On behalf of defendant No. 4, Uttar Pradesh Sunni Central Board of Waqf, the cross examination was begun by Advocate Shri Zaffaryab Jilani).

xxx

xxx

xxx

xxx

I have heard the name of Mahatma Gandhi from the age of 17-18 years. Prior to that, when I had heard the name of Mahatma Gandhi, I do not remember. When I had started doing a job at the Gandhi Ashram, I did not know what Gandhi ji was – I had heard his name only. From Ayodhya, Mauja Raneevan where Gandhi Ashram was located and where I was employed was at a distance of about 30 kms. The distance between Goashe Gang to Mauja Raneevan is of 6 kms. The Gandhi Ashram which was located there was wound up on 1942. I was employed there from 1939 to 1942 and I used to get Rs. 10/- per month as salary. There I had learnt the job of making paper with hands and I used to do the same job. That Ashram was run by Dharendra Majumdar. Dharendra Majumdar was not in the congress party – he did not belong to any party. Dharendra Majumdar was a Bengali and he was born at Gorakhpur. He lived at Raneevan Mauja. He had come there in 1933-34. He was devotee of Gandhiji and used to take part in the movements of Gandhiji and was jailed several times. After the winding up of the Gandhi Ashram in 1946, Dharendra Majumdar had started the Swavlambi Vidayala where I have also worked. In that

Swavlambi Vidayala, I used to get Rs. 20/- per month as salary. I remained in that organization till 1993 and in 1960, the head office of that organization was shifted to Faizabad. I had started there as a clerk, then I became a cashier, then Accountant, then Manager and thereafter I became the Secretary in that organization. I superannuated from that post. When I was posted at Raneeva, I used to return home every evening. My house is about 4 kms. from Raneeva. I had started reading Gandhiji's literature from 1941. I did not read his 'Harijan' newspaper. I have seen the 'Harijan' newspaper. I had started reading the autobiography of Gandhiji in 1941. I do not know how many pages it had. I cannot tell this also whether it had 40-50 or 100 pages. After 1946, I had read Gandhiji's book "India of my dreams" (Mere Sapnon ka Bharat). After that, I did not read any book of Gandhiji. However, after 1950, I read his letters and periodicals. I have read his 'Hind Swaraj' around 1960. The extent to which I understand the philosophy of Gandhiji about India's civilization and history – to that I agree. The movement that Gandhiji started for the freedom of Indian and the political ideology that he had – I agree to that also. I was a supporter of all the movements that Gandhiji started during his life time. Gandhiji was a religious person, he believed in the Hindu religion and he respected all the religions. I do not know whether he knew history or not. As far as I know, I can say that he had knowledge of religion. Ever since I have known him, he was the greatest man of India. I consider him to be the 'Father of the Nation'. He was a great patriot. He wanted to establish true democracy and Ram Rajya in India. By Ram Rajya what he meant was that all people should remain happy, everybody should have equal opportunities, everybody should get justice, there should be no discrimination, nobody should be treated as

untouchable, everybody should get an opportunity to take part in the progress of the country and all should respect the religions of one another. He could not establish such a Ram Rajya, and such a Ram Rajya looks absolutely impossible and it does not look possible even today. Those who were with Gandhiji during the freedom struggle did not follow his ideals subsequently. I have heard the name of Rajagopalachari, but I cannot say whether or not he was a follower of Gandhiji. I do know that he was the first Governor General of India. I did not know whether or not Rajagopalachari believed in the Hindu religion and whether or not he was a religious person. I know Dr. Rajendra Prasad – I cannot say whether or not he was a religious person. I know Pandit Govind Ballab Pant. I cannot say which religion he believed in. I cannot tell this also whether or not he believed in the Hindu religion. I know Lal Bahadur Shastri. So far as I know, he believed in the Hindu religion. Whether or not Acharya Kriplani believed in the Hindu religion, I cannot say but he was engaged in activities of public welfare. I know Acharya Narendra Dev – he was from my district. I cannot say whether or not he believed in the Hindu religion – but his views did not reconcile with the view of Gandhiji. I know Dr. Ram Manohar Lohia. I did not know whether or not he believed in Hindu religion or not. I know Sardar Vallabh Bhai Patel. I did not know whether or not he believed in the Hindu religion. I have heard of Dr. B.R. Ambedkar. He did not believe in the Hindu religion. He believed in the Buddhist religion. I have heard of Dr. Sarvapalli Radhakrishnan. I did not know whether or not he believed in the Hindu religion. I have heard of Pt. Jawaharlal Nehru. I know him. I did not know whether or not he believed in the Hindu religion. I have heard of Guru Golwalkar, but I did not know about him. I did not know whether or not he was the

founder of the RSS. I have heard of Bala Sahed Devras, but I am unable to recall. I have heard Jai Prakash Narain. I did not know whether or not he believed in the Hindu religion. He was not a follower of Gandhiji. I know Vinoba Bhave, he was a follower of Gandhiji. I have heard of Indira Gandhi – but I did not know whether or not she was a follower of Gandhiji. I did not know this also whether or not she believed in the Hindu religion. I have heard of Morarji, but I did not know whether he believed in the Hindu religion. I know Atal Bihari Vajpayee. At present, he is the Prime Minister of India. I did not know whether or not, he believes in the Hindu religion. I have heard of Lal Krishan Advani. I did not know whether or not, he believes in the Hindu religion. I did not know whether or not he believes in Jainism or Christianity. I do not know this also as to which religion he believes in. I know Paramhans Ramchandra Das of Ayodhya – he would be believing in the Hindu religion. I cannot say whether or not he believes in Jainism. I have heard of Ashok Singhal and I have heard this also that he is an office bearer of the Vishwa Hindu Parishad. I cannot say as to which religion Ashok Singhal believes in – whether he believes in Hindu religion or not. The very name Vishwa Hindu Parishad suggests that it is an organization of the Hindus. I do not have in depth knowledge whether Vishwa Hindu Parishad is an organization of the Hindus or not.

Question : Do you not have any personal knowledge whether Vishwa Hindu Parishad is an organization of the Hindus or not?

Answer : I have not been in contact with Vishwa Hindu Parishad on a personal level. As such I cannot

say whether that is an organization of the Hindus or not.

People say that Rashtriya Swayam Sewak Sangh in an organization of the Hindus but I do not have any personal knowledge about this. I do not know whether Bajrang Dal is a party or an organization. I know Shri Vinay Katiyar who is an M.P. of Lok Sabha from Faizabad – he is a Hindu. I cannot say whether or not he believes in the Hindu religion. I know Nirmal Kumar Khatri, Ex-M.P., Lok Sabha from Faizabad – he is a Hindu. I cannot say whether or not he believes in the Hindu religion.

To the west of the District Magistrate's office, Faizabad, the list of the names of the freedom fighters is written on a pillar which contains hundreds of names. Besides my name, the names of Ram Lal Bhai, Amresh Singh, Sita Ram Singh and Ram Nath Mehrotra figure in that list. The name of Akshay Brahmachari is also inscribed on that pillar. Between 1942 and 1947, I took part in the freedom struggle. Pandit Kamlapati Tripathi and Shri Chandra Shekhar who later on became the Prime Minister of India also must have taken part in the freedom struggle. Pandit Sampoorananand and Shri Chandrabhanu Gupta also must have taken part in the freedom struggle. I do not have any personal knowledge about this. I have also heard of Ram Prasad Bismil, he was of much earlier – he took part in the freedom struggle and became a martyr. I do not know whether Maulana Abul Kalam Azad and Shri Rafi Ahmed Kidwai took part in the freedom struggle or not. Maula Nasir and Shri Mukhtar Ahmed Kidwai did take part in the freedom struggle and both of them belong District Faizabad. I do not know whether or not Pt. Kamlapati Tripathi, Pt. Sampoorananand, Shri

Chandreshekhar and Shri Chandrabhanu Gupta believed in the Hindu religion. Those who believe Sanatan Dharam and Arya Samaj are known as Hindus. I do not know as to which leaders of national or state level came to Faizabad between 1939 and 1947. I do not know whether out of the names from Rajagopalachari to Ram Prasad Bismil which have figured above – any leader went for the darshan of Ram Janam Bhoomi of Ayodhya or not.

In the books and periodical of Gandhiji, I have never seen this thing written anywhere as to where Ram Chandra ji was born. I do not know whether in the books or periodicals of Gandhiji, there is any description of Ram Janam Bhoomi or not.

Question : My point is that there is no mention of Ram Janam Bhoomi or Ram Janam Bhoomi temple in any of the books or periodicals of Gandhiji. Is this true or wrong?

Answer: I have not read all the works and books of Gandhiji and as such I cannot say whether the above is correct or wrong.

Acharya Narendra Dev was a native of Faizabad and he was a great man and a knowledgeable person. He must have written books. I have not read his books and, therefore, I cannot say whether in his books or articles, there is description of Ram Janam Bhoomi or Ram Janam Bhoomi temple. Whether there is mention of Ram Janam Bhoomi or Ram Janam Bhoomi temple in any book or article of Shri Rajagopalachari, Dr. Rajendra Prasad, Pt. Govind Ballabh Pant, Shri Lal Bahadur Shastri, Pt. Jawahar Lal Nehru, Sardar Vallabh Bhai Patel, Acharya Kriplani, Dr.

Radha Krishnan, Dr. Ram Manohar Lohia, Pt. Sampurnanand, Shri Morarji Desai and Shri Jai Prakash Narain or not, I cannot tell because I have not read them.

The book named 'Ramcharitra' which my friend had brought from Mathura, apart from that I have not read any such book in which there is mention of Ram Janam Bhoomi or Ram Janam Bhoomi temple. The book 'Ramcharitra' has been written by Sudarshan Singh Chakra and he used to come to Ayodhya. I had his darshan after 1960. His book shows that he was a learned scholar and it appears that he was a scholar of religion. Sudarshan Chakra has since died. It was around 1980 that I had come to know that Sudarshan Singh had expired. 'Ramcharita' is in two parts and both the part combined are approximately more than 700 pages. In this book, the birth of Lord Ram has been stated to have taken place in the Treta Yuga. I do not know how many lakhs of years ago did Treta Yuga exist. I do know that we have four Yugas – Satyug, Treta yug, Dwapar yug and Kaliyug which is currently going on.

I have heard of Manusmriti and have not read it. According to Manusmriti, Satyug could have lasted for seventeen lakh and twenty eight thousand years. It is also possible that according to Manusmriti, Treta yug might have lasted for twelve lakh and ninety six years. According to Manusmriti, it is possible that Dwapar yug would have lasted for eight lakh and sixty four thousand years. According to Manusmriti, it is possible that it is more than four lakh and thirty two thousand years that the Kaliyug started but have not read Manusmriti. I cannot tell as to how many years ago Ramchandraji was born. According to Manusmriti, the kaal which has been mentioned – accordingly some calculation can be made. Those who

have faith in Lord Ram and are his followers, they believe that Lord Ram was born lakhs of years ago. My belief is that Lord Ram would have rules for eleven thousand years. I do not know whether or not I have read this in the book named 'Ramcharita'. According to my information, no 'Maha Pralaya' has taken place from Satyug till date. Maha Pralaya will come after all four yugs are over. At the moment, the fourth yug is going on. All these four yugs i.e. Satyug, Treta yug, Dwapar yug and Kaliyug have gone by several times. As and when Treta yug came – Lord Ram would have been existed. I have this belief that Ram Chandra ji has taken birth several times and every time he was born in the Treta yug and whenever he was born – he was born at Ayodhya only and as the son of king Dashratha. I have this belief that Ram Chandra ji must have been born at the same very place which I call Ram Janam Bhoomi.

Question : Does your this belief find mention in Balmiki's Ramayana and 'Ramcharitmanas' of Tulsidasji?

Answer : I have not read Balmiki's Ramayana and what I have stated above is based on 'Ramcharitmanas' written by Tulsidas and it has been described in the following way in 'Ramcharitmanas'.

"Janam Bhoomi Mam Puri Suhavani, Uttar Dishhi Saryu Bahe Pavni"

This Chaupai shows that Ram Janam Bhoomi is situated at Ayodhya.

Question : Does the above chaupai not show as to which particular place in Ayodhya was Ram Chandra ji born?

Answer: The above chaupai does not tell as to in which particular place in Ayodhya ram Chandra ji was born. My faith in Janam Bhoomi is based on what my elders told me. I have been going to Ayodhya for nearly 65 years. Earlier I used to go to Ayodhya direct from Darshan Nagar. Faizabad did not fall on the way. Since 1960, I have been going to Ayodhya from Faizabad. The last time I went to Ayodhya was in February 2002. On 12th February 2002, I had gone to Ram Ki Piari for observing the death anniversary of Gandhjiji. The bye-pass from Faizabad to Ayodhya was built about 4-5 years back. From Faizabad, I used to go to Ayodhya via Saket Degree College and taking the Ram Janam Bhoomi, police station road then through Gorakhpur road, I used to go upto the Saryu bank. Through this route, I must have been to Ayodhya hundred times.

I do not know Hashim Ansari of Ayodhya. I do not know any Muslim of Ayodhya. After Saket Degree College, the point from where Ayodhya starts – from there to Saryu river – I must have seen several mosques on both sides of the road, but I do not remember. In Ayodhya, I have been to where Hanumangarhi and Dorahi Kuan are. I have been towards to Vashisht Kund also. I have not been inside Ayodhya. I used to take the road route and have darshans of the prominent temples there. I have performed the chaudah kosi Parikrama three four times and panchkosi

Parikrama once. I have done Parikrama always at night time and therefore, I could not see whether there was any mosque on the way or not. From Tedhi Bazaar through Gokul Bhawan and Dorahi Kuan and upto Ayurvedic Aushadhalya, I have been only twice during the day time. While going to Gokul Bhawan from Ram Janam Bhoomi police station, there must have been a mosque on the left side and I would have seen it also but I do not remember. I have not been through the road going to Gurudwara from Dorahi Kuan Chauraha. I do not know whether the Parikrama way is from behind the gurudwara or not because I used to do Parikrama at night and I cannot tell as to what fell where on way to the Parikrama. I have not heard the majar of Shah Ibrahim at Ayodhya. Whether or not there is any majar of any Shish Paigambar, I do not know. I have also not heard about the Naugji grave. One graveyard at Ayodhya is known as Ganj Shahidan, I had not heard this before – I am hearing it today for the first time.

I do not recall as to when I heard for the first time that there is a mosque by the name of Babri Masjid. I do not remember this also as to when I heard for the first time that Babri Masjid is at Ayodhya. I do not know whether or not apart from Ayodhya any mosque by the name of Babri Masjid is elsewhere. I had heard that there is a mosque by the name of Babri Masjid at Ayodhya. I do not remember whether I heard this before or after 1950. In 1986, I was living at Faizabad. In 1986, I heard that the lock of Ram Janam Bhoomi had been opened. I do not remember whether or not after the opening of the lock in 1986, 'black day' was observed and some agitation was done by the Muslims at Faizabad, other places in Uttar Pradesh and at some places, all over India to express protests. I did of course hear that after the opening of the lock, the Hindus

had held festivities, fired crackers and expressed jubilation over the fact that now they would be able to enter the temple. I do not know whether at Faizabad or other places, in protest against the opening of the lock, the Babri Masjid Action Committee had organized some programmes or not. Between 1980 and 1993 whenever I used to stay at Faizabad, I would read the newspaper everyday, but when I went to the village or to some other center, I did not read the newspaper. Till date, there is no circulation of newspaper in my village. At Faizabad, I used to read the Jan Morcha – a lock daily and when I did not get it, I would read Dainik Jagran or Swatantra Bharat, whichever I could get. About the incident of opening of the lock is in 1986. I did not get to know that very day but later on, when I went to Faizabad, I came to know about it. Whether or not I had read this news in some newspaper, I do not recall. I do not know when the lock which was opened in 1986 was fixed. I had heard that the lock was opened under orders from the Judge. People did not tell me as to under whose orders the lock was put there. I was told that the Hon'ble Judge had ordered the lock to be opened because there were no orders for closing the lock. People did not tell me as to when the lock which opened in 1986, was fixed. I have heard that in 1989, there was foundation laying (shilanyas) at Ayodhya and at that time, I was at Bombay. I do not recall as to how many days before the foundation laying (shilanyas) I had gone to Bombay. I had come to Faizabad from Bombay 4-5 days after foundation laying. I do not know that Pt. Kamalapati Tripathi had announced that at the time of the foundation laying, he would be at Faizabad and any stroke of axe on the babri Masjid would be a stroke aimed at him. Nobody told me this also, that in protest against the foundation laying (shilanyas), the Muslims had courted arrests at Faizabad. I have heard that at Faizabad,

there is a mosque by the name of Tatshah near the chowk, but I have not seen it. There is a mosque near the roadways bus stand at Faizabad which I have seen. Apart from this, I have no knowledge about any mosque at Faizabad.

Besides the Ram Janam Bhoomi temple, Kanak Bhawan, Hanumangarhi and Vijay Raghav temple at Ayodhya, I have been to temples like Chhoti Chhawni, Badi Chhawni, Bada Sthan, Amavan Temple, Digambar Akhara, Datun Kund etc. Apart from the above temples, I have not seen to any temple at Ayodhya. I do not even know about any temple in Ayodhya other than the above temples. I cannot say how long back Hanumangarhi was built – people say that it is a very ancient temple, but I cannot say whether it is hundred years old or thousand years old. All the temples that I have mentioned above, about none of them am I in a position to say whether they are hundreds of years old or thousands of years old. In Kanak Bhawan, it is written that it was built by Tikamgarh State. I do not know whether it is mentioned or not in Kanak Bhawan as to in which year Kanak Bhawan was built. I do not know as to who built all the temples or one of the temples except Kanak Bhawan which I have mentioned above.

Verified the statement after hearing

Sd/-

Housila Prasad Tripathi

14.08.2002

Typed by the Stenographer in the open court on being dictated by me. In continuation of this, to be present on 16.08.2002 for further cross-examination.

Sd/-

(Narendra Prasad)

Commissioner

14.08.2002

Dated: 16.08.2002

O.P.W. 6 – Shri Housila Prasad Tripathi

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

(Appointed vide order dated 2.8.2002 passed by the Hon'ble High Court, Allahabad, Lucknow Bench, the Special Full Bench of Lucknow in Other Original Suit No. 5/89 (Original Suit No. 236/89) Bhagwan Shri Ram Virajman and others versus Rajendra Singh and others).

(The cross-examination of Shri Housila Prasad Tripathi begins under oath in continuation of 14.08.2002).

When I had gone to Ayodhya for the first time and see Kanak Bhawan, I do not know how old it was at that time. I cannot say whether Kanak Bhawan was four-five hundred years old, hundred-two hundred years old or forty-fifty years old. In the Kanak Bhawan, shikhars have been built, but I do not know whether there is one shikhar or ten-twenty shikhars at Kanak Bhawan. Lord Ram's idol is placed there, but I do not know whether the place where his idol is placed, will be called Sanctum-Sanctorum or not. Nobody even told me. At Kanak Bhawan, Lord Ram's idol is placed in one room. Lord Ram and Janaki ji is there. I do not know whether other Lords are also present there or not. I had the darshan of my Aradhya Dev (The Lord whom I worship) and left – I have had such darshans hundred of times. I do not remember whether the idols of Hanuman ji and Lakshmanji are there or not. I worship Hanuman ji and Lakshmanji. Whichever Gods and Goddesses are there, I worship them. I cannot tell the length and breadth of the

room where the idols of Lord Ram and Janaki ji are placed because I have never been inside; I had darshans from outside only. I cannot tell this also whether the length of that room is 10-20 feet or 40-50 feet. I also do not know as to how many rooms are there in Kanak Bhawan, but rooms are there because it is a big premise. I cannot say whether in Kanak Bhawan, there are two to four rooms or forty to fifty rooms. The maximum time I remained at Kanak Bhawan was 15 minutes and on no occasion did I remain at Kanak Bhawan for less than ten minutes. I have been to Kanak Bhawan both in the morning and in the evening. While in the morning, I used to go at about 8 O'clock. In the evening, I used to go there at about 4 O'clock. In the evenings, I have gone to Kanak Bhawan mostly at the time of the sunset, after sunset I had visited rarely. Perhaps on one occasion, I have gone to Kanak Bhawan in the evening at a time when aarti was being performed. On the rest of the occasions, whenever I have gone to Kanak Bhawan, at that time kirtan was going on, aarti was not being performed. So far as I remember, at the time of the aarti, one or two pujaris used to be there. Kirtan was not done by the pujaris, pujaris used to accept the Prasad and then offer it to the Lord and then Charanamrit was given by a pujari. It was on the occasion of Ramnavmi that I saw Kanak Bhawan crowded with darshanarthees. I cannot say what the number of darshanarthees used to be at that time. Whether it used to be 100-120, 1000-2000, or ten-twenty thousand – I cannot tell because I never counted the numbers. At Ram Janam Bhoomi also, I did not count the darshanarthees. I have never said that there used to be 10-20 pujaris at Ram Janam Bhoomi. At Ram Janam Bhoomi, at one time, the maximum number of pujaris I have seen was two. A period of 67 years works out from the year 1935 to 2002 and I have been going to Ram Janam

Bhoomi and Kanak Bhawan for 67 years. Just now I have given the statement that at Ram Janam Bhoomi and Kanak Bhawan I could see only one or two pujaris. I have not seen sadhus or vairagis at Kanak Bhawan. At Ram Janam Bhoomi, there was a bhandar for the meals of the sadhus-vairagis where they used to live, have their food. One could see 15-20 sadhus-vairagis there – how many more would have been there - I do not know. I have never been to Ram Janam Bhoomi at the time of the aarti. I have seen aarti being performed at Ram Chabootra. I have not seen any sadhu or vairagis performing aarti or distributing Prasad at Ram Chabootra. Of course I have seen sadhu-bairagi paying obeisance to the aarti. I cannot tell even through guess the height of the room where the idol of Lord Ram is placed. The court room (Court No. 17) where I am giving evidence today, its height would be approximately 18-20 feet. The height of Kanak Bhawan where kirtan was held would have been around 15 feet. The verandah in the Kanak Bhawan where the kirtan was held was adjoining the room where the idol of Lord Ram was placed. I did not go to any room of Kanak Bhawan because I never felt the need to go there. I never saw any Mahant in the Kanak Bhawan. I had once seen a Mahant ji in Hanumangarhi. The idol of Lord Ram in Kanak Bhawan appeared to be of his young age with a bow and arrow in his hand. The idol of Sitaji looked totally different from the idol of Lord Ram, but it was in sitting position on the throne beside Lord Ram. At this point, the learned advocate showed page No. 258 C 1/2/18 of Ramcharitmanas Mool Gukta to the witness and asked the following question :-

Question : The posture in which Lord Ram and Sitaji have been shown sitting on the throne in this picture,

at Kanak Bhawan also have they been shown sitting on the throne in the same way?

Answer : There is difference between the idol and the throne at Kanak Bhawan and what has been shown in this picture in terms of the size. I do not recall whether the idol of Ram Chandra ji and Sitaji at Kanak Bhawan is in sitting posture or in standing posture – the idol remains fully covered with flowers.

Question : According to you, the idols at Kanak Bhawan are mostly covered with flowers, and, therefore, you have not been able to see those idols thoroughly and as such you cannot see whether in those idols Lord Ram and Sitaji are in standing or in sitting posture?

Answer: I do not remember whether the idols are in standing or sitting posture.

The idol of Ramchandrajai at Kanak Bhawan would be about 3 feet while that of Sitaji is of less height. I do not remember the height of the throne on which idols of Lord Ram and Sitaji are placed. I cannot say whether that throne is one foot high or 5 feet high or higher than that. I have not measured it, therefore, cannot say as to what would be the breadth of this throne. I have not measured the height of the idols. I have said it based on guess also. I cannot tell the breadth of the throne based on guess. The height of the throne from the floor and the height of the throne itself I cannot tell based even on guess. I cannot say whether the height of the throne was 3-4 feet or 13-14 feet. The room in Kanak Bhawan where the idols of Ram

Chandra ji and Sitaji are placed – except their height, I cannot tell, even out of guess the height of anything else in that room because I was not able to go inside. I did not see anybody other than the pujari going inside. The point from where I used to have the darshans of those idols, from that point the distance of the idols would have been 12-15 feet.

The room in which the above idols were placed used to remain lighted. I think that it was electricity or gas light. I cannot say whether in that room, tube-light was fixed or bulb-light or what was it. Whenever I have gone to Kanak Bhawan not even once did I see darkness in the room in which the idols were placed. I cannot say as to of which metal these idols were made – I cannot say whether those idols were of stone, cement or iron. That idol was neither of black colour not of white colour. The idol of Ram Chandra ji was of black (shyam) colour while that of Sitaji was of white colour. The witness was shown photo on main Gutka page No. 258 C1/2/18 of Tulsidas's Ramcharitmanas on seeing which he stated that the picture of Shri Ram Chandra ji did not appear to be wholly black while the picture of Sitaji looked of white colour. Besides the pictures of Ram Chandra ji and Sitaji there were pictures of Lakshmanji, Bharat ji, Shatrughan ji and Hanumanji on Page No. 258 C1/2/17 of Ramcharitmanas was shown to the witness on seeing which the witness stated that in that picture, Tulsidasji could be seen sitting under a tree but I cannot say whether in that picture, Tulsidasji is of black colour or of white colour or of shyam colour. The witness was shown page No. 261 C1/1/1 of part 1 of Valmiki Ramayana on seeing which he stated that he could not say whether or not on that page Valmiki could be seen. However, in that picture, a saint with a kamaldal in hand

and wearing kharaoon (wooden slippers) could be seen and below the photograph, a shloka of Valmiki is written. In the picture, the saint appears to be of fair complexion and his hair appears to be black. In the Ram Janam Bhoomi, the building to the west of Ram Chabootra had three round shaped shikhars on the roof. The height of the shikhars from the floor of that building would have been approximately 15-16 feet. The shikhar would have started from a height of 15-16 feet and as such the height would have been more than 15-16 feet. So far as I remember, all the three shikhars would have been of the same height with the middle shikhar may be slightly higher. After 1986, I have been inside the building below the shikhar, but whether or not I have seen the shikhar from inside, I am not able to recall today. I must have gone inside the building below the shikhar 10-12 times. Between 1935 and 1949, the picture of Lord Ram was hung against the western wall below the shikhar. The length of that picture would have been around one foot while the width would have been 8-10 inches. The witness was shown the picture on page No. 261 C-1/1/1 in part 1 of Valmiki Ramayana, on seeing which he stated that the photo which was hung in the Ram Janam Bhoomi was slightly bigger than the photo shown in this page. Since the photo could be seen from a distance, I do not remember what colour it was. The witness was shown photo at page No. 261 C-1/1/1, on seeing which he stated that he could not say whether that picture was of the same colour as this picture was. I cannot say whether that picture was pasted on wall or hung on some board because I used to see that picture from a far from outside the iron bars. The witness was shown photo No. 43 and 46 of album document No. 201 C-1, on seeing which he stated that those two pictures were of the above mentioned building. On seeing photo No. 43, the witness stated that

in that picture, wall could be seen, but the door was not clearly visible. On seeing the same very photo, the witness stated that in that picture, the eastern wall of the disputed building could be seen. From this eastern wall, the distance of the western wall below the shikhar – taking both the walls together – would have been 20-25 hands. One hand measures to 1 ½ feet. The witness was shown photo number 84 of album document No. 200-C-1, on seeing which the witness stated that his was the picture of the main door, i.e. the middle door of the disputed building and in that picture even the inside western wall could be seen. Near the western wall, two persons appears to be standing and a person looking like a constable with a gun in his hand can be seen and a curtain also appears to have been tied there. The photo which I have said was hung on the western wall that was hung on against some part of the wall behind the curtain. The two persons who can be seen near the western wall, the picture was hung till about the height of the heads of those two persons. The point in the western wall where that picture was hung – part of that portion was covered with the curtain and some portion was visible from beneath. In this picture that portion where the photo was hung against the western wall is not fully covered with curtain. The upper portion of that part where photo was hung is hidden in this photo and the lower portion is visible. In this photograph No. 84, no picture appears to be hung against the western wall instead some lines are visible. Of the same album photo Nos. 84 and 85 were shown to the witness, on seeing which he stated that those pictures also appeared to be of the same door which is visible in picture No. 84. In photo No. 85, some shape of the western wall is visible, but in photo No. 86, I cannot see the western wall at all because of my poor vision. In both the photos, the portion of the western wall where the photo

was hung is not visible. On seeing photo Nos. 99 and 100 of the same album, the witness stated that these pictures are also of the same door of which picture No. 84 is. The witness then stated that photo No. 99 appears to be that of the Hanumatdwar which is the outer gate. In both these pictures, the inside western wall is not visible. On seeing photo Nos. 131 and 132 of the same album, the witness stated that he could not say whether this photograph is of the eastern, western or northern or southern wall of the inside portion of the disputed building. On seeing photograph Nos. 128 and 129 of the same album, the witness stated that both those pictures are of the inner portion of the disputed building, but I cannot say whether this inner portion is of its eastern, western or northern wall. Seeing photo Nos. 128 and 129 of the same album, the witness stated that in both the pictures, one photo can be seen and in photo No. 129, it is written also that this photo is of Guru Dutt Singh. I do not personally know as to whose photo it is. I had seen these pictures in the disputed building, but where – that I do not remember. I had seen these pictures in the disputed building after 1986. I do not remember that when after 1986, I had gone there for the first time, I had seen this picture at that time or when after 1986 I had gone there for the last time, I had seen this picture.

After seeing that picture in the disputed building, I did not consider it necessary to ask anybody as to whose photograph it is. When I had seen this photograph in the disputed building, I must have read the name Guru Dutt Singh written below, but I am not able to recall. I do not know who Guru Dutt Singh Ji was – a Mahatma or what. I have never had his darshan or perform any pooja- whether people were doing it - I do not know. I used to consider

Guru Dutt Singhji as a human being and not as a God. I have not seen any picture like that of any God and, therefore, I cannot say whether or not this picture is that of some God. I am not able to recall whether or not at Kanak Bhawan or Hanumangarhi I had seen any such picture which was not of any God or deity. I am also not able to recall whether or not I saw any such picture in any temple which was not of any God or deity. I do not remember this also as to since when the said picture was hung in the disputed building. I could never know this as to since when the said picture was hanging in the disputed building. On seeing photo No. 117 in album document No. 200-C-1, the witness stated that this picture is that of the disputed building, but of which part of the disputed building – I cannot tell. This picture is either of the inner portion of the disputed building or of the gate but the pillars which are visible in this photograph appear to be of the inner portion of the disputed building. On seeing photo No. 116, the witness stated that picture of Ramlalla was visible in that photograph, but I cannot say whether this picture is put in a wooden frame and is covered with glass. This photograph appears to be of the childhood of Lord Ram. I can't say that the picture of Ram lala which can be seen in photograph, is it picture of idol. I cannot say that the picture of Ramlalla which can be seen in photo No. 116 whether that is hung against the wall or is placed somewhere. When I had gone to the disputed building I would have seen there the picture of Ramlallal in photo No. 116, but at this moment, I am not able to recall. I had gone to the disputed building for the last time in about 1990. At that time, I would have seen the said picture, but at this moment, I am not able to recall.

Question : You have stated that you must have seen this picture then you have said that at this time, you do not remember – of the two statements which one is correct because these two statements are contradictory?

Answer : Both my statements are correct.

Question : You had seen the above picture in the lower portion of which shikhar or had you seen it hanging against the outer wall of the shikhar.

Answer: I had seen this picture in the inner portion below the middle shikhar.

I had paid obeisance to this picture also there. I used to give Prasad and flowers to the pujari as offerings for this picture in the disputed building. The other darshanarthees also used to give Prasad and the flowers to the pujari to make offerings at the picture and it is pujari who offers prasad and flowers. The witness was shown page No. 261-C-1/1/2 of part 1 of Valmiki Ramayana, on seeing which he stated that this picture is of the childhood period of Lord Ram and it appears that his mother is carrying him in his lap. There is difference between this picture and the picture of Ramlalla in photo No. 116 in album document No. 200-C-1. The difference is that of the age of Ramlalla. On seeing photo of Ramlalla in document No. 261 C-1/1/2, I cannot tell as to of which age of Lord Ram this picture is. Similarly, the picture of Ramlalla in photo No. 116 in album document No. 200 C-1 – about that I cannot tell as to of which age of Ramlalla that picture is. But the age of Ramlalla in this picture is more than the age of Ramlalla in the picture in 261 C-1/1/2. Photo Nos. 152, 153, 154 and 155 of album document No. 200-C-1 were shown to the

witness, on seeing which he stated that these pictures appear to be of the inner portion of the disputed building. These pictures appear to be of Ram Darbar. This photograph is of the lower portion of which shikhar – I cannot say but it appears that it is of the lower portion of the middle shikhar. Photo Nos. 152, 153, 154 and 155 are of the same place but what these pictures are about, I am not able to make out. I do not recall, whether or not I had seen that thing in the disputed building of which these four photographs are, then said, I must have seen.

Question : You have said that what has been shown in photo Nos. 152, 153, 154 and 155 you must have seen in the disputed building, but you are not able to recall, but then had you seen these things fifty years back or 10 years back?

Answer : I had seen these things ten years back. I had seen these things from a distance of 8 feet. The witness was shown all the photos No. 152, 153, 154 and 155 and was asked whether or not in those pictures the idol of Ramlalla was visible anywhere whereupon the witness replied that in picture No. 152, 153, 154, the idol of the childhood period of the Lord was visible but in photo No. 155, it was not clearly visible – whether the idol of Ramlalla is looking small or not.

Question : In the above three pictures that is 152, 153, 154 – what you are calling an idol, is a picture in between garland and not an idol?

(The learned advocate of the plaintiffs, Shri Ved Prakash raised an objection to this question saying that the

dispute between the parties is not that below the middle dome (gumbad) of the disputed building there has not been any idol and in this dispute, there is no issue as to the point whether there is an idol at the above place or not. Hence, this is an irrelevant question and such questions should not be allowed to be asked).

Answer : We consider it to be an idol and if people consider it to be a picture – even then it is that of the Lord. In this picture, garland is visible and between the garland is the picture – which is a picture or an idol I cannot say, but all are the picture is that of Lord Ram only. On seeing photo No. 155, the witness stated that I cannot see any frame or chaukhat in this picture, on which it is placed. In picture No. 152, 153, 154 and 155 – I can see Lord Ram only and nothing else is visible whether it – is throne or crown or what. On seeing photo No. 156, the witness stated that this appears to be the floor below the middle shikhar inside the disputed building. I cannot say whether this floor is below that of the middle shikhar or the corner shikhar.

Question: The idol (to whom I call/consider picture) which is visible in picture no. 152-153-154, to what time you are seeing/finding in disputed structure?

Answer: I have been seeing it after 1986 till 1990.

Question : Before 1986, did you see the above idol (picture) in the disputed building or not?

Answer : After 1949 and prior to 1986, I had seen this placed on floor above some wood, from a distance.

At that time, I had seen from outside the boundary wall with iron bars. Photo Nos. 151 to 156 were shown to the witness by the learned advocate (who is cross examining) from a distance of 7-8 feet where he was sitting and the witness was asked whether he could tell what is there in those pictures – to which the witness answered that his eyesight is weak and therefore, he cannot say as to what is there in these photographs. At this stage, the learned advocate filed photo document No. 305 C-1/1 from listed documents 305 C-I and this photo document No. 305 C-1/1 was shown to the witness from a distance of 20-25 feet and he was asked what he could see in that picture to which the witness replied that he could not see anything from such a distance – only some colour was visible. The witness was shown document No. 305 C-1/1 and 261 C-1/1/1 by placing them on the table and from a near distance, on seeing which the witness stated that both these pictures are the same. The wall with iron bars would be at a distance of 6-7 hands from the eastern wall of the disputed building. The witness was shown photo Nos. 79, 80 of album document No. 200 C-I, on seeing which the witness stated that he could not make out as to whether or not the wall with iron bars and the eastern wall of the disputed building was visible, but it certainly was a wall of some place but he could not make out. I cannot even say by guess as to what is the width of the floor which is visible in the picture. Similarly, I cannot tell the width of the floor in photo No. 80. I cannot say that the width of the floor visible in the picture must or must not be 30 feet. On seeing photo Nos. 68, 69, the witness stated that the wall

with iron bars visible in that picture is the same from which I used to have darshan from outside. The height of the wall with iron bars of the disputed building would be about 5-6 feet, i.e. slightly higher than my height. I cannot say as to how high was the wall with iron bars from my height – 6 inches or 1 foot or 10 feet. On seeing photo No. 37 of the same album, the witness stated that this picture must be of some portion of the disputed building, but I am not able to recall. The witness then stated that I do not remember whether photo No. 37 is of any portion of the disputed building or not.

Verified the statement after hearing

Sd/-

Housila Prasad Tripathi

16.08.2002

Typed by the Stenographer in the open court on being dictated by me. In continuation of this, be present for further cross examination on 19.08.2002

Sd/-

(Narendra Prasad);

Commissioner

16.08.2002

Dated : 21.08.2002

O.P.W. 6 – Shri Housila Prasad Tripathi

In continuation of the cross examination of Shri Housila Prasad Tripathi before the Hon'ble Full Bench on 16.08.2002, further cross-examination begun under oath by Shri Zaffaryab Jilani, Advocate.

I do not know whether or not the Sita Rasoi of which I have made a mention in my statement was known as Kaushalya Rasoi also. I had gone to Sita Rasoi for the last time in 1990, thereafter I have not been there. By Sita Rasoi, I mean that Sita Rasoi which was inside the disputed premises. So far as I remember, Janamsthan Sita Rasoi temple which was to the north of the disputed premises, there I had gone last in 1980. There were several Sita Rasoi, but I used to go to the Sita Rasoi which was at the disputed site and would comeback after paying obeisance. In the Janamsthan temple which was to the north of the disputed premises – there could be a Sita Rasoi, but I do not know. I have been seeing the Janamsthan temple from across the road since 1935. I do not know when I went to that temple for the first time. I had once gone to that Janamsthan temple about 50-60 years back and once about 10-20 years back. It is right that I have been going to Ayodhya since December 1935. I have not noted down somewhere but am telling it from my memory. I remember that when in December 1935 I had gone to Ayodhya for the first time with my uncle, I had stayed there for 5-6 days. At that time, my uncle had taken me to the disputed site. I used to go for darshan of Ram Janam Bhoomi and Kanak Bhawan every morning and every evening during my 4-5 days stay at Ayodhya. May be I stayed there not for 4-5 days, but for 5-6 days and went there everyday. It can be

both- 4-5 days or 5-6 days. For one or two days, I went with my uncle to Ram Janam Bhoomi temple while on the rest of the days, I used to go alone. Sometimes, somebody would come with me. In 1935, when I had gone to Ayodhya, I was a student of standard IV. I had gone to Ayodhya during those days because the schools were closed on account of holidays. During my 5-6 days stay at Ayodhya whenever I went to Ram Janam Bhoomi, it was between 8.00 A.M. and 12.00 P.M. I never went there before 8.00 A.M. In the evening, I used to go there after 4 O'clock. I used to return before the sunset. Before going to Ram Janam Bhoomi temple, I used to go to Kanak Bhawan first and then to Ram Janam Bhoomi & on my way back I used to go to the Vijay Raghav temple. In the morning, I used to offer Prasad, but in the evening I did not offer Prasad. First I used to offer Prasad at the placed at Chabootra idols and then I used to offer Prasad inside the sanctum-sanctorum through the wall made of iron bars. I used to place the Prasad on the floor as there was no utensil or container etc. lying there. For taking the Prasad, there was never any pujari or person near the wall of iron bars, but near the Chabootra, there used to be pujaris who would take the Prasad. All the darshanarthees used to place the Prasad near the Katghara (iron bars) wall and there used to be piles of Prasad near that wall as hundreds of people put their Prasad near that wall. On the occasion of Ramnavmi, thousands of people used to put their Prasad there. Majority of the people put the Prasad in front of the middle shikhar in the barred wall, but due to rush, they used to put the Prasad on the left and the right side also. At this point, the learned advocate drew the attention of the witness to photo No. 102 of document No. 200 C-1 filed in the Other Original Suit No. 4/89, on seeing which the witness stated that he used to put the Prasad through both

these iron bars. On seeing photo No. 99 of this album, the witness stated that this is the pass of the main door of the sanctum-sanctorum and the inner portion of this pass was sanctum-sanctorum. On seeing photo No. 98 of the same album, the witness stated that this upper portion is known as shikhar. There were two doors in this wall, but I do not recall as to how many railings were. Both the doors were locked. I used to remain there for a short while and in my presence, no person went inside through both the doors. When I would go there, the next day, I would find the whole Prasad which used to be put by the people in the katghara (through the barred wall) removed from there. Who removed it, I do not know. I never asked anybody as to who removed that Prasad. On seeing photo Nos. 84, 99 and 100 of the same album, the witness stated that all those pictures were of one dar (pass). On the main dar (pass) of the disputed building, there was a curtain, but whether or not there was a curtain on the remaining dars (passes) - I do not remember. From 1935 to 1986, I saw the curtain in this pass in the same way as has been shown in photo Nos. 84, 99 and 100. On seeing photo Nos. 87, 88, the witness stated that these pictures were of the disputed building and these appear to be that of the eastern wall of the disputed building. On seeing photo Nos. 87, 88 of the same album, the witness stated that this picture is of both sides of the pass (dar) the middle dome (gumbad) of the disputed building. In both the pictures, two shelves each were visible. There appears to be something built about them also. In the upper portion of the shelf, what is built in the shelf-shaped things - is not clearly visible. I am not able to recall now that when I used to go there from 1935 to 1990, whether or not I had seen what was built in the portion above the shelf.

Question : What I have to say is that in the portion of the wall which is visible in both these pictures, no any idol built there?

Answer : The witness said I do not recall today whether or not an idol was built there.

On seeing photo No. 87 and 88 of the same album, the witness stated that in the lower shelf of this picture, an idol appears to be placed there. The idol which I am seeing in the lower shelf of both the pictures – that idol would be about one foot high. However, I am not able to identify as to of which God this idol is. I have been seeing this idol placed on that shelf since 1935. The shelf which are visible in picture No. 97 of the same album, are of the same premises – but which part of the premises – I do not know. On seeing photo No. 46 of document No. 201 C-1 of the black and white album, the witness stated that this picture is of one of the passes below the shikhar of the disputed building, but I won't be able to tell that this pass (dar) is below which shikhar – the northern or the southern shikhar. He said that in the photo, pictures seem to be hung on both sides of the pass (dar), but I won't be able to tell what these pictures are. I won't be able to tell whether both these pictures are of the shelves or they are pictures. On seeing photo No. 47 of black and white album document No. 201 C-1, the witness stated that this is the picture of the disputed building, but of which part – I won't be able to tell. This picture is of the eastern wall, but whether it is of the right or the left side – I won't be able to tell. I won't be able to tell this also as to which pass's (dar) of adjacent wall this picture is. The picture in photo No. 47 appears to be like photo Nos. 87 and 88 of the coloured album 200 C-1. In photo No. 47 of album No. 201 C-1 also two shelves

are visible – something is visible on these shelves also but one is not able to make out whether it is an idol or something else.

Question : from 1935 to 1990 – as you state you had been going to the disputed premises – at that time did you see - any idol placed on any shelf or not in this picture No. 47?

Answer : From 1935 to 1985, I used to see from a distance and from 1986 to 1990 when I went inside, I had darshan of Lord Ram and I did not notice whether an idol was placed or not.

I am not able to recall whether or not when from 1935 to 1985, I used to have darshan from outside, idols were placed there on these shelves. On seeing photo No. 51 of the same album, the witness stated that this picture is similar to what has been shown in photo No. 47. On seeing photo No. 53, the witness stated that the board is placed at the pass (dar) on that is written 'Ram Janam Bhoomi Sewa Samiti'. This picture appears to be of the outer eastern gate – it appears that this is the picture of Hanumatdwar. On seeing photo No. 45 of the same album, the witness stated that this picture is of the disputed building only, but I cannot tell of which part of the disputed building this picture is. On seeing photo No. 48 of the same album, the witness said that this is certainly of the disputed building, but I won't be able to tell of which side of the disputed building is. I won't be able to tell this also whether this is the picture of the portion of the middle shikhar or of the outer eastern gate – however, it does not appear to be that of the outer eastern gate.

It is correct to say that the picture above the gate in photo No. 48 of document No. 201-C-1 is the upper portion of the middle pass (dar). This is also correct to say that picture No. 49 also is the photo of the upper portion of that very door. In this picture, there is something written on the stone above which I am not able to see clearly. I am not able to recall that when from 1935 to 1990, I used to go to the disputed premises whether or not I used to see anything written on a stone above the main pass (dar). In photo No. 107 of the same album, a gate is visible which appears to be that of the Hanumatdwar. I am not able to recall now whether or not this gate was in the iron bar wall nor can I tell whether there was a gate in the western side in that wall. In photo No. 7 of the same album, two gates are visible. I am not able to recall as to in which direction these two gates were situated – east or north. In photo No. 36 also a gate can be seen which is of the eastern side of the disputed building. I do not recall as to in which direction or in which wall this gate was fixed whether in the katghara wall (iron bar wall) or in the outer wall. Something appears to have been written above this gate, but what is written; I cannot read because of my weak eyesight. The wall which is visible in photo No. 35 appears to be the iron bar wall. I cannot tell whether this wall is of the eastern direction or the northern direction. In this picture on the floor below the wall some white stones appear to have been fixed on which something is written. I do not recall whether I had seen these stones between 1935 and 1949 or not. In this picture, the same iron bar wall is visible through which I used to put the Prasad inside. In photo No. 38, the same iron bar wall is visible which is there in photo No. 35. In photo No. 38, a tin shed is visible below which on the Chabootra, something is placed, but what it is – I cannot say. I cannot say of which

direction the gate is which is visible in photo No. 38 but it is correct that this gate is of the disputed building only. In photo No. 37 also the iron bar wall is visible and that is the eastern wall of the disputed building and this portion which can be seen is the northern portion. In this wall, below the iron bars, some stones are fixed where something is inscribed, but what is written I cannot read I do not remember whether these stones were fixed between 1935 and 1949. I do not remember that the gate which is visible in photo No. 40 – of which portion of the disputed building that is. In photo No. 39, a Chabootra can be seen but what is placed on it – I cannot see clearly. I cannot say whether the place visible in picture no. 39 is that of the sanctum-sanctorum or some other place. In 1949, I had seen from outside the iron bars that an idol was placed in the sanctum-sanctorum of the disputed building. The idol which I had seen placed in the disputed building after 1949 that was about 9-10 inches high. I am not able to recall as to how many idols in all were placed inside the disputed building. This is correct to say that the idol visible in photo Nos. 81-82 of the above album was placed below the middle dome (gumbad) of the disputed building. In photo No. 81-82, there is photo above and below is the idol. It appears that it is the same idol which I saw placed there after 1949. In photo No. 82, a stool is visible. Assuming idol is placed one foot above stool. I have seen idol placed there even after 1949. In 1950, I had seen for the first time this idol placed there. The scene which is visible in document No. 154/13 of the Other Original Suit No. 1/89, that I had seen after 1986 below the middle dome (gumbad) in the disputed building. I do not remember that the scenario that can be seen in the above picture whether the same scenario was there in 1950 and thereafter or not. I do not recall now that the three stairs which can be seen in

the above photo in which portion of the building those stairs were. It appears that what is visible in this photograph that is of the portion below the middle dome (gumbad). I do not remember this also whether the picture hung against the wall to the left of the stairs was hung there after 1935 or 1950 or not. There is something placed on the first-second stair (step) but it is not clear and I do not remember what it is. On the third stair (step), some idols are visible but since these are not clear, I cannot say whose idols are these. On the upper stair, three idols are visible and some idols are adjacent to the pictures. One of these idols is that of Lord Ram, but I am not able to identify the other idols. This is the same idols about which I have mentioned above and which is 9 to 10 inches high. I have seen this idol placed on the shelf since 1935 and after 1949, I have seen it placed on the stairs where it is now lying. Upto 1990, I have seen these idols placed on the stairs. The shelf which I saw in 1935 and thereafter and the shelf on which I saw this idol placed that was in the western wall of the middle shikhar. In 1935 and thereafter the stairs which can be seen now below the middle dome (gumbad) of the disputed building were not there and therefore, I cannot say as to in which direction of the stairs that shelf was the wall which is visible in picture no. 79, 80 of album 201-C/1, is the inner portion of the western wall. In that wall shall was there in which till 1949 the idol was placed. The wall which is visible in photo No. 77-78 that wall is the inside wall of the disputed building, but I cannot say whether or not this wall was the western wall of the disputed building. In photo Nos. 77, 78, 79 and 80 that portion of the wall is not visible in whose shelf this idol was placed. The wall which can be seen in picture No. 69, I cannot say in which direction this wall was. I do not remember the height of the shelf on which this idol was placed. I can also not tell the size of

the shelf on which this idol was placed in the year 1949. The wall visible in photo No. 154/12 was the western wall of the disputed building or not – I cannot say. In document No. 154/15 of suit No. 1/89, it is not a wall but a door which is visible. The door visible in this picture must be of the disputed building. In page No. 154/14 of the above suit, a gate is visible – it is difficult to tell whether this gate is fixed in some wall or not. I can also not tell whether this picture is of the inside of the disputed building or not.

In photo No. 84 of album No. 200 C-1, the western wall of the disputed building which is visible – the shelf was in that very wall, but that shelf is not visible in this picture. In photo No. 130, whether or not the shelf is there, I cannot say because of my weak eye sight. In photo No. 131, the shelf can be seen, but I cannot say that this is the same shelf on which I had seen the idol of Ramlalla placed before 1949. In photo No. 171, I am not able to see any shelf – it appears to be the picture of the western wall of the inner portion of the disputed building. I cannot say in which direction of the wall the picture is. The picture in picture no-169 is which side of wall, I cannot say but it is correct that it is of the inner wall of the disputed building. In photo No. 173, the shelf is visible. This shelf is of the inner wall below the dome (gumbad) of the disputed building, but the lower portion of which gumbad (dome) – I cannot say. I have already made a statement that the shelves in the disputed building of which I have made a mention and which were in the corner – they were in the corner below the middle gumbad (dome) in the western wall. The shelf on which the idol was placed from the year 1935 to 1949 – that corner was visible from outside through iron bar wall. The pictures that I have seen today and about which I have given a statement above – in none of

those photos I have seen that shelf till today on which I had seen the idol of Ramlalla placed between 1935 and 1949. After the decoration that was done there after 1949, the scenario has changed. There has been no change in the inner walls of the disputed building, but due to decoration in the Garbhgriha, the wall has been covered. Among the décor are a tableau, a wooden jhoola, curtains and fixation of an umbrella fans and a clock. In photo No. 87, 88 of album No. 200 C-1, the idol placed on the shelf of the eastern wall has been mentioned – as I suspect is becoming visible to me. This shelf and this wall is different from the shelf of the sanctum-sanctorum. In my earlier statement, I have said that the height of the idol placed in the sanctum-sanctorum is more than one bittha – it would be about 7-8 inches I cannot say when electricity was supplied in the disputed building. I had seen electricity and fan fixed there after 1986. I do not remember whether or not in 1950 I had seen electricity there. I cannot tell this also as to when after 1950 electricity was supplied in the disputed building because I never went to the disputed building at night. Prior to 1986 since I went to the disputed building during day time, therefore, I did not notice whether there was electricity in the disputed building or not. Although I used to go Kanak Bhawan during day time, I did see electricity there because kirtan-bhajan used to be held there. I have seen electricity light there during day time also. It is right that I had earlier given a statement that I had seen, the idol placed in the Kanak Bhawan in electricity light. I cannot say when electricity was supplied at Hanumangarhi, but I had seen electricity there in the

year 1935. I cannot say whether that light was of the power or of the generator.

Verified the statement after hearing.

Sd/-

Housila Prasad Tripathi

21.08.2002

www.vadaprativada.in

Typed by the Stenographer in the open court on being dictated by me. In continuation of this, be present on 23.08.2002 for further cross-examination.

Sd/-

(Narendra Prasad)

Commissioner

21.08.2002

www.vadaprativada.in

Dated : 23.08.2002

O.P.W. 6 – Shri Housila Prasad Tripathi

(In continuation of the cross-examination of Shri Housila Prasad Tripathi before Hon'ble Full Bench on 21.08.2002, further cross-examination begun under oath by Advocate Shri Zaffaryab Jilani).

It would be wrong to state that till 1949, electricity connection had not been fixed in the disputed building and Kanak Bhawan. This also would be wrong to state that till 1949, there was no electricity light on the roads of Ayodhya. As I have said in my statement of August 13, 2002 that inside the disputed building was hung the photograph of Lord Ram and the photo was hung against the western wall below the middle shikhar (gumbad). That photo was in the middle of the western wall and was hung at about a normal man's height. From a distance that picture appeared to be small, but I will not be able to tell the size of that picture.

Question : In your sworn statement on 16th August 2002, you have said that, you remembered the size of that photograph and today you are saying that you do not remember the size of that photograph.

Answer: The length of that picture would have been about one foot as I have stated earlier also.

So far as I remember, the photo which I had seen on the middle shikhar against the wall in 1935, the same very photo I had seen in 1950 also. So far as I remember I had seen that very picture hung there from 1950 to 1986. Since

after 1986, that wall had been covered and decoration had taken place so I could not see that photograph. So far as I remember, the direction in which I had seen that photograph in 1935, in the same direction I had seen it till 1986. I will not be able to say whether that picture was made on a cloth or on a paper. In 1935, when I had gone there for the first time, my uncle had told me that it was the picture of Lord Ram. So far as I remember in that picture Lord Ram can be seen with a bow. I do not remember now whether that photo was coloured or black and white. At this point, the learned advocate drew the attention of the witness to black and white photo document No. 154/15 (photo No. 12) filed with the report of the Commissioner by the Advocate Shri Bashir Ahmed in other original suit No. 1/89 and asked whether from 1935 to 1986, the state of the western wall on the building was like this only. After seeing, the witness replied that since in this picture things are not visible clearly and my eyesight is weak, therefore, I will not be able to say whether the status visible in this photograph was there from 1935 to 1986 or not. The iron bar wall from where I used to see the picture hung against the western wall from that wall, the distance of the western wall would be about 60 feet. It is wrong to state that from a distance of 60 feet, I could not see a one foot long photo in my youth. This is wrong to state that in the disputed building, the light was not sufficient enough for one to be able to see a one foot long photograph from a distance of 60 feet. This also is wrong to state that an idol 8-10 inches long could not be seen from a distance of 60 feet for want of light and that I could not see it and as such I am not seeing it right now. This is wrong to say that till 1949, there was neither any idol nor any picture of Lord Ram in the disputed building. This is also wrong to say that this idol was placed in the disputed building on the night of

22/23 December 1949 on the member inside the mosque and not on the shelf.

The mosque that I had seen at Faizabad near the bus stand, that mosque did not have any gumbad (dome). I do not remember now whether or not I have seen such a mosque on which there is a gumbad (dome). I have heard the word gumbad but what it actually is, I do not know. I have not seen any mosque so minutely, so as to see whether there was a gumbad like a shikhar over it or not. At this point, the learned advocate cross-examining the witness draw the attention of the witness to the black and white photo No. 5 document No. 154/8 filed in Other Original Suit No. 1/89 and asked the witness whether he could see some round shaped thing in that picture to which the witness replied that there is a shikhar built over it and in it there is a provision for fixing a flag. Similarly, the attention of the witness was drawn to black and white photo No. 7 document No. 154/10, on seeing which the witness stated that there are three shikhars in this picture with a provision of fixing a flag in each of them and this picture appears to be that of the disputed building and taken from outside. I do not remember now whether or not I have seen a shikhar of this type in any mosque. At this point, the learned advocate cross-examining the witness draw the attention of the witness to the black and white photo No. 197 C-2/4 filed in Other Original Suit No. 5/89 and asked that the round-shaped thing built over this building – what would you call it – and the witness replied – I would call it a shikhar. Similarly, on seeing picture No. document No. 197 C-2/5, 197 C-2/6, 197 C-2/7 and 197 C-2/8, the witness said that the round-shaped thing built in these pictures, I will call them shikhar. In my language, it is shikhar and not gumbad. I do not know about gumbad and, therefore, I will

not be able to tell whether it is a gumbad or not. I do not know as to who filed the suit in which I have come to give evidence. I have heard the name of Shri Devki Nandan Aggarwal, the retired High Court Judge, but I have never seen him. I have neither heard the name of Dr. T.P.Verma – the retired teacher of Banaras Hindu Vishwavidyalaya nor have I seen him. I do not remember whether Shri Devki Nandan Aggarwal – retired High Court Judge had anything to do with this suit or not. I do not know as to the fact that what relief the plaintiff has demanded in this suit. I do not remember as to what has been stated about the disputed structure in the plaint in which I have come to give evidence. At the time of the affidavit, my advocate did not tell me anything about the suit and the plaint he had only told me the number of the suit. My uncle and my elders had told me that the disputed building was built by Vikramaditya. I agree to what has been mentioned in the plaint that inside the disputed building Lord Ram was born as the son of King Dashratha. However, I do not agree to what has been stated in the plaint that Mir Baki had tried to build a mosque by demolishing this disputed temple. I have not knowledge about this, as has been mentioned in the plaint, whether or not the disputed building was entered as Janamsthan masjid in the revenue record from the time of the Britishers. In my village, I had heard that in 1934, there was a clash between the Hindus and the Muslims and the shikhar and some part of the disputed building was demolished. I do not know that the Government had got the demolished portion re-built. I do not know whether or not on 29th December 1949, the court had attached the disputed building taking action under 145. I do not know that when the disputed building was attached by the court, it was shown/referred by both the names i.e. Babri Masjid and Ram Janam Bhoomi. I had heard some such thing that

in 1992, a large number of people had come and they had dismantled all the three shikhars i.e. gumbads (domes) of the disputed building. I had heard that the Hindus from all over the country had come in large numbers and that they had demolished it. I do not know whether or not they were karsewaks. I do not know what Devki Nandan ji said in his statement, but if he said that the Hindu did not object to the Muslims reading the namaz in the disputed building then what he has stated is wrong. I do not have any knowledge, as Devki Nandanji has said in his statement, that he Britishers had divided the dispute building in two parts in 1858 in one part the Muslims read namaz while in the other part, the Hindus performed pooja. I do not recall now as to when I heard the name of Babri Masjid for the first time. At this time, I do not remember this also whether or not in 1949-50 I had heard the name of Babri Masjid. I had heard that in 1949 under the middle shikhar of the disputed building idols were placed, the witness then said – I had not heard that idols were placed, but that Ramlalla had made his appearance. In 1949, I had heard that Ramlalla had made his appearance in the Janam Bhoomi. I had not heard that he had made his appearance in the Babri Masjid. I do not remember today, whether in 1986 when the lock of the disputed building was opened, I had heard the name of Babri Masjid or not. Between 1986 and 1989, I had heard the name of Babri Masjid. I have no knowledge as to where Babri Masjid is situated in Ayodhya. I did not try to know where in Ayodhya, Babri Masjid is situated. In November 1989, I had heard that foundation stone (shilanyas) was laid near the disputed site. I do not remember that prior to shilanyas and on that day many national leaders and Muslim leaders came to Faizabad and protested against the shilanyas. I had met Akshay Brahmachari once or twice and he was a freedom fighter. I do not know that Akshay

Brahmachari had gone on fast unto death in 1950 in protest against the placing of the idols. After shilanyas, i.e. after 1989 till 1992, I kept going to Ayodhya. I did not try to find out where Babri Masjid is situated. A month after 6th December 1992 when I came from my village to Ayodhya, I heard that on 6th December 1992 Babri Masjid/ disputed structure was demolished but I did not know that the disputed structure was the Babri Masjid. I had heard that the Babri Masjid/ disputed structure was demolished but I did not try to find out whether these were two structures or one structure.

On 13th August 2002, when I was giving a statement in this court, I had come to know that it was the disputed building which was known as Babri Masjid. It was on 13th August 2002 only that for the first time I came to know that the disputed building and the Babri Masjid was one and the same building.

After demolition of the structure in 1992, I had come to know that there was a dispute between the Hindus and Muslims over the disputed structure. In para 13 of my affidavit, I have written about the Muslims not coming towards Shri Ram Janam Bhoomi and that vairagis used to live in the premises and whenever I went there, I used to see them living there and there I used to see the Hindus only. What I stated in para 13 of my affidavit that "no Muslim dared to come near this premises because sadhus and vairagis used to murder him", was based on what I had only heard. I had heard this prior to 1949. The affidavit which I have filed was prepared on 12th August 2002 and I had got it prepared at Lucknow only. This affidavit was prepared by my advocates Shri Ajay Pandey and Shri Ved Prakash. At the time of getting the affidavit prepared, I had

told my advocate that I had seen a picture hanging in the disputed building and an idol placed on the shelf. After the affidavit was prepared I had read it myself. In my affidavit, there is not mention of an idol placed on the shelf below the gumbad inside the iron bars in the building and of the picture of Lord Ram hanging against the wall. This is not correct to say that it was at the instance of Shri R.L.Verma that in my statement, I mentioned about a picture of Lord Ram hanging against the wall and an idol placed on the shelf. This is wrong to say that during the cross examination by Shri Ram Lal Verma, it was for the first time that I had said about the picture of Lord Ram hanging against the wall and of an idol placed on the shelf. The fact of the matter is that I had already told about the picture of Lord Ram hanging against the wall and of an idol placed on the shelf to my advocates Shri Ved Prakash and Shri Ajay Pandey.

In para 14 of my affidavit, I have written "all around the Ram Janam Bhoomi, there is Hindu population only" – this I have written based on the information that there was a pit on one side of Ram Janam Bhoomi premises and on the other side also there was a pit but at a distance there were small temples numbering two to four and there were several small temples in the east and in the north were sadhus used to live considering these sadhus living in these temples as habitation (population) I had said this thing – and the basis of the population are the Hindu pujaris. I had seen a pit in the west side, but I do not remember whether there were any temples or habitation in that side or not. After the pit in the west, there was sort of jungle and since I did not go that side, therefore, I cannot say whether there was any temple upto Dorahi Kuan (well) or not.

Question : My point is that to the west of the disputed building upto Dorahi Kuan, there was neither any temple nor any Hindu population.

Answer : How can I say what was there and what was not there when I have not even gone to that side?

Is this is correct to say that after the pit in the south, there was a jungle and after the jungle, there was a mixed population of Hindus and Muslims. I cannot say because I did not go to the west, therefore, I cannot tell that between the road from the disputed building and the Dorahi Kuan – there was the population of the Qureshi Muslims. This is wrong to say that I have lied in my affidavit to the effect that there is only Hindu population all around the Ram Janam Bhoomi and that there are several temples. I have written this about the area in the proximity of the temple premises and not about any distant location. It is in a general sense that I have written about Hindu population all around the temple. I have mentioned about the pictures of Gods – Goddesses on the black touchstones in para 14. It was not possible to identify those Gods – Goddesses because the pictures had been scratched. There were in all 14 pillars in the Janam Bhoomi premises out of which twelve were inside the building and two were on the entry gate. So far as I remember, there were pictures of Gods drawn on all the pillars but none of the pictures could be identified.

The learned advocate cross examining the witness draw the attention of the witness to document No. 200 C-1 (coloured album) photo No. 47, 48, 49, 50, 51, 52, 53, 54 filed in Other Original Suit No. 4/89 on seeing which the

witness stated that in picture No. 47 to 54, I cannot identify where the idols were built because of my weak eye-sight and when I had originally seen these idols even that time it was difficult to recognise and because of my weak eye-sight, it is difficult to identify the place where idol is visible in the album picture of pillars.

The learned advocate cross examining the witness draw the attention of the witness to photo Nos. 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 71, 72, 73, 74, 75, 86, 87, 88, 89, 90, 91, 95, 96, 97, 98, 99, 100, 100, 101, 102, 103, 104, 105, 106 of document No. 201 C-1 (black and white album) filed in the Original Suit No. 4/89, on seeing which the witness said that due to weak eye-sight, I am not able to identify the idols. At the time when I had personally seen these idols on the pillars then also I could not identify these idols. The pillars inside the building, I had seen from inside after 1986. Prior to 1986, I used to see the pillars of the disputed building from outside the iron bar wall and from outside also the idols of the pillars are visible. When in 1935, I had gone to the disputed building with my uncle, he had told me that there are idols on the two outer pillars and that I should have their darshan. These pillars were of Hanumatdwar. Prior to 1986, the two pillars of the outer wall were visible on peeping from the iron bar wall. It was only about the idols drawn on the two pillars of the Hanumatdwar that my uncle had told me. About the idols built on the two pillars of the main gate of the building below the gumbad, neither my uncle had told me nor are they visible from outside. My uncle who got me to have the darshan of the idols from outside is alive even today and is older than me by 10-12 years. That uncle of mine has now become infirm – he can neither see, not hear or nor can he move about, otherwise he would have come to give evidence.

The learned advocate cross-examining the witness draw the attention of the witness to document No. 118 C-1/148 filed in other suit No. 5/89, on seeing which the witness said I do not remember whether or not I have seen this idol at any pillar or at any place in the disputed building. The learned advocate drew the attention of the witness to document No. 118 C-1/151, filed in other suit No. 5/89, on seeing which the witness said that this also I have not seen at the disputed site. The learned advocate drew the attention of the witness to photo No. 9 of document No. 200 C-1 (coloured album), on seeing which the witness said that I cannot tell as to which of the two gates visible in this photograph is the Hanumatdwar nor can I tell as to which is the main gate. Nor can I tell whether the other gate is of the iron bar wall or not. Photo No. 12, is of a wall but I cannot say as to of which portion of the disputed building it is. On seeing photo No. 43 of the same album, the witness said it appears to be the picture of Ram Chabootra but due to poor eye-sight, I cannot identify this photo. I do not recall that in the cross examination of Shri R.L. Verma, photo No. 44 has been stated to be that of Hanumatdwar. On seeing photo No. 45, it was said in the cross examination of R.L. Verma that may be this is the gate of sanctum-sanctorum. I have been upset all through the day, therefore, I cannot say correctly as to what it is.

Verified the statement after hearing

Sd/-

Housila Prasad Tripathi

23.08.2002

Typed by the Stenographer in the open court on being dictated by me. In continuation for further cross-examination on 2.9.2002. Witness be present.

Sd/-

(Narendra Prasad)

Commissioner

23.08.2002

Dated : 02.09.2002

O.P.W. 6 – Shri Housila Prasad Tripathi

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

(Appointed vide order dated 23.8.2002 passed by the Hon'ble High Court, Allahabad, Lucknow Bench, the Special Full Bench of Lucknow in Other Original Suit No. 5/89 (Original Suit No. 236/89) Bhagwan Shri Ram Virajman and others verses Rajendra Singh and others).

(In connection of 23.08.2002 on behalf of defendant No. 4 – Sunni Central Board of Waqf – the cross examination begins under oath by Advocate Shri Zaffaryad Jilani).

The sanctum-sanctorum about which I have mentioned earlier in my statement, I knew about the sanctum-sanctorum prior to 1949, my uncle had told me about that. I had gone to the disputed site with my uncle towards the end of December 1935, and this was told to me by my uncle then. The idols which I had seen in the sanctum-sanctorum after 1949, they were not there in 1935. In 1935, there was only the idol placed on the shelf and a photo. The situation/position which I had seen at the disputed site in the sanctum-sanctorum in 1935, the same situation/position was there till 1949. I cannot say whether or not it is necessary that there should be sanctum-sanctorum in every temple. In every such temple where Gods and Goddesses make appearance, there must be a sanctum-sanctorum. About any other temple of Ayodhya, I do not know whether or not any Gods or Goddesses had made appearance. I did not try to find out about this. About Shri Krishna Janam

Bhoomi, – Mathura, I had come to know that Lord Krishna had made appearance there. I do not know whether or not in any other temple in India any God or Goddess made appearance because I have not toured India. I know only about Lord Krishna and Lord Ram having made appearance and not of any other God or Goddess having made appearance nor did I try to find out, but I do know that pran-pratishtha of Gods and Goddesses is done.

Question : When is pran-pratishtha done? Is it prior to the God/ Goddess making appearance or thereafter?

Answer : So far as I know, the Gods and Goddesses whose pran-pratishtha is done by the devotees after offering prayers – that is considered to be their sthal (place of worship of that God/ Goddess) and people pay obeisance there.

Pran-pratishtha is done today and in future also it will continue to be done – irrespective of when the Gods/ Goddesses made appearance. I know only about Lord Ram and Lord Krishna having made appearance. About any other God/ Goddesses having made appearance, I have no information. Lord Ram was born in the Treta Yuga lakhs of years back. I consider the birth of a god as his having made appearance. Lord Krishna was born after Lord Ram. Lord Ram and Lord Krishna are my God to whom I worship – they are the incarnations of God – even gods worship them.

Question : Do you consider Lord Ram and Lord Krishna as Gods?

Answer: I consider them to be God.

Question : Were Lord Ram and Lord Krishna not Gods?

Answer: They were God of gods.

Question : Do you not consider them as gods?

Answer: It is our belief that they have been God of gods.

Question : Of which gods is Lord Ram a God?

Answer: He is the God of all the gods and goddesses of the country.

Question : How many gods and goddesses are there in the country?

Answer: There are innumerable gods and goddesses in the country who cannot be counted.

I cannot say whether they are in lakhs or crores. Then said lakhs and crores can be counted but they are so much in numbers that they cannot be counted.

Question : Will it be correct to say that in India, the number of Gods and Goddesses is not in lakhs but in crores?

Answer: I have already said that they are innumerable and that they cannot be counted.

Out of these crores of gods and goddesses, I know the names of a few. One god/ goddesses has several names. Among the names of God and Goddesses that I know, one is Hanuman ji. I am not in a position to tell the names of other gods and goddesses. I know the name of Durgaji. She is Goddess. She has several names, but I cannot say how many names she has. People call Durgaji as Goddess and I also consider her to be a Goddess. Kali Devi is also the other manifestation of Durga Devi. I

consider Lakshmanji only as a brother of Lord Ram and not as a god nor do I consider the other brothers of Lord Ram i.e. Bharat, Shatrughan as Gods. I consider Sitaji to be mother and hence, she is a Goddess. They said that the birth place of Sitaji is Janakpur and that it is situated on the border of Bihar and Nepal. There must be a grand temple at the birth place of Sitaji, but I have not seen though I have heard.

Question : What have you heard – that there must be a grand temple at Sitaji's birth place or that there is a temple there?

Answer: I have heard that there is a temple at the birth place of Sitaji. Whether it is big or small – I have not heard about that – I have not read about this temple in any book.

Question : Did Sitaji make appearance or was she born as a human being?

Answer: So far as I have heard, she had made an appearance.

About Sitaji, I know to the extent I have read about her in Tulsidas's Ramayana. I have neither seen nor read Valmiki Ramayana nor do I know Sanskrit. So far as I remember, I have read in Ramcharitmanas about Sitaji having made her appearance. At this point of time, even by seeing Ramcharitmanas, I won't be able to tell as to where in that book it is mentioned that Sitaji made an appearance. This is because my eye-sight is weak and I am not that studious also. The name of Sitaji's father was king Janak, but I do not know what the name of her mother was. I do not remember whether Sitaji had made her appearance in the palace of King Janak or elsewhere. I consider Lord

Ram to be the incarnation of Lord Vishnu. I have not read much about mother Sita and, therefore, I cannot say as to whose incarnation she is. I do not remember whether she was the incarnation of somebody or not, but she must be. There is definitely a difference between God and deity and the difference is similar to the difference between me and the advocates and between me and the Judges.

Question : According to you – a god is a deity also, but every deity cannot be god? Shall I understand from this that Hanumanji and Sitaji were deity but not God?

Answer: As per my thinking, Hanumanji and Sitaji were deities, but not God.

I do not know whether Hanumanji had made an appearance or he was born. I cannot tell whether the form in which Hanumanji is seen and understood today i.e. in vanar form, as he was always in that form or he was in the form of a human being earlier. From the period of Lord Ram, Hanumanji has been considered a deity. I do not know whether Hanumanji was an incarnation of somebody or not. Sitaji made her appearance in the form in which she appears i.e. the human form. I do not know whether or not there is any idol of Sitaji as a child. There is no difference between Lord and God. Is there any difference between Lord and God. The difference that is there between God and deity – the same is the difference between the Lord and the deity. Shiv and Mahesh are one and the same name. I consider Shiv i.e. Mahesh as Mahadev, i.e. God of all the gods. I do not consider Shiva and Mahesh as Lord or God. Lord Vishnu is the supreme God. Shiva considers Lord Ram as his God. I do not know as to in which form and where Shiv and Mahesh made an

appearance. I do not remember whether Shiva or Mahesh had taken birth in the form of human beings or not. I have seen several idols of Shiva or Mahesh. I have seen the idol of Shiva or Mahesh beside my village but I have not seen that at Faizabad or Ayodhya nor have I tried to see. At Ayodhya, I have seen the temple of Nageshwar Nathji. That is Shiva's temple but as I believe in that temple, I have seen Shivji as Linga Vighraha and that only is worshipped. I do not remember whether or not there is an idol of Shivji in the Nageshwar Nathji temple but in the temple adjacent to my village, I have seen the idol of Shivji. I consider Brahmaji to be my ancestor – we all are his children – he is deity as well as Lord and our ancestor too. Brahmaji used to consider Lord Rama as his Aradhya (a Lord whom one worships). At Ayodhya, besides Lord Ram, I consider Lord Vishnu also as Lord Ram. I do not know whether or not Lord Vishnu was born at Ayodhya. As per the yuga, Brahmaji came prior to Lord Ram. Brahmaji is the creator of this universe. Brahma, Vishnu and Mahesh all these three are prior to the yugas. As per our tradition, Guru has been considered as God and he (all the three) has been considered Brahma-Vishnu-Mahesh, parents have also been considered as God. In our mythology, Lord and God is alike. Brahma and Mahesh are the twin powers manifested by Lord Vishnu. Lord Vishnu has been there always and he has created Brahma and Mahesh.

Question : Is your statement given above that “you do not consider Shiva or Mahesh as God” wrong?

Question : Just now you have given a statement that Shiva or Mahesh is a name of the power/energy and God created by Lord – is this statement correct?

Answer: The statement that I have given is correct.

I have not seen the idol of Lord Vishnu, I have seen his photo only. I do not know whether or not there is an idol of Lord Vishnu. I have not seen any temple by the name of Lord Vishnu. I cannot say whether or not there is a temple by the name of Lord Vishnu at Ayodhya. I do not remember how many incarnations Lord Vishnu has. People say that Lord Varah is the incarnation of Lord Vishnu, but I do not know. I have not seen any temple of Lord Varah. I have seen his drawn picture near the Hanumatdwar at Ayodhya. Apart from that, I have not seen any idol or picture of Lord Varah anywhere else. I do not know when and where Lord Varah made his appearance. I also do not know whether Lord Varah was born or he had made an appearance. I do not know this also whether he has been there since the time of Lord Ram or came subsequent to him. I do not know this also as to since when Lord Varah is being worshipped as a God. I do not know this also whether he is being worshipped as a God for the last 100-200 years, or 1000-2000 years or a lakh-2 lakh year. I cannot tell this also whether the picture of God Varah near the Hanumatdwar and about which I have made a mention, has been there for 100-200 years or 1000-2000 years or a lakh-two lakh years. I have no knowledge whether or not Durgaji is the incarnation of any Lord. In the photo of Durgaji that we normally see, she is shown as a brave woman sitting on a lion. I have seen both the idol and the picture of Durgaji and her idol is in the same posture in which her picture is. Lord Baroh is in the form of an animal (alike pig). I have no information from what time he is known in such shape, nor I have had ever tried to know. I have heard of God Narasimha, but I have never seen his idol. Perhaps I have seen his picture but I do not recall. When Prahlad was being tortured, he had made appeared

by tearing open the pillar to save him. The lower portion of God Narasimha was in human form while the upper portion was in the form of a lion. I have not seen any picture or idol of God Narasimha at Ayodhya and nor have I tried to see. I cannot tell whose incarnation God Narasimha was. May be he was the incarnation of Lord Vishnu. I have never heard that God Narasimha was the incarnation of Lord Shiva. I have never seen the form of Brahmaji, but I have heard that in the entire country, it is only at Ajmer that there is a temple of Brahmaji. I do not know whether or not in that temple, there is an idol of his. I do not know whether anywhere there is any idol or picture of Brahmaji or not, and nor did I ever try to find about this. According to my information, there is no temple of Brahmaji either at Faizabad or at Ayodhya. Lord Krishna was the incarnation of Lord Vishnu. I do not remember whether or not there is any idol or temple of Lord Krishna at Ayodhya. Of course, at Mathura, there is. Photo No. 9 of document No. 201 C-1 of black and white album was shown to the witness, on seeing which he stated that this picture appears to be that of the outer wall of the disputed building where the picture of God Varah was drawn. The witness was shown photo No. 12 of document No. 200 C-1 of coloured album, on seeing which he stated "my eyes are not working and I cannot make out as to of which place this picture is". He further said this picture is of Ram Janam Bhoomi only but which part of Ram Bhoomi – is not clear. Photo No. 43 of the same album was shown to the witness, on seeing which he said this is the picture of some portion of the disputed building, but it is not clear as to of which part of the disputed building this photograph is. He said the same thing on seeing photograph No. 44 of the same album. The witness was shown photograph No. 45 of the same album, on seeing which he said that this is the picture of the main

gate in which even Sanctum-Sanctorum is also visible. On seeing photo No. 57 of the same album, the witness stated that this appears to be the picture of Ram Chabootra. About photo No. 61 of the same album, the witness stated that this appears to be the picture of Shiv Darbar. In this picture, Lord Nandi, Ganeshji and Shivling is visible and two more idols are visible, about which I cannot say as to whose idols they are, but they certainly are the family of Lord Shiva. In this picture, Shivling can be seen between the picture of Ganeshji and Nandi. Whose idol is there adjacent to that of Ganesha – I am not able to make out. In the said idol of Ganeshji, we see his form with the trunk of the elephant and the same form we acknowledge everywhere. I do not know of which God Ganeshji was the incarnation. I do not know whether or not he was the incarnation of Lord Vishnu. In photo No. 61, the idol which I have stated to be that of Nandi – his form is like that of an ox. I do not know of which God, Nandi was the incarnation. I have said that picture No. 61 is that of Shiv Darbar because I have heard that Nandi was his mount and that Ganeshji was his son. On seeing photo No. 66 of the same album, the witness said that this is the picture of the disputed building. Seeing the thatch of Ram Chabootra, it appears to be of that place only, but it is not clear as to of which part of that building it is. Due to weak eye-sight, I won't be able to tell whether or not in this picture, some gentleman is standing in front. In this picture, something white can be seen, but whether it is the stone of Chabootra or not – I am not in a position to tell. In this picture No. 66, it is not clear that the way in which Chabootra is appearing here whether in 1935, it was like this or not. On seeing photo No. 77 of the same album, the witness said this picture is also of the disputed premises and in this picture, the wall with iron-bars can be seen but it is not clear. On

seeing photo No. 59 of the same album, the witness said this picture also appears to be of the family of Lord Shiva. On seeing photo No. 58 of the same album, the witness said that this picture is too much colourful and my eyes are not able to make out as to of which place this picture is, but it certainly is of some portion of that premises. On seeing photo No. 72, the witness said that the picture appears to be that of Sita Rasoi but due to its being too much colourful, I am not clear of which place it is.

I have heard that the three domed disputed building was built by Vikramaditya who had inhabited Ayodhya. I do not know when the outer walls of the disputed building in which there is also Hanumatdwar, when it was built. I do not know whether the outer wall in which Hanumatdwar was also there – was built before, simultaneously or after the domed wall. On seeing photo No. 6 of the coloured album document No. 200C-1, the witness said in this picture two shikhars of the building are visible but I cannot say clearly as to which side of the disputed building is visible in this photograph because photograph had not been taken in my presence. On seeing photo No. 8 of the same album, the witness said in this picture also similar domes can be seen, but I am not able to make out as to of which portion i.e. – east-west or north-south of the building it is. On seeing photo Nos. 20 to 24 of the same album, the witness said that he could not make out as to of which direction i.e. east-west or north-south of the building those pictures were. On seeing photo Nos. 35 and 36 of the same album, the witness said that this was the picture of some wall of the disputed building, but he could not tell of which wall it was. About photo No. 38, the witness said, “this also is of some portion of the disputed building. This photo appears to be that of the northern gate, but since I have come

through that door sparingly – so, I cannot tell for certain. About photo No. 47-48 also the witness stated that this picture is also that of the disputed building, but I do not recall of which portion it is. I can see pillars in this picture, but I cannot say whether these are the pillars fixed in the domed portion or those of the Hanumatdwar. On seeing photo Nos. 49 to 54, the witness said that he could not tell as to of which portion of the disputed building those pillars were. I am not able to make out from these pictures whether there are idols in these pictures or not. I cannot see anything drawn in this picture because my eye-sight is weak. On seeing photo Nos. 104 to 108 of the same album, the witness said in these pictures also, pillars are visible but where in the disputed premises these were fixed – I won't be able to tell. Due to weak eye-sight, I won't be able to tell this also whether in these pictures any idol or anything drawn is visible or not. On seeing photo No. 103 of the same album, the witness said that this is too much colourful. Some men can be seen in this picture and this photo is that of the disputed premises only, but of which portion – I cannot say. On seeing photo Nos. 109 to 114, the witness said in this picture also pillars are visible, but of which portion they are, I cannot say. I cannot tell whether in these pictures any idol or anything drawn is visible or not. On seeing photo Nos. 115 to 126, the witness said that in this picture also, pillars can be seen, but of which portion they are, I cannot say. Due to weak eye-sight, I cannot say whether in these pictures any idol or anything drawn is visible or not, but in photo No. 116, the idol of Ramlalla can be seen. I had seen the same very photo in the disputed place from a distance since 1935. In the said picture Ramlalla, there is something like a frame on its three sides, but it is not clear whether this picture is in a frame or not. On seeing photo Nos. 127, 136, 137 and

138, the witness said that in these pictures also pillars are visible, but of which portion these pillars are – I won't be able to tell. Due to weak eye-sight, I cannot say whether in these pictures any idol or anything drawn is visible or not. About photo Nos. 139 to 147 of the same album, the witness said that the pillars shown in these pictures are of the disputed building, but of which portion of the building these pillars are, I cannot say. In these pictures what I can broadly make out, is that some flowers and leaves are etched out. Due to weak eye-sight, I cannot say whether or not in these pictures any idol or anything is visible. About photo Nos. 157 to 159 of the same album the witness said that in these pictures, pillars are visible but of which portion of the building these pillars are, I cannot tell. Due to weak eye-sight, I cannot say whether any idol is there or anything has been etched out on these pillars. I have not been able to buy spectacles due to shortage of money. On seeing photo Nos. 176 to 186, the witness stated that in these pictures also pillars were visible which are of the disputed building, but I cannot say of which part of the building these pillars are. Due to weak eye-sight, I am not able to tell this also whether in these pictures any idol or anything etched out is visible or not. About picture Nos. 187 to 200, the witness said that in those pictures also pillars are visible, but of which portion of the building they are – the upper portion of the lower portion – I cannot say. I cannot tell this also whether in these pillars, any idol or anything etched out is visible or not. The witness was shown photo No. 203, on seeing which he said in this picture, some Mahant like person is visible but of which place this Mahant is – I cannot tell. I have no acquaintance with the Mahant of the Nirmohi Akhara. In the said picture, Advocate Ranjit Lal Verma can be seen or not, I cannot say, but there is a person with a black coat on – must be

Verma only. On seeing photo No. 202, the witness said that I cannot make out whether in this picture Ranjit Lal Verma advocate is there or not. Photo No. 1 of album document No. 286C-I/4 Ft was shown to the witness, on seeing which he said that in this picture, the wall with iron bars is visible from which it seems that it is the picture of the disputed building only, but of which portion of the disputed premises this picture is – I cannot tell. I am not able to make out that whatever is visible in this picture – whether I have seen that since 1935 or not – I can see a pillar in this picture on which Janam Bhoomi is written and beneath that something else is written which is in small letters and therefore, I am not able to read. About photo No. 2 of the same album, the witness said I am not able to recognize anyone in this picture. About photo Nos. 19 to 25, the witness said that in this picture pillars are visible, but I cannot say whether they are of the disputed premises or not, but since I can see a photo there – I consider them to be of the disputed premises only. About photo No. 26 of the same album, the witness said I can see a pillar in this photo, but it is of white colour. I cannot say whether it is of the disputed premises or not. Then the witness said that the pillar shown in this picture could be that of the northern side of the premises. About photo No. 31 of the same album, the witness said that in this picture, something like pillar is visible. I have already said that whatever is being presented here must be that of the disputed premises due to that I am considering it of disputed structure. On seeing photo Nos. 29 and 30 of the same album, the witness said that in these pictures, some pillar like things are visible and that these pictures should be that of the disputed premises. About photo No. 35 of the same album, the witness said that in this, he cannot see anything like a pillar but something inscribed is seen. About photo No. 40, the

witness said that it is not clear whether there is any pillar in this picture or not, but something inscribed is visible. About photo No. 49, the witness said I am not clear whether there is a pillar in it or not. He said the same thing about photo No. 64. I cannot say whether this photo is of the disputed premises or not – all the pillars there were black, whereas this has a different colour. About photo No. 61 of the same album, the witness said that this picture is of some portion of the disputed premises, but I cannot say of which portion of the disputed premises this picture is. About photo document No. 118C-I/151, the witness said I cannot make out whether this photograph is of any portion of the disputed premises or not. In this picture, I can see an idol, but I cannot say whose idol it is. Similarly, the witness was shown photo document No. 118C-I/152, on seeing which the witness stated I cannot make out whether this photo is of any portion of the disputed building or not, but I can see a pillar in this picture. About photo document No. 118C-I/148, the witness said I cannot say whether this photo is of any portion of the disputed building or not. He said the same thing about photo document No. 118C-I/146. The witness was shown document No. 118C-I/35 on which digit 53 is written with pen and which is the page preceding the back cover page, on seeing which he said I do not recollect whether the pictures shown in this photographs are of any portion of the disputed building or not. Similarly, the witness was shown both the pictures drawn on page 10 of document No. 118C-I/35, on seeing which he said I do not recall whether these pictures are of any portion of the disputed building or not. Then the witness was shown all the three pictures drawn on page 11 of page No. 118C-I/35 of the same album, on seeing which he said that I do not recall whether these pictures shown on page 11 are of the disputed building or not. The witness said that in the

middle photograph, the wall with the iron bars is visible. On seeing photo Nos. 119C-1/7 and 119C-1/10, the witness said I cannot recall whether these pictures are of any portion of the disputed building or not. I have never seen there the things shown in these pictures. About photo document No. 119C-1/6 and 119C-1/9, the witness said I do not recall whether these pictures are of the disputed building or not. I do not recall whether or not I have ever seen before the things shown in the said two photos. On seeing photo document No. 119C-1/8, the witness stated I do not recall whether these photographs are of any portion of the disputed building or not. I do not remember this also whether I have ever seen before the things shown in these pictures. The witness was shown photograph Nos. 119C-1/1 to 119C-1/5, on seeing which he said that in these pictures, pillars are visible and it appears that these are the pictures of the disputed premises. The witness was shown document No. 119C-1/6 to 119C-1/10, on seeing which he said that in photo No. 119C-1/10, some picture of some God or Goddess appeared to be etched out, but I cannot say of which god/ goddess this picture is or whose picture it is – I cannot tell. Similarly, in photo No. 119C-1/9 also something appears to be etched but, but what it is and of which place it is – I cannot say. In the remaining three pictures also photo-idols are visible, but what they are – of which place they are – I cannot say.

The type of black touchstone pillars that were there in the disputed building – such type of pillars I have not seen at two to four places in Ayodhya where I have gone. The witness was shown the back cover page of 118C-1/35 on which digit 54 is written in ink, on seeing which he said I am not able to recall as to of which place this picture is. The witness was shown photo No.(d) of document No. 308C-1/14, on seeing which the witness said I do not

remember of which place the pillar shown in this picture is. Similarly, about photo No. A and E of document No. 308C-1/15, the witness said I do not recall of which place these pictures are. The pillars shown in these pictures may or may not be of the disputed building. The witness was shown photo No. 3 of album document No. 289C-1/213, on seeing which he said that this picture appears to be that of the disputed premises but I cannot say of which portion of the disputed premises this picture is. The witness was shown photo No. 1 of document No. 289C-1/212 of the same album, on seeing which, he said this picture is of some part of the pillar. I have already said that whatever photos have been filed here in the form of album, they all must be of the disputed site and that is why they have been filed here. I cannot say of which place photo No. 1 is. On seeing photo No. 3 of document No. 289C-1/212, the witness said I cannot say of which place this picture is. He said the same thing about photo No. 2 of page No. 289C-1/213. On seeing photo no. 1 of page No. 289C-1/214 of the same album, the witness said this appears to be the picture of the disputed site. On seeing photo No. 2 of the same album, the witness said this picture must also be that of the disputed premises. On seeing photo No. 2 of document No. 289C-1/216, the witness said that this picture is also of the disputed premises.

Verified the statement after hearing

Sd/-

Housila Prasad Tripathi

02.09.2002

Typed by the Stenographer in the open court on being dictated by me. In continuation of this, be present on 03.09.2002 for further cross-examination .

Sd/-

(Narendra Prasad)

Commissioner

02.09.2002

Dated : 03.09.2002

O.P.W. 6 – Shri Housila Prasad Tripathi

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

(Appointed vide order dated 23.08.2002 passed by the Hon'ble High Court, Allahabad, Lucknow Bench, the Special Full Bench of Lucknow in Other Original Suit No. 5/89 (Original Suit No. 236/89) Bhagwan Shri Ram Virajman and others versus Rajendra Singh and others).

(In continuation of the cross-examination of dated 02.09.2002, on behalf of defendant No. 4 Sunni Central Board of Waqf, the cross examination begins by Advocate Shri Zaffaryab Jilani under oath).

I do not know who had demolished the disputed building in 1934. I have heard that it was some fish incarnation (Matsya avtar). I have no knowledge about whose incarnation Matsya incarnation was and whether he has any temple or idol or not. I have not seen any idol or picture of Matsya incarnation. If Matsya incarnation would be fish, its form would be like that of a fish. If there has been a Matsya Avtar, its form must be like that of a fish. In the Sita Rasoi of the disputed building, charan paduka, chouka, belan choolha (hearth) etc. were there. So far as I can remember, there were four footprints in Sita Rasoi and people say that those foot prints were those of Lord Ram. When I had gone there, those footprints were there, but since when these were there, I cannot say. It is wrong to say that those footprints were not of Lord Ram and that they were placed there in the 19th Century. This Sita Rasoi

has been there since the time of Vikramaditya and it was he who had got it built. This is what my thinking is. I do not know whether Sita Rasoi and Kaushalya Rasoi is one and the same thing or two separate kitchens but I have always considered it to be Sita Rasoi. In the album of the court here I have seen Kaushalya Rasoi written. After seeing the pictures in the album in the caption written there Kaushalya Rasoi has been mentioned. On seeing document No.200C-I of the coloured album, the witness said that in the caption of photo No.69, he has seen Kaushalya Rasoi written. About photo No.70, 71, 72 of the same album, the witness said that in the album, Kaushalya Rasoi is written, but I consider it to be Sita Rasoi. On seeing photo No.39 of the black and white album document No.201C-I, the witness said that I cannot say whether in this picture Kaushalya Rasoi is written or not but so far as I am concerned. I consider this only to be the Sita Rasoi. I cannot recall whether the way Sita Rasoi appears in photo No. 39, it was the same in 1935 or not. I cannot recall that the roof which is visible in photo NO.39 whether it was there in 1935 or not. So far as I remember, the state / position of the Ram Chabootra visible in photo No.29, 30 is the same as it was in 1935. I have a weak eyesight and the photo is dark coloured and, therefore, I am not able to see any idol in this picture. What I have said in para 10 of my affidavit that 'on going inside through the Hanumatdwar in the southern direction, there was Ram Chabootra on which the idols of Ram Darbar were placed' is correct. So far as I remember, the state/position of the idols of Ram Darbar from 1935 to 1990 was the same as I have written in my affidavit. In 1991-92, I did not go to the disputed site, and therefore, I cannot say as to what was the state/position of the Ram Darbar on Ram Chabootra. These idols of Ram darbar were spread out on the entire Ram Chabootra like in

tableaux. I cannot tell whether in the pictures of Ram Chabootra in album document No.200C-I and 201C, whether the idols of Ram Darbar are visible or not because my eye-sight is weak. Among the idols of Ram Darbar were those of Ram Chandra ji, Lakshmanji, Sitaji, Bharatji and Shatrughanji. I do not recall which other idols were there but in the cave below there were several idols I cannot say whether the above six idols were made of any metal or stone or what else, but in the idol of Ramchandraj, there was the gloss of black shade. As far as I remember, the idol of Ramchandraj pertained to his childhood. The idol of Ramchandraj would have been approximately of 2-2 ½ feet high. The height of the remaining five idols would also have been the same. I do not remember whether the said six idols of Ram Chabootra are of the period of Vikramaditya or Ramji's period or since when they have been there. When in 1990, I had gone there last, I had seen these six idols there. Ram Chabootra also must have been got built by Vikramaditya and it must have been continuing since then. This is wrong to say that the said Chabootra was build in the 19th Century. This is also wrong to state that till 1949 there was no idol on that Chabootra. The witness was shown photo No.26 of album document No.286C-1/4A, on seeing which the witness said that the pillar shown in that picture could be that of the northern gate which is called Singh Dwar. In para 14 of my affidavit – what I have said that “the building with shikhars (domes) is the sacrosanct Sanctum-Sanctorum only where since primitive times, it has been believed that Lord Ram was born there” is correct. The said domed building is the same building which is called the disputed building in the suit. Since primitive times, it is believed that Lord Ram was born in this building. I have been told this by my ancestors and my ancestors were similarly, told by their ancestors. I

consider the primitive time to be the period beginning from the period of Vikramaditya. Lord Ram was born lakhs and lakhs of years ago. In the affidavit filed with my special statement, I have said the possession of Ram Janam Bhoomi has always been under the devotees of Lord Ram." The said possession of the Hindu devotees of Lord Ram has been there prior to the period of Vikramaditya. I cannot say whether the idols placed on the Ram Chabootra or the idols placed on the shelf inside have been continuing since the period of Vikramaditya or after his period, but people say that they have been there much before that. I cannot tell this also whether these idols have been there for the past 100-200 years or 500-1000 years. I can say that these idols have been there on the Chabootra and the shelf since 1935. When I had seen these idols in 1935, at that time, Pran-pratishtha had not been done in my presence it must have been done before, but I cannot say when and by whom Pran-pratishtha would have been done. Some believer in Hinduism must have done the Pran-pratishtha. I cannot say which is the oldest temple at Ayodhya. I cannot say that it is the disputed building which is the oldest or that there is any other temple or building older than that in Ayodhya, I cannot say whether the time Vikramaditya got Ayodhya inhabited, it was desolate or not. I have no knowledge about this whether at that time, Ayodhya was desolate or in the form of a jungle. There is a general belief that the place where Ayodhya is located today, it was located at that very place during the period of Lord Ram. I cannot tell whether the description of Ayodhya that Tulsidasji gave in his Ramcharitmanas i.e. magnificent buildings, kalash made of gold-Ayodhya is the same today or not. In para 11 of my affidavit what I have stated that "to its south was Lord Shri Ram's Janam Bhoomi known as Sanctum-Sanctorum. The temple located on the Janam

Bhoomi is the remnant of the ancient grand temple” is right by the word ‘remnant’ I mean the portion i.e. ‘what is left’. The disputed building was the remnant of some grand temple is what my above statement means and that is what people say. I do not know how big that grand temple was of which this disputed building is a part. I cannot tell this also as to who built that grand temple – perhaps it was built by Vikramaditya. I do not know as to how that grand temple of which it was a remnant, collapsed whether on its own or somebody demolished it.

I have read Tulsidas’s Ramcharitmanas once. The witness was shown para 2 of page No.32 of the Ramcharitmanas’s mool gutka, on seeing which the witness said I am not able to read it.

The above para was read out to the witness said by the learned advocate cross-examining whereupon the witness said I cannot say whether what is stated there is right or wrong because this is something written by the saints. I do not recall whether what is written in that para, I have heard from my ancestors or somebody else or not. In the same very Ramcharitmanas, the lines (chaupai) written below couplet 40 on page 7 was shown to the witness, on seeing which he said I am unable to read this. The learned advocate cross-examining the case read out the first line of the said chaupai to the witness “Seey Swayanwar Katha Suhai / Sarit Suhavani so chhavi chhaaee” and he was asked whether he understood the meaning of this line. The witness said that he does not understand its meaning. In the whole Ramcharitmanas, I understand the meaning of just one choupai “Janam Bhoomi mum puri suhavan / uttar disha Saryu bahe pawan”. This means that the Ayodhya puri where we have been born

is very beautiful and to its north flows the holy Saryu river. In addition, I remember one more chaupai which has just come to my mind "Uma kahon main abubhav apna / satya harbhajan jagat sab sapna". In this chaupai, Shivji is telling Parvati Ji "I am telling you the experience of my life which is that remembering God is the only truth. The rest is just like a dream". I do not know at which page these two chaupais are written in the Ramcharitmanas. I remember somewhat that in this Ramcharitmanas, there is description of the wedding (barat) of Shivji and Parvatiji. In it, the Swayanwar of Sitaji is also mentioned. I do not remember whether I have heard this chaupai of Ramcharitmanas or not – "Sita Swayanwar Katha suhai, sarit subhavan so chhavi chhai". It is wrong to say that in Ramcharitmanas, there is a description to the effect that Parvatiji had assumed the guise of Sitaji. The witness was read out the following line below couplet (doha) 97 on page 91 of the said mool gutka page No.258C-1/2 "Ek baar aavat Siv Ganga / dekheu Raghukul Kamal patanga / Bhayu Mohu Siv kaha no keenha/Bhram bus veshu seey kar leenha". On hearing which the witness said that the context of this is that with Shivji was Sati and Ram and Lakshman were roaming – then Shiv wished them Pranam whereupon Sati said, "You are Mahadev and you are saying Pranam to the son of Dashrath who is an ordinary human being." Then Shivji asked sati to go and find out who and what they are. Thereafter Satiji went and assumed the guise of Sitaji. On seeing her Lord Ram said, "Mother – how are you roaming alone? We have heard this story from the scholars. Sati was the daughter of Daksha while Parvatiji was the daughter of king Himachal. I have heard this from the learned people. Shivji is known as Shankarji also. The witness was shown the chhand at page No.91 of Ramcharitmanas reading like "Seey vesh..... Yoganal

jari", on reading which the witness said I cannot tell its meaning. What I have heard from other people the meaning of this is – Shankarji abandoned Satiji because of the crime that she had committed by assuming the guise of Sitaji and I have heard this also that the same Satiji took her second birth as the daughter of Himachal, i.e. Parvati. It is correct that in Ramcharitmanas, the birth place of Ramchandraji is not certain. Then said, I do not know whether in Ramcharitmanas the birth place of Ramchandraji is certain or not. However, the public opinion is that the birth place of Ramji is the same i.e. Ram Janam Bhoomi about which a dispute is going on. It is wrong to say that this public opinion is of the twentieth century. As a matter of fact, it has been there since long as per tradition. It is wrong to say that till 1949, I did not even go to the disputed premises and it is also wrong to say that all that I have said in this connection is wrong. This is also wrong to say that what I have called Bhandar (store) that was the place of the Muajjin to live. It is also wrong to say that till 22nd December, 1949 Namaz was being read in the disputed building. This is also wrong to say that till 22nd December, 1949, there was no idol or picture in the disputed building and that Hindus did not perform pooja or have darshan there. This is also wrong to say that till 22nd December, 1949, Hindus did not offer prasad there.

(Cross Examination by Advocate Zaffaryab Jilani on behalf of defendant No.4 – Sunni Central Board of Waqf were concluded).

(Cross Examination begins by Advocate Mushtaq Ahmad Siddiqui on behalf of defendant No.5).

XXX

XXX

XXX

XXX

My father was the only son of his parents. He had no brother. We are two brothers. I have a younger brother. My younger came to the village 5-6 years back after superannuating. He was in a Government job. The place where I was studying was about 2-3 kms. from my village. I used to go to my Saya School on foot. My father had expired in 1969.

All my statements, special statements in the form of affidavit and the statements made till today during cross examination are based on what I personally saw and also on the basis of what I heard from the learned people. Among those learned people, the names that I remember are Pt. Kunj Bihari, Brij Mohan Singh, Raghu Verma and Jagannath Singh. I do not remember any other name. Of the above four scholars, not even one is alive today. These four learned people lived in our neighbourhood. Jagannath Singh was a teacher in the school of Saya. He has taught me also, I do not remember when he died. I did not attend his last rites. His village was at a distance of one k.m. from my village but when he died, I was at Raneevan. He kept guiding me so long as he was alive. I do not know what my age was when he died. I had become an adult at that time. I worked at Raneevan in some capacity or the other from 1939 till 1960. In the Gandhi Ashram at Raneevan, I worked till 1942. In the initial period of 9-10 months, I was learning my work there and I used to get Rs.3/- per month. In my village people from Brahman Yadav, Kahar, Harijan and Kewat clans are living. To the north of my village is Gosain Ganj which is 9 km. From my village. Saya is to the south of our village. From my village Raneevan is in the north and west corner. In my village Pauti, there is no population of Muslims. At Saya,

there is the house of a Muslim dome. My visits to Gosain Ganj started in 1935-36. In connection with going to Ayodhya at times, I used to come to Gosain Ganj. I have even come on foot from my village to Ayodhya. In the beginning I had come to Ayodhya with my uncle by passenger train. I came to Ayodhya for the first time by train. When I had come to Ayodhya with my father, I had come in a bullock cart. When I grew up a little, I used to come to Ayodhya on foot also. When I came on foot from my village to Ayodhya, I used to reach Darshan Nagar through Raneevan, Barheta, Amauni, Bilaharghat and the metalled road – at Darshan Nagar which led to Akbarpur from Faizabad. I came on that road and then from Darshan Nagar, I came to Ayodhya. I have a younger sister who is married and settled with her husband. My sister is younger than my younger brother by 5-6 years. I do not know by how many years my sister is younger than me. The witness then said that she is younger than me by 20 years. Brij Mohan Singh was a native of Saya where I studied. Brij Mohan Singh lived somewhere at Banaras. I do not remember what he was doing. He was a learned person, but I do not know how much educated he was. I used to meet him at Saya and also in my village. He had land in my village. His family lived at Saya and he used to come to Saya from Banaras. I do not remember when I met Brij Mohan Singh last. I also do not remember when he died. I cannot say whether my last meeting with him took place five years back or fifty years back. Pt. Kunj Bihari was a very learned and he was from my village only. He had by-heart Shrimad Bhagwat Gita. He was a Kathavachak (narrator) but he was not doing jajmani. I do not know how far he studied. He would have died about 30 years back. I cannot say how old Pt. Kunj Bihari was when he died, but he had become extremely old at that time and his hair had

gone all grey. I think a man is considered to be old when he attains the age of 55-60 years. Grey hair is also a symptom of old age. Raghu Verma belonged to Saravan village which is about 1 ½ km. to the east of my village. Vermaji was a learned man, a politician and his son was Principal whose name was Mahadev Verma. People say that Mahadev Verma was among the associates of Jai Verma. How far did Raghu Verma study – I do not know. I do not know whether Raghu Verma was a teacher or not. Raghu Verma was good agriculturist. I do not remember from how many villages did children come to study at the school at Saya nor do I remember the number of children who studied there. There were 25-30 students in my standard which included Muslim boys also. I used to have contacts with them also. I have never had a clash with Muslims have good relation. I have seen Muslims reading Namaz in the mosque near the Faizabad bus terminal. I have seen them reading Namaz in the open in my village. So far as I remember, the Muslims read the Namaz facing the west. In my school, Urdu was also taught earlier. I have not read Urdu. In my school at Saya, a student could study one of the two languages, i.e. either Hindu or Urdu. Standard four was known as Chahrum. I have heard of Tatshah mosque at Faizabad, it is somewhere at the crossing. I have seen the mosque opposite the clock tower at Faizabad from a distance. I cannot say whether or not I have passed through the way adjacent to the Tatshah mosque. I do not know whether there is an entry gate in the mosque or not. The mosque near the bus stand of Faizabad – the entry door of that mosque is towards the east. I do not know in which direction is the entry gate of the mosque opposite the clock tower of Faizabad. These days, I go from Faizabad to Ayodhya through the bye-pass. When there was no bye-pass I used to go through the city.

Sometimes, I used to go to Ayodhya through Fatehganj via Devkali and sometimes through Gudri Bazaar. When I used to go to Ayodhya via Devkali, I used to head from the west of the railway station ahead of Saket School. I did not go to the disputed site through Tedhi Bazaar. Sometimes I used to take west through Hanumangarhi and sometimes through Kanak Bhawan. For going to the disputed site, I used to take west from Hanumangarhi. From Hanumangarhi, Ayodhya railway station is about $\frac{1}{4}$ km. and the disputed site also is at the same distance. Gram Swavalambi Vidyalaya Raneevan was established in 1946. Its main founder was Dharendra Majumdar and we were his associates. Even today, I am connected with the Swavalambi Vidyalaya and I am its Chairman. Its inter college is at Raneevan and the industrial units are managed from Acharya Nagar. Acharya Nagar is not known as Acharya Narendra Dev Nagar, or Acharya Nagar only. I am associated with Gram Swavalambi Vidyalaya till date. I was associated with the founding of that school – then I served there and now I am its Chairman. I had retired from that very organization in 1993 as Secretary. The post of Secretary carries salary. At present, the Secretary of that organization is Ram Sahai Dubey Ji. After my retirement, it was Lallan Prasad Pandey who first became the Secretary and then Ram Prasad Dubey became the Secretary; Lallan Prasad retired 5-6 years back. As per rule of the organisation the post of Secretary is salaried. As per the rules of my organization, a person who has been in the management can be a Secretary. A secretary does not get any pension after retirement from our organization. There is Provident Fund in our organization in which 12% is deducted from the employees' salary and the organization pays to him 13% of his salary. This 25% amount of the fund is deposited in the post office every month and in the

event of paucity of funds, it is deposited after 2-4 months. Provident Fund Commissioner has nothing to do with the fund of this organization. This rule of PF applies to all permanent salaried employees of the organization. In the rules of my organization, the superannuation age of any employee is not fixed but now after passing a resolution, the organization has fixed 60 as the age of superannuation. My organization does not get any grant from the Government. In the college of our organization, Government rules and regulations are applicable. The Chairman of the organization does not get any salary, remuneration or honorarium.

I must have seen the Dashrath palace at Ayodhya, but I do not remember. On the road leading from Ayodhya to Gorakhpur is Hanumangarhi, but between Hanumangarhi and the road there are some houses and shops. Whether there is a temple or not between Hanumangarhi and the said road – I cannot tell. Adjoining the Hanumangarhi are western grounds. I cannot say what is to the west of that ground because I have not been to that side. I have heard of Bada Sthan and Dashrath Mahal both, but I have not gone there nor do I know where they are situated. At Bada Sthan, a Sanskrit school is run and on the right side of the road the Mahant of Badi Jagah lives. I have heard about the temple of Bada Sthan, but I have not gone there. Therefore, I do not know whether that temple is at Ayodhya or not. I do not know in which locality of Ayodhya Hanumangarhi and Kanak Bhawan are, and I also do not have knowledge about any locality of Ayodhya. The witness then said that he had heard that Ram Janam Bhoomi is in the Ramkot locality. He said I do not know whether there is any temple in the Ramkot locality or not – there must be temples there, but how many – I do not

know. I do not know whether there will be more than fifty temples- a thousand or two thousand temples in Ramkot locality.

I have heard of Sakshi Gopal temple, but I do not know in which locality of Ayodhya the Sakshi Gopal temple is as I have never gone there. I do not know how far is the Sakshi Gopal temple from Hanumangarhi, as I have never been there. I have heard of the Janamsthan temple in Ayodhya, but I cannot tell in which locality of Ayodhya it is but it is near the Ram Janam Bhoomi and there is a post office close by. I have seen the Janamsthan temple from outside. I have not been inside the temple. I do not know about Gulela temple and I cannot say whether there is a temple by this name at Ayodhya or not. I have heard of Datoon Kund which is on the other side of the road near the Hanumangarhi. I have never gone to Datoon Kund because I never felt the necessity of going there. It is wrong to say that I have no love for Lord Ram. I do not know whether Lord Ram used to brush his teeth with Datoon at the Datoon Kund or not. I know that Datoon kund is a religious place for the Hindus but it is not necessary that everybody should have the same kind of faith (shradha). People having faith in the Hindu religion and those having reverence for Lord Ram would be going to Datoon Kund, but I do not know.

Question : 'Datoon Kund' which you have just now said is a religious place- according to you in what respect is it a religious place ?

Answer: All the places at Ayodhya are religious sites and they are so acknowledged by the people but it is not necessary that every person goes

everywhere or has faith everywhere and in everything.

From the time Lord Ram was born till the time, he died there may be temples and sites relating / associated to his activities at Ayodhya. However, I have not gone to every such place and therefore, I do not have information about all of them.

Question: It is correct that those who have faith in Lord Ram consider every site and every temple associated with him worthy of worship and have its darshan?

Answer: Those devotees are lucky who reach everywhere. I am unlucky, I have not reached everywhere.

Verified the statement after hearing

Sd/-

Housila Prasad Tripathi

3.9.2002

Typed by the Stenographer in the open court on being dictated by me. In continuation of this be present on 4.9.2002 for further cross-examination.

Sd/-

(Narendra Prasad)

Commissioner

3.9.2002

Date : 4.9.2002

O.P.W.-6 Shri Housila Prasad Tripathi

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

(Appointed vide order dated 2.8.2002 passed by the Hon'ble High Court, Allahabad, Lucknow Bench, the Special Full Bench of Lucknow in Other Original Suit No. 5/89 (Original Suit No. 236/89) Bhagwan Shri Ram Virajman and others verses Rajendra Singh and others).

(In continuation of 3.9.2002 cross examination begins under oath by Shri Mushtaq Ahmed Siddiqui, Advocate on behalf of defendant No.5).

When I used to go Ayodhya via Gudri Bazaar, Sahibganj was on the way and what else came in between – I cannot say. Between Ayodhya and Faizabad are the Gurukul and Saket Vidyalaya. I do not know about Jalpa ka naala. When via Gudri Bazaar and through Faizabad I go to Ayodhya, there is no railway line between Faizabad and Saket Vidyalaya – but the railway line is on the right side. I have been seeing Saket College since 1960 – since I had not gone there before 1960, therefore, I have not seen Saket College before 1960. Prior to 1960, I used to go to Ayodhya direct from Darshan Nagar. From Darshan Nagar to Ayodhya there was a road which, earlier was unmetalled, but now it is metalled. I do not remember which places come on way from Darshan Nagar to Ayodhya. I do not remember the distance between Darshan Nagar and Ayodhya. I cannot tell this also whether this distance between was ½ km., ¼ km. or 10 kms.

I have done the Parikrama of Ayodhya. I have done 14 kosi Parikrama 4-5 times and 5 kosi Parikrama perhaps once. While going to Ayodhya from Gudri Bazaar panch koshi parikrama is on the way. I cannot say which places are there between Gudri Bazaar and Saket college. When I went to Ayodhya from Darshan Nagar – there was no place known as Mani Parvat – on the way – but people said that it was there on the left side while going to Ayodhya I have never been there and I do not know whether or not people went there for darshan. I do not remember that while going to Ayodhya from Darshan Nagar, there was the mazaar of Shish Paigambar Sahib on the corner of the road or not. I do not remember that boundry around it are built right in the corner of the road towards the east. At Ayodhya, the police station is near the post office opposite the Shringar Haat. I do not know whether there is any locality named Shringar Haat or not, but there exist the main gate of the king, which is called Shringar Haat by people and I also believe likewise. I do not know but some people call a bazaar as haat. I have been hearing since 1935 that Shringar Haat is in Ayodhya. I did not feel the necessity of finding out whether Shringar Haat is a locality, a bazaar, a picture hall or what. I have not heard the name of Naugzi at Ayodhya.

I have heard that there is a temple of the Jains at Ayodhya, but I have not seen that. I do not know how many temples of Jains at Ayodhya. I have not seen the Gurudwara of the Sikhs at Ayodhya. I have not heard about any Gurudwara being there at Ayodhya. When I used to go to Ayodhya from Fatehganj, there was Devkali on the way and then Ranopali. Ranopali is a temple whose Mahant is Damodar Das and it is a very big state. I cannot say in

which locality Ranopali is. There is a railway line ahead of Saket College. It is to its south. I do not know in which locality Ranopali temple is. Ranopali temple is in Tehsil and district Faizabad. Perhaps it is in Haveli Avadh Pargana, but I do not know exactly where it is. Devkali is the place of Kaliji and Durgaji. I cannot say in which locality Devkali is. The mauja of Devkali can be Devkali also – it can be anything – I do not know exactly. I do not remember what all is there between Devkali and Ranopali. There is a Police post from Fatehganj to Devkali. What else is there on the way, I do not know. This police post would perhaps be after the name of Devkali, but I do not know exactly. I do not know the distance from Fatehganj crossing to Ranopali. I cannot say whether this distance would be 1-2 kms. or 20-25 kms. From Ranopali, I used to come on to the main road via railway crossing and from there I used to go to Hanumangarhi. From the Tedhi Bazaar railway gate, the road which joins the Gorakhpur road, that place is known as Tedhi bazaar. I have never gone to the disputed building via Tedhi bazaar crossing.

Question: In Ayodhya, have you ever gone to the Tedhi bazaar crossing or not?

Answer: If the place which one reaches on the main Gorakhpur road after going through the railway crossing, is known as Tedhi Bazaar, then I have gone there otherwise if that place is not Tedhi bazaar, then I have no knowledge about Tedhi bazaar.

Question: The Tedhi bazaar place about which you have mentioned since when have you been hearing about it?

Answer: I have been hearing the name of that Tedhi bazaar since 1960.

I do not know what Tedhi bazaar is or what Sidhi bazaar is. Since 1960 till date I have never tried to know whether Tedhi bazaar is a locality, a bazaar, a temple or what. I cannot or what. I cannot tell how far Hanumangarhi is from that Tedhi bazaar place about which I have mentioned above. I cannot tell this also as to while going from that Tedhi bazaar to Hanumangarhi what all is there on the way. When I used to come to Ayodhya by train from my village, I used to get down at the Ayodhya railway station and from there, I used to reach the main road opposite Shri Ram Hospital. I cannot tell the distance of Hanumangarhi from Shri Ram Hospital, but it is close by. Between Shri Ram Hospital and Hanumangarhi, there are houses, roadways. I do not know whether now it is there or not and what else is there – I do not know. I do not remember whether there were playgrounds, temples on this way or not. The bus stand between Shri Ram Hospital and Hanumangarhi of which I have made a mention, I had last seen that bus stop about a year or a year and a half back. When I went from Hanumangarhi to the disputed site, there were shops to its right side, then Bada Sthan and then Sanskrit Maha Vidyalya between the two roads, and thereafter were temples adjacent to that. I do not recall how many temples in all there and also whose temples they were. These temples could be 4, 6 or 10 in number. I did not try to know about a single temple among these temples. When I used to walk from Hanumangarhi to the disputed site, there was a temple on the left side. I do not recall whether on this way, beside a temple on the left side, there was any house, school or shop or not. The temples on the left side on this way would be 4 to 6 but I did not try to

know. I never tried to know as to of which Gods these temples are. I never tried to find out whether there were temples of Lord Ram on the left and right of this road or not. When through this road, I went from Hanumangarhi to the disputed building; sometimes I went on foot and sometimes by vehicle. Through this road, I have gone there by jeep, on motor-bike and also by car. I do not remember how many times, I have gone to the disputed building through this road not do. I am unable to remember as to how many times, I have gone on foot and how many times by a vehicle. I can read Hindi, but due to weak eyesight, now I am not able to read, but if it is written in bold, I can read even now. At that time, i.e. when I used to go by the road, I could properly read all the boards etc. It is right that often there are boards on temples and shops or the name is written in bold. From Hanumangarhi to the disputed site, I used to go via Kanak Bhawan route also. Kanak Bhawan is quite close to the Hanumangarhi, however, I cannot tell the distance. I do not recall the distance between Kanak Bhawan and the disputed building. When I went from Hanumangarhi to Kanak Bhawan, before that there were shops, then Badi Jagah of Mahant Ji was there and then we used to reach Kanak Bhawan. I do not remember what all was on the way on the right side when one walked from Kanak Bhawan to the disputed building. The distance of the disputed building from Kanak Bhawan is not half km, perhapes $\frac{1}{4}$ th of a km. or less. So far as I remember, when from Kanak Bhawan, I used to go towards the disputed building, on the left side was Ram Kachehri or Ram Darbar or Rajgaddi and what else was there, I do not remember. While going from Hanumangarhi to Kanak Bhawan, there used to be shops first, then the college and then we would reach Kanak Bhawan.

Ram Kachehri is a type of temple. I did not go there – may be I went there once, but I do not remember when I had seen that. At that time, there were the idols of Lord Ram, his brothers, the idol of Janakiji and that of Hanumanji. I do not recall how many years back, I had gone to Ram Kachehri – whether it was five years, fifty years or hundred years back. Well, I am not of 100 of age, but may be in my previous birth, five hundred years back, I might have gone there had I have been there.

I have never been gone there from the north of the road to the north of the disputed building. My elders did not tell me that the said Janamsthan temple is the temple of the birth place of Ramji or not. I do not recall whether any stone is fixed in the Janamsthan temple or not. I do not know whether in the Janamsthan temple, there is any Sita Rasoi or not. Ever since I have been going to Ram Janam Bhoomi, I have been hearing about the Janamsthan temple.

About the Janam Bhoomi temple, I did not ask my elders, my uncle had taken me there and it was he who had told me about this temple. I had seen Janamsthan Temple from outside through Road. The Janamsthan temple for the first time, my uncle was with me. My uncle did not tell me anything about the Janamsthan temple. When I had seen the Janamsthan temple for the first time, my eye-sight was perfectly right. I do not recall as to what was written on the stone there – whether Sita Rasoi was written or not. Nobody has ever told me anything about the Janamsthan temple nor have I tried to know. This is right that about the Janam Bhoomi temple, I know only that much as was told to me by my uncle. This is right that one knows only above that place where one has faith (shradha) and one goes

there only. Every one has different belief and faith. My faith and belief (shradha) and that of my uncle is in the Ram Janam Bhoomi temple, Kanak Bhawan, Hanumangarhi and Vijay Raghav temple at Ayodhya. Whatever I know is about these four temples. I have heard that there are temples in every house at Ayodhya but apart from the above four temples I do not know anything about any other temple. Whatever little I know about other temples, I have already told.

I do not know in which locality the Vijay Raghav temple at Ayodhya is. The road from the post office which goes towards the west, ahead of Matrager, there on the right side of the road is the Vijay Raghav temple. This is the same post office which, I have said, is near the police station. From that post office, Vijay Raghav temple is close by, but I cannot tell the distance. Matrager is a religious place and people come there for darshan. I do not know of which religion that religious place is. I have not been there, but I have seen people going there. I do not know whether or not the people who went there were Jains Sikhs, Muslims. I do not know this also whether or not they were the Buddhists. I have seen a temple at Matrager from outside but I did not go there. I do not remember this also whether a stone is fixed there or not. I do not know this also as to of which god that temple is. The Matrager temple is not very big, it is medium-sized. I cannot say whether it was of the same size as the temple of the disputed building, or bigger than that of or smaller than that.

The Vijay Raghav temple is ahead of the Matrager temple towards the west and it is near to the Matrager temple. Vijay Raghav temple is quite big and there are

idols of Sita Ram family in it. When I used to stay in the Vijay Raghav temple, I used to have the darshan of the idols there. When during the mela (fair), I went to Ayodhya, I used to stay at Vijay Raghav temple for 2-3 days. I used to perform pooja and have darshan at the Vijay Raghav temple in the same way as I used to perform pooja and have darshan at Kanak Bhawan, Hanumangarhi and the temple in the disputed building. That practice is not there now. So long as my uncle was in the Vijay Raghav temple, I used to stay there, have pooja, darshan there but thereafter I did not stay there because nobody knew me there. When I stopped staying at the Vijay Raghav temple after that also I used to go there for 10-5 minutes. I had gone to Vijay Raghav temple in the decade of 80-90. To Kanak Bhawan also, I had gone for the last time – at that very time. I have been to Hanumangarhi recently also. At Vijay Raghav temple, I did not do Parikrama, because Parikrama is not built there. In Vijay Raghav Temple, there is just one outer gate which is the main gate. It is a big gate on which Vijay Raghav Temple is written. That is not Singhdwar. On that gate, only Vijay Raghav Temple is written and I consider it to be that only. To me, it appears that the gate is in the southern direction of the temple. At the back of the Vijay Raghav Temple is open space and a well also. I do not recall what else was there and recently I have not been there, so I cannot tell what else is there now – I do not know how many verandahs, rooms and doors are there in the Vijay Raghav Temple. When my uncle was there I used to stay in his room only. I tell whatever I remember at any given point of time and when I do not remember, I cannot tell anything – this is all God's gift. When I used to live with my uncle at the Vijay Raghav Temple there was no electricity light there. Right now electricity is there I can't say. There was

lighting by Ghee. The room in which I stayed with my uncle, there was a lantern there. At that time, there was arrangement of electricity lights on the roads of Ayodhya.

So far as I know, there is a separate sect of the vairagi sadhus. I cannot define a bairagi. The followers of Ramanujacharya and Ramanandacharya are known as sadhus and a bairagi is also known as sadhu. One who lives in the garb of a sadhu is called a sadhu. I do not know whether or not there is any difference between a sadhu and a bairagi. I do not remember whether or not in the Vijay Raghav temple touchstone pillars are there. I do not recall whether or not on the main gate or any other gate or somewhere else touchstone pillars are there. I do not remember whether or not at Kanak Bhawan or Hanumangarhi there is any touchstone pillar.

I do not remember whether apart from the disputed building, I have seen a touchstone pillar in any temple or at any other place. In the main temple inside the premises in Hanumangarhi a Parikrama is built on all the four sides and I have done Parikrama there. In Kanak Bhawan also, the Parikrama marg is built inside the premises where I have done Parikrama. I do not remember whether in the Vijay Raghav Temple, Parikrama marg is built inside or not, but I have not done Parikrama there. I do not remember whether besides the disputed building in any other temple a Parikrama is built outside the temple premises or not. I have seen the western wall of the disputed building. The land which is there to the west of the disputed building, I have seen that and it is in the shape of a pit after a distance of 3-4 hands. I do not remember whether the western wall is straight or round. I do not remember whether or not in the center of the western wall of the

disputed premises for about 10 feet the wall was round-shaped. I cannot say whether the southern wall of the disputed building was straight or round.

I have heard about the Nageshwar Nath Ji temple at Ayodhya and I have had darshan there and offered water also there. That temple was on the bank of the Saryu river but now the river has receded far. So far as I remember, I had offered water at the Ling Vighrah of Shivji. I do not recall whether there is any idol of any God there or not. By vighrah, I mean that the Ling is built inside the Ardha and that is known as Ling Vighrah. I have heard that in no temple of Shivji, Parikrama is done and if it is done, the whole Parikrama is not done so as to enable people to have a complete round. According to my belief, Gods and deities are distinct. As per my information, God is on a higher pedestal and deities are the assistants of God. We consider all the Gods as Ishtdev. We do not consider Ishtdev to be God Lord – we consider the Almighty as God Lord. I have heard about Chhavni Sthan at Ayodhya, Chhoti Chhavni and Badi Chhavni. There must be temples at these two places also. I have been to the Chhotti Chhavni only once but to Badi Chhavni, I have not gone. At Chhotti Chhavni, I have recently had the darshan of Lav and Kush. I have no information either about Sumitra Bhawan or about Kaushalya Bhawan at Ayodhya though I have heard about all. I have heard that while going to the disputed building from Hanumangarhi, Kaushalya Bhawan, Sumitra Bhawan and Kope Bhawan fall on the way. It is wrong to say that when I went to the disputed building from Hanumangarhi, there always used to be a black band on my eyes.

Whenever I see any temple, I bow before even while walking. This is right that wherever the idol of Lord Ram is kept – be it the court, my house or at the house of the learned advocate cross-examining the case it will evoke the same religious feelings. It is because of this shradha that people have bequeathed their huge properties in the name of Lord Ram. They have given both movable and immovable property. In movable property, they have given money and they are giving that even today. A park is not immovable property, but the land people have given is immovable property. The land of the park is immovable property but the trees can be hewed and, therefore, the whole park cannot be considered as immovable property. The land and property which people have dedicated in the name of Ramji that must have been entered in khasra khatuni. As per my information, there is no such Waqf in which property has been given in the name of Ramji. The name of the Mahant of Chhotti Chhawani is Nritya Gopal Das and to Badi Chhawani, I have not gone and as such I do not know the name of the Mahant of that place. The chotti Chhawani must have huge wealth/property in nearby various villages. Hanumangarhi temple also must be having huge wealth / property otherwise how are the expenses met. The Bada Sthan place where the Sanskrit Vidyalaya is run, that must also be having wealth/property, but I do not know Vijay Raghav temple also must be having wealth otherwise how could the expenses be met. I have no knowledge whether the wealth/property, the different temples have, their entry is made in the name of Ramji in Khasra Khatuni or not because I have no knowledge about Khasra Khatuni. I have no information whether there is any property/wealth with Ram Janam Bhoomi temple or not. About the Janamsthan temple, I have no information whether it has property/wealth or not. I have not heard

whether Kings or Nawabs have donated property to the temples or not – may be they donated.

I have seen the northern wall of the disputed building. To the north of the disputed building was a road going downwards I do not recall how far is the northern wall of the disputed building from that road. The level of the disputed building was higher than the level of the road, but I cannot say how high it was. To go up that height, there were stairs in a dilapidated condition. I do not recall whether those stairs were alongside the northern wall or not. However, the stairs were not going alongside the southern wall. To the north of the disputed building for coming to the disputed building from the road, there were stairs. I do not recall whether those stairs were alongside the wall or not. I do not know the number of the steps of those stairs. I am not in a position to tell as to what was the distance of the northern wall from the place where the stairs ended.

At this stage, the witness was shown document No.154/5 filed in suit No.1/89, on seeing which the witness said something like stairs is visible in this photograph. I am not able to make out whether in this picture, the northern gate of the disputed building is visible or not. I cannot see anything like a grave or a samadhi in this picture. There is no custom of building a samadhi. The witness was shown photo No.23 of the black and white album document No.201C-1 on seeing which he said that in this picture, I cannot see the stairs. In this picture, the northern gate of the disputed building which I call 'Singhdwar' is visible by the side. I cannot say exactly whether this picture is of the northern wall of the disputed building or not because if it is Singhdwar, it must be the

picture of the northern wall of the disputed building. In the presence of this court, I am giving that statement which strikes my mind.

Question: Do you know that the Muslims consider the disputed building only as the Babri Masjid?

Answer: There is a dispute going on about Ram Janam Bhoomi – this I know. However, I do not know whether it is the disputed building only which the Muslims call Babri Masjid or not.

What I believe is that the Muslims must be considering the Ram Janam Bhoomi is Masjid otherwise why would it be called the disputed building. Ever since I got to senses and I went there, I have believed like this. I know this since 1935 that the Muslims used to indulge in controversies calling Ram Janam Bhoomi as Babri Masjid and that is why a clash had taken place in 1934. I have heard that in 1934, the clash was between the Hindus and the Muslims – where this clash took place. I do know. The clash had taken place at Ayodhya, but at which place in Ayodhya, I do not know because I was a child then and used to live in my own village. I have heard that some people were killed in the 1934 clashes, but how many were killed – I do not know. I am not in a position to tell whether in that clash, Hindus were killed or Muslims were killed, but I have heard that in that clash, Muslims were killed. The statement which I have earlier made in this court on 14.8.2002 on page No.21 that, "I cannot say whether Babri Masjid is in Ayodhya or not" is absolutely correct. The witness was shown his statement of 23.8.2002 on page No.71, on seeing which he said, "The statement I have

given on the said page that" on "13th August 2002.....is one and the same building" is correct.

Question: On 23rd August, 2002, you gave a statement that on 13th August, 2002 you came to know for the first time that the disputed building and the Babri Masjid is one and the same building and on 14th August, 2002 you gave the statement that you cannot tell whether Babri Masjid is in Ayodhya or not and you call both these statements as correct. Do you find any contradiction in both these statements?

Answer: There is a difference between both my statements, but on 14.8.2002, I did not remember and on 23.8.2002 I could recall that I had come to know the above thing on 13.8.2002 – this is the reason of the difference between the two statements.

Question:- Do you want to say that when on 23.8.2002, you were giving a statement you did not remember that on 14.8.2002 in the same court, you had already expressed your ignorance about the presence of Babri Masjid at Ayodhya?

Answer: This is correct that all this happened because of my poor eye sight poor memory and poor sense of hearing.

Question: Sometime back, I had asked you that in this court, you give statements deviating from the truth and according to your convenience? Do you find any truth in what I say?

Answer: I do not give any statement other than that based on truth. I say that only what I recall at any given point of time.

Question: You have given a statement sometime back that in 1935 you had come to know that the Muslims used to indulge in controversies by calling the disputed building as Babri Masjid and this is the reason why in 1934, a Hindu-Muslim clash took place in Ayodhya. And on 23rd August, 2002, you gave a statement "On 13th August, 2002, you came to know for the first time that the disputed building and the Babri Masjid is one and the same building" -Is there any difference between these two statements of yours?

Answer: Today, I have not said that since 1935 I know that the Muslims used to indulge in controversies by calling Ram Janam Bhoomi as Babri Masjid and that is why the 1934 clash took place. It appears that this has been wrongly written today. May be it has been wrongly written due to my misunderstanding.

Question: Is it right that after you answer a question, your statement is typed in front of you on the Commissioner Sahib giving dictation.

Answer: Yes, this is correct

By "misunderstanding" I mean some doubt. The witness was shown his statement of 23.8.2002 on page No.72 and the same was read out also "After the collapse of the structure in 1992, it was known that there was a

dispute between the Hindus and the Muslims over that structure" – on seeing the said statement, the witness said my statement is correct.

Question: You knew that after the collapse of the structure in 1992, there was a dispute between the Muslims and the Hindus over that structure - what was that dispute?

Answer: I cannot say what was the dispute between the Hindus and the Muslims regarding this I have known now, i.e. after coming to the court that the same place is called by the Muslims as Babri Masjid and the Hindus calls it Janam Bhoomi. According to my information, Hindus have been performing pooja etc. there since 1935.

Question: When did you come to know for the first time about this suit?

Answer: I got this information in the beginning of August this year. I do not know the date.

Verified the statement after hearing

Sd/-

Housila Prasad Tripathi

4.9.2002

Typed by the stenographer in the open court on being dictated by me. In continuation of this, be present on 5.9.2002 for further cross-examination.

Sd/-

(Narendra Prasad)

Commissioner

4.9.2002

Date :5.9.2002

O.P.W.-6-Shri Housila Prasad Tripath

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

(Appointed vide order dated 23.8.2002 passed by the Hon'ble High Court, Allahabad, Lucknow Bench, the Special Full Bench of Lucknow in Other Original Suit No. 5/89 (Original Suit No. 236/89) Bhagwan Shri Ram Virajman and others verses Rajendra Singh and others).

(In continuation of 4.9.202 the cross examination begins under oath by Advocate Sri Mushtaq Ahmed Siddiqui on behalf of defendant No.5).

This is correct that the affidavit of my special statement was filed on 13.8.2002. This also is correct that after that cross examination on my behalf were done by Advocate Shri Ranjit Lal Verma.

Question: Did you know in the cross examination of Babu Ranjit Lal Verma on 13.8.2002 that you had given a statement to the effect that on 13.8.2002, you came to know for the first time that it is the disputed building only which the Muslims call Babri Masjid.

(The learned advocate of the plaintiffs Shri Ved Prakash raised an objection over this question saying that answer to this question has already been given and by asking such questions over and over again from the witness – the intention is to harass him knowing that he has a fracture

and pain in his hand the witness cannot be forced to disclose the source of information. Hence, permission should not be given for asking such questions when in the present scenario, the acknowledged fact is that while one party calls the disputed site as Masjid and the other party calls it temple).

Answer: When on 13.8.2002, I came to give the statement and I asked my advocate what the matter was – only then he told me the above thing and then my affidavit was filed and then cross examination began.

I came to know this during the preparation of my affidavit. In my affidavit, nothing would have been written against my will – whatever I told my advocate only that would have been written. Today, my thinking capacity, and capacity to analyze is not normal because I am a sugar patient – I have got a fracture and there is plaster on my hand and I could not sleep all through the night. I am upset for the last three days ever since I was hurt.

Question: Were you all right when your affidavit was prepared? (The learned advocate of the plaintiff raised an objection over this question saying that this question has just been asked and the same question – of every day and every date should not be allowed to be asked because this has already been asked whether before this, were you healthy and the witness has already answered that. Such types of questions are being asked to harass and mislead the witness).

Answer:- Yes please.

I have come here to give evidence because of the orders of the court and so that there is no contempt of court. Yesterday I had told my advocate that I am not in a position to attend the court where upon my advocate said that this would be contempt of court and, therefore, I should be present in the court.

Verified the statement after hearing

Sd/-

Housila Prasad Tripathi

5.9.2002

Typed by the stenographer in the open court on being dictated by me. In continuation of this, be present on 6.9.2002 for further cross-examination.

Sd/-

(Narendra Prasad)

Commissioner

5.9.2002

Date : 18.09.2002

O.P.W.-6- Shri Housila Prasad Tripathi

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

(Appointed vide order dated 13.9.2002 passed by the Hon'ble High Court, Allahabad, Lucknow Bench, the Special Full Bench of Lucknow in Other Original Suit No. 5/89 (Original Suit No. 236/89) Bhagwan Shri Ram Virajman and others verses Rajendra Singh and others).

(Cross-examination of O.P.W.-6- Shri Housila Prasad Tripathi begins under oath by Advocate Shri Mushtaq Ahmed Siddiqui on behalf of Defendant No.5 in continuation of cross-examination of 5.9.2002).

The school at Saya where I had received education is still there. It is still a primary school. When I was studying there, that school was governed by the District Board, Faizabad. I had got a pass certificate also from there. I did not get T.C. from the school because a T.C. is taken when one wants to get admitted elsewhere. What were earlier known as District Boards are now called Zila Panchayats. I have no information that, students who have studied in that school, whether or not their record is in Zila Panchayat. After passing 4th standard examination from that school I did Prathma and Visharad. I had done Prathma and Visharad from Hindi Sahitya Sammelan, Prayag. I have done Prathma and Visharad on private basis. I do not know whether Prathma is equivalent to High School or not nor do I know what standard Visharad is equivalent to. For doing Visharad, one has to pass the

Prathma or its equivalent first. I do not know whether or not it is necessary to pass some lower standard examination for Prathma. I do not recall while filling the Prathma form what I had written nor do I remember whether I had written in the said form that I have passed the IVth standard exam or not. While filling the Visharad form I must have mentioned about my having passed the Prathma exam. I do not remember whether in the pass certificate of IVth standard that I got my date of birth was mentioned or not and if it was mentioned – what it was? I do not remember whether in the forms of Prathma and Visharad and thereafter the certificates that I got after passing both the exams my date of birth was mentioned or not. At present, the certificates of 4th standard, Prathma and Visharad are not available with me. I do not know whether or not they are available at my residence because those certificates are very old and I have never felt their need. I do not know whether those who pass out from Hindi Sahitya Sammelan Prayag and get certificates thereof the relevant record is there or not – may be they have the record. I do not know whether or not one can get a duplicate copy of the certificate of the exam one has passed from there. When one appears for the Parthma or the Visharad exam one must be having a roll No. thereof, but I do not remember correctly. I had appeared for the Prathma and the Visharad exam between 1950 and 1960 – I do not remember the year. In the Prathma and Visharad certificates my name and father's name would be the same as mentioned in the affidavit. Then the witness said that in that certificate, the name of my residing village is the same as mentioned in the affidavit. Then the witness said that in that certificate, my native village is the same as mentioned in the affidavit. In the 4th Standard, certificate, my name, my father's name and native village name is the same as mentioned in the

affidavit. There could be a difference of one word Tripathi in place of which Tiwari could be there. The date of birth, if mentioned in my IVth standard, Prathma and Visharad certificates would be the same in all the three certificates. In my village Pahunti, there is no other person of my name and of my father's name. I had passed the IVth standard exam between 1934 and 1936. I do not remember the exact year. I do not remember this also as to when I was admitted in that school. This is wrong to say that at this point, I am hiding something and it is also wrong to say that I am avoiding to speak truth in the court.

I had the curiosity to see some temples like Vijay Raghav Temple, Hanumangarhi, Kanak Bhawan and Ram Janam Bhoomi. Besides, these temples, I was not curious to see any other temple. In my village Pahunti, earlier there was no temple but now there is one. At Gosainganj, there are one or two small temples. I do not remember when I studied there – whether these temples were there or not. The temple at my village Pahunti has come up five-six years back. I cannot say that in 1935-36, the temple closest from my house at village Pahuti was the one at Gosainganj or not. I cannot tell this also as to since when the Gosainganj temples are there. It was with my uncle that I had gone to the Vijay Raghav temple for the first time in my life. Prior to that, I had not gone to any temple. What I have stated above about my curiosity to see certain temples that curiosity was roused after seeing those temples. This curiosity had arisen in 1935.

Question: Apart from the above four temples, did you enter any other temple in your life-time?

Answer: In addition to the above temples, I have visited many other temples. About these temples, I heard from the people and I became curious and then I went there.

Question: Do you want to say now that besides the above four temples, you became curious to know about other temples also?

Answer: Yes please.

Question: About sometime back, you have given the statement that "Besides these, I did not have curiosity to see any other temple" – is this statement of yours correct?

Answer: What I have said above is about Ayodhya only.

Apart from the above four temples, I have entered other temples also in Ayodhya. But I had gone to these temples not for darshan but for some other purpose and since it was a temple, I had paid obeisance there also. In those temples, I had not seen the idols inside, but I had bowed before the temple from outside. The temples where I had gone for some other reasons are – Chhoti Chhawani temple, Digambar Akhara, Datoon Kund and Ranopali etc. In these temples, there was a meeting in the courtyard of the temples – I had gone there for these reasons. The temple is where the idol is while the remaining space of the temple is called the prangan (courtyard). To the Ranopali temple, I went three four times for the meeting. I remained confined to the prangan of the Ranopali temple every time I went there. I did not see the idols inside. I do not know idols of which Gods and Goddesses are there in the Ranopali temple. For attending a meeting in the Chhotti

Chhawni temple, I got the opportunity of going three four times. At the place where the meeting was held in the hall of that meeting - I had seen the idol of Lav and Kush. Chhotti Chhawni temple is distinct from the hall in which he idol of Lav and Kush is there. Idols of which Gods/Goddesses are there in that temple - I do not know because I did not go to the temple. Apart from Hanumangarhi, Kanak Bhawan Ram Janam Bhoomi, Vijay Raghav temple, the temples where I went for some other reasons - I have seen their buildings. In the Hanumangarhi, Kanak Bhawan, Ram Janam Bhoomi and Vijay Raghav Temple - I was curious to know whose idols were there and I wanted to have their darshan. However, I was not at all curious to know as to who built those temples and how they were constructed. I was also not curious to know as to when those temples were built. Even after entering the prangan (courtyard) of the four temples (other than Kanak Bhawan, Ram Janam Bhoomi, Hanumangarhi and Vijay Raghav temples) which I have mentioned above, I did not have the curiosity to know as to which idols were there in those temples and who got them built and when because I had gone to those temples for some other reasons and I was busy in that connection only. I never had any curiosity to know about these temples and had it been so - I would have gone there for this purpose.

Question: You have given a statement just now "What I have said above about my curiosity to see these temples that curiosity arose after seeing those temples" - is this statement of yours correct?

Answer: This statement is restricted to Ayodhya only.'

The Chhotti Chhawni temple, Digambar Akhara temple, Datoori Kund temple, Ranopali temple – all are at Ayodhya only.

Question: You have given a statement above that your curiosity arose after seeing Kanak Bhawan and four other temples and then you have further stated that those four temples were at Ayodhya that is why curiosity arose about them – will you be able to tell that about the other four temples – Chhotti Chhawni etc. which also according to you are at Ayodhya, after seeing those temples why did the curiosity not arise?

(To this question, the learned advocate of the plaintiffs Shri Ved Prakash raised an objection saying that the witness has clearly stated the time of seeing the Kanak Bhawan and the reason of his going to the other four temples in his statements. Asking the same question over and over again amounts to harassing the witness and wasting the time of the court. Hence such questions should not be allowed to be asked.)

(In reply to this objection, the learned advocate cross-examining the case said that my question is very clear and this objection has been raised to give an indication to the witness about answering to the question.)

Answer: I had gone to Kanak Bhawan etc. i.e. the above four temples with the intention of having darshans whereas to the Chhoti Chhawni temple, etc. which I have mentioned – I had gone for some other purpose and therefore, the question of curiosity of those temples does not arise.

Question: Shall I understand that your statement above to the effect that "I developed that curiosity after seeing those temples" is a wrong statement?

(The learned advocate of the plaintiffs Shri Ved Prakash raised an objection to the effect that the witness has clearly stated the reasons of his going to the above eight temples and with a view to misleading him, the same question is being asked over and over again leading to wastage of time. Hence, such questions should not be allowed to be asked.)

Answer: My above statement is correct. Before giving the statement today I have taken an oath.

The Mahant of Digambar Akhara is Param Hans Ram Chandra Das. Digambar Akhara might be a temple but since I have not gone in – how I can say. This is right that I used to bow my head in front of the Ranopali. Datoon Kund, Chhotti Chhawani and Digambar Akhara temples. I used to take it for granted that there must be a temple in Digambar Akhara and so I used to bow my head. At all the above four places, there must be temples, but since I have not gone inside, I cannot say. Then said there must be temples.

Question: After seeing the above four buildings from outside and inside, i.e. Datoon Kund, Ranopali, Chhotti Chhawani and Digambar Akhara can one not make out that these are temples?

Answer: They appear to be temples.

I have no problem in calling them temples. They appear to be temples when seen from outside. I consider the above four buildings as temples only. To the Digambar Akhara, I had last gone between 1980-90, but I cannot tell whether I had gone in 1989 or in 1990. When I had gone there Paramhans Ram Chandra Das was present there but I cannot say whether at that time, he was the Mahant of that place or not, Krishi Gosewa (service of the cow) yatra was on and there was a programme at Digambar Akhara in that connection. In the Yatra People from outside the State and from within the State were there. That Yatra had gone beyond Ayodhya. In that Yatra I was at Ayodhya Faizabad – I did not go further. At Digambar Akhara, a meeting was held in connection with that yatra only. I live in Bheeti block, other persons of Beeti block were also present in the meeting at Digambar Akhara, but who are that people – I do not remember. Other people from Ayodhya also took part in that meeting. Nritya Gopal Das and Kripa Shankar Tiwari took part in that meeting. Which other people from Ayodhya took part in the meeting – I do not recognize them. In that meeting, people from Faizabad had also participated. Sadhu Saran Advocate and Ram Sahai Dubey from Faizabad were present in that meeting – however, I do not know the names of other people from Faizabad who were present in the meeting. Respectable and renowned people had expressed their views in that meeting. Paramhansji had welcomed the yatra but had not expressed any view. The yatra had come from Basti and through Ayodhya had gone to Faizabad and from Faizabad, it had gone to Sultanpur. I had seen off that yatra from the Muzzara naka (check post). There were just 30-40 people in that send off ceremony. At the time of the send off, there was no function or meeting. In the Digambar Akhara meeting held in connection with the Yatra I had not

expressed my views. I had gone to hear the views of others. In that meeting it was decided that there should be a central law regarding cow-slaughter. I do not know whether in that meeting, there was any discussion about Ram Janam Bhoomi or not. At the time when the above meeting was held, the lock of Ram Janmabhumi had not been opened. The lock opened a year and a half after this meeting. After this meeting, I had not gone to Digambar Akhara in connection with any other meeting.

To the Chhotti Chhawani temple I had gone last in 1994-95 to find out whether it was possible to hold a meeting there or not. At that time, I had superannuated. However, when I had gone to Digambar Akhara last time I was in service. At Chhotti Chhawani, the meeting could not be arranged. Since I had to go out, the meeting was organized by Kripa Shankar Tiwari who belongs to that place only. That meeting was held at Janaki Mahal Trust in connection with the yatra of Bal Vijay – the disciple of Vinoba Bhave.

At the time I went to Chhotti Chhawani. I and Kripa Shankarji had gone to Janak Mandal also but the head or the Mahant of that place was not available. Janak Mahal is at Ayodhya only and it is a temple. Prior to that I have been to Janaki Mahal only once. I had paid obeisance there also when I had gone there. I cannot say whether in Janaki Mahal, idol of Sitaji is there or not because I had paid obeisance from a distance. To the Datoon Kund Sthan, I had gone prior to 1980. The pond is a little away from the Datoon Kund and both the temple and the pond are known by the name of Datoon Kund. I have no information whether there is a tradition or not that Lord Ram used to clean his teeth with Datoon at Datoon Kund. I

do not know whether most of Ramcharitmanas was written sitting at Datoon Kund - by Tulsidasji

Question: Should I understand that you do not have deep love for Lord Ram?

Answer: This is not right.

I have read Ramcharitmanas once. Besides Kanak Bhawan, Hanumangarhi, and Vijay Raghav temple idols of which God/Goddesses are there in other temples of Ayodhya, I do not know. I do not know this also as to of which metal the idols in other temples are- or are they made of stone. Since 1935 itself, I know that idols of which God/Goddesses are there at Kanak Bhawan, Hanumangarhi and Vijay Raghav temple. Not only have I seen the idols but I have been told also of which God/Goddesses the idols are. When I had gone to these temples for the first time, my uncle had told me everything. Besides, these four temples, I have not gone to any other temple with my uncle.

Question: According to you, the idols that you say are there in Ram Janam Bhoomi temple, Kanak Bhawan, Hanumangarhi and Vijay Raghav temple that you have said on the basis of what your uncle told you?

(The learned advocate of the plaintiffs objected to this question saying that in reply to repeated questions, the witness has repeatedly said what is there in the above temples and this the witness knows on the basis of what he saw himself and what his uncle told him. Hence, asking the same question over and over again is meant to harass and mislead the witness. Hence, such questions should not be allowed to asked.)

Answer:- Whatever I have stated above is based on what I myself saw and what my uncle told me.

On the basis of what my uncle had told me and on seeing for the first time, I could know whose idols are there in the above four temples. My uncle had told me about this when we had gone to those temples –not at home. It is right that I was born in 1922.

Question: You do not remember what your age is mentioned in the school where you studied upto IVth standard and the IVth class certificate – nor do you remember what age is mentioned in the forms and certificates of Prathma and Visharad and also in which year you passed these examinations – all these things you do not remember. Then when you say that you were born in 1922 – what s its basis – and how do you remember it?

Answer: I was born on 5th October, 1922. I remember this because my parents and the members of my family have been telling me and every year on 5th October, they celebrate my birthday.

When I was 5-7 years of age. I was told that I was born in 1922. Till that time my name had not been registered in the school – it was registered subsequently, my father must have got my date of birth mentioned in the school, but I do remember. My father had taken me along at the time of my admission to the school. I do not remember what date of birth was mentioned at that time, but prior to that, the date of my birth that I was told was 5th October and I remember it because every year, my birthday is

celebrated On the day I was born, i.e. 5th October, 1922 how could I know how my birthday was celebrated. On 5th October, 2001, my friends had come to wish me happy birthday.

Question: When your birthday is celebrated every year on 5th October, are you reminded of the year 1922 also?

(The learned advocate of the plaintiffs objected to this question saying that the witness has said on repeated questioning that he was born in 1922 and that on 5th October, every year his birth day is celebrated – then asking whether on every 5th October he is reminded of the year 1922 – is not justified and such questions should not be allowed to be asked over and over again.)

Answer: I am not reminded of the year 1922 on every 5th October, but I am told that this is my 20th birthday or 30th birthday – which makes it clear that I was born on 5th October, 1922. On 5th October, 2001, my friends told me that I was completing 79 years and was entering the 80th year. Last year my birthday was celebrated at my house at Faizabad. On 5th October, 2001, the arrangement of refreshments was as per my means. When my parents were alive – the time used to be fixed and people used to come on my birth day – but now the time is not fixed whatsoever wants to come comes, according to his convenience. Invitation card etc. is not sent for the birthday – people come on their own. Among the people who came on 5th October, 2001 some had said you are completing 79 years

today and entering the 80th year. How many people had said this – I do not remember because I did not feel its necessity. On that day of 5th October, 2001, people from my village Pahunti had not come instead people from the school had come and the teaching staff of our college had come. Among those, who congratulated me saying that I had completed 79 years and was entering the 80th year, some were older than me and while some were younger than me. The number of older people was three and they were Tribhuwan Mishra. Ramlal Bhai and Ramchandra Singh. Of those three persons, Ramlal Bhai died in last November i.e. 2001 and the remaining two persons are still alive. Ramlal Bhai died last November i.e. 2001 and the remaining two persons are still alive. Ramlal Bhai was from Raneevan and Tribhuwan Mishra is also from Raneevan. Ramchandra Singh belongs to Para Gareeb Shah.

Question: Were Ramlal Bhai and Tribhuwan Mishra living at Raneevan permanently from 5th October, 2001?

Answer: Tribhuwan Mishra lived at Raneevan till 5th October and is living there even now and Ramlal Bhai is not alive.

Ramchandra Singh, Tribhuwan Mishra and Ramlal Bhai did not come every year to congratulate me on my birthday.

Question: Ever since you have started living at Faizabad was a cloth banner on which was written that it is your this/that birthday, hung outside your residence?

(The learned advocate of the plaintiffs Shri Ved Prakash raised an objection that in what way the birthday of the witness is celebrated, is not an issue in the suit or is it in anyway relevant to the facts of the case. Hence, such questions are being asked to harass and mislead the witness and waste the time of the court and, therefore, such questions should not be allowed to be asked.)

Answer: No please.

The name of the father of Ram Lal Bhai is Parmeshwar Dutt Mishra. Tribhuwan Mishra is the son of Lalit Prasad, who died more than 30 years back. Ramlal Bhai and Lalta Prasad Mishra are uncle and nephew though not real ones and are the pattidars, of the village. Both Ramlalla Bhai and Lalta Prasad Mishra had taken part in the freedom struggle. Ramlal Bhai had gone to the jail, but I do not remember for how many days. Lalta Prasad Mishra had also gone to the jail but once as per my information, but I do not remember how many days he remained in the jail. I have personal knowledge about Ramlal Mishra and Lalta Prasad having gone to jail because at that time, I was at Raneewan. As per my information, Tribhuwan Mishra did not go to jail. Ramlal Bhai used to get the pension to which freedom fighters are entitled. Lalta Prasad Ji also used to get the pension. I do not know whether in the Faizabad jail, there is a stone fixed, on which the names of those took part in the freedom struggle of India are inscribed. Tribhuwan Ji does not get the freedom fighter pension. I

also do not get it because I never applied for it. So far as I know, one gets freedom fighter pension only on application and by submitting a proof. The freedom fighters must be getting other facilities also besides pension, but I do not know. I did not get any facility of freedom fighters because my Guru Dharendra Majumdar, who went to the jail on dozens of times, did not get any facility, so I also did not take any. I didn't know the function in which Tamrapatra were distributed, had been made there or procured from some other places. No tamrapatra were send to me, may be send to others who has not attended the function, but I have no information. I cannot say whether the freedom fighters were given tamrapatra by both the Central and State Government or not. What I have stated in para 3 of my affidavit that "I took part in the freedom struggle and I am a freedom fighter, but I have not taken pension and any other facility either from the Central Government or from the State Government, out of a spirit of sacrifice", is right. It is not that any facility of a freedom fighter was offered to me and I refused. As a matter of fact, I never applied for any such facility and I have already said that it is only when a freedom fighter submits an application that he get pension or other facilities. What I have said in para 2 of my affidavit "During that period also.....supplied" is correct. The press people used to come to my house and get the papers. This period relates to 1942 to 1946. In 1942, I was at large for five-six months. The witness then said that he was at large from August 1942 to January 1943. The witness was shown para 2 of this affidavit and the learned advocate read out the same to the witness and asked, "Have you mentioned the fact of your being at large in this" to which the witness replied, "Yes, I have written". The witness in para 2 of his affidavit, have written" out of the fear of the British Government, the worker of Shri

Gandhi Ashram remained at large for about one year." In this very line, I have mentioned about my having been at large because I was also a worker of Gandhi Ashram. The above mentioned period of one year started from the 9th of August, 1942. What I have said in para 2 of my affidavit" during that period.....also supplied" has been correctly written.

Verified the statement after hearing

Sd/-

Housila Prasad Tripathi

18.9.2002

Typed by the Stenographer in the open court on being dictated by me. In continuation of this, be present on 19.9.2002 for further cross-examination.

Sd/-

(Narendra Prasad)

Commissioner

18.9.2002

Date : 19.9.2002

O.P.W.-6- Shri Housila Prasad Tripathi

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

(Appointed vide order dated 13.9.2002 passed by the Hon'ble High Court, Allahabad, Lucknow Bench, the Special Full Bench of Lucknow in Other Original Suit No. 5/89 (Original Suit No. 236/89) Bhagwan Shri Ram Virajman and others verses Rajendra Singh and others).

(Cross-examiner of O.P.W.-6 – Shri Housila Prasad Tripathi begins under oath by Advocate Shri Mushtaq Ahmed Siddiqui on behalf of Defendant No.5 in continuation of cross-examination of 18.9.2002).

I cannot tell exactly as to by how many years Ramlal Bhai was older than me. I did not know him since childhood, I have known him since 1939. Ramlal Bhai would be approximately five-six years older than me while Tribhuwan Mishra ten years older than me and Ramchandra Singh two years older than me. I have heard the name of Akshay Brahmachari, but I do not remember from whom I came to know it. I do not know whether Akshay Brahmachari is still alive or not. I have not seen Akshay Brahmachari and I cannot say whether he is older than me, younger than me or of my age. The witness then said that I had seen him but never met him. Dhirendra Majumdar was older than me and he was born around 1900 by guess. It is God's will that sometimes my memory works and sometimes it does not work. It is not that my memory does not work at all. Since the age of 5-6 years, I could

distinguish between good and bad. After a person becomes sensible, he remembers those things which touch the heart of the person. My uncle is still alive. I have two uncles – Mata Prasad and Bhawani Prasad. It was Mata Prasad Ji who took me to Ayodhya for the first time. In para 4 of my affidavit, my statement that my uncle was older than me by 11 years is correct.

Question: My point is that by writing “was” the indication is that of the past – is this correct?

Answer: I never meant that my uncle is not alive. My uncle is still alive. However it is correct that the term “was” is used for what is past.

The same uncle of mine Shri Mata Prasad Ji had taken me to Ayodhya for the first time and with him, I had the darshan of only the temples of Ayodhya. My uncle had shown me the Saryu river where both of us had taken bath. He had not taken me to the market. In the temple, he had got me Mohan bhog to eat and he did not get any sweets from outside for me. During the time my uncle went to School, I kept lying in the temple and would read something. I had seen the Vijay Raghav temple thoroughly, but if somebody asked me today, I may not be able to tell correctly. It is correct that my affidavit was prepared here on 13th August, 2002. My memory had gone weak after 13th August 2002 when I was hurt and now it appears that my memory has become what it was on 13th August, 2002.

I remember the date when Dharendra Majumdar died, but I do not remember the year. He died on 21st November about 20 years back at the Rajghat of Varanasi.

In my affidavit by the words "Ram Janam Bhoomi" and "Ram Janam Bhoomi premises" I mean that Ram Janam Bhoomi is that place where Lord Ram was born and Ram Janam Bhoomi premises stands for its entire courtyard. The place under the middle dome of the three-domed building is known as Ram Janam Bhoomi and I also believe the same, but I cannot tell its length or breadth even based on guess. To the west of Ram Janam Bhoomi i.e. the portion below the middle gumbad was a wall and after that was the Parikrama marg and then there was a pit. To its north, was the place below the second dome and to its south also was a place below the second dome. There was a big hall below the three domes. To the north and south of the middle dome, there was a small wall in which there were pillars of black stone. I do not remember whether or not the flooring beneath all the three domes was similar. The length between north-south of the hall below the three domes would be about 100 feet. I know that it is wrong to tell a lie from the point of view of religion and morality.

Question: Do you also know that suppression of truth also falls in the category of telling a lie?

(The learned advocate of plaintiffs Shri Ved Prakash objected saying that the witness has come to give evidence relating to the facts of the case and, therefore, permission should not be given to ask such hypothetical questions from him.)

Answer: I am not a learned person and, therefore, I cannot say whether suppression of truth comes in the category of telling a lie.

Question: Do you know what were the views of Gandhiji and his close associates about telling a lie?

(The learned advocate of the plaintiffs Shri Ved Prakash objected to this question also saying that there is no such point in this case, which has relevance to the question asked. All this is being done to harass the witness and waste the time of the court. The question has no connection whatsoever with any fact of the case and as such, such question should not be allowed to be asked).

Answer: His views were that one should never tell a lie and I also have the same views.

I have never seen Gandhiji's weekly paper 'Harijan Sewak' nor have read it I have heard about it. I have heard of 'Mashru Bala'. I do not know whether he was among the associates of Gandhiji or not. I have heard about Vinoba Bhave Ji and have seen him also and he was among the associates of Gandhiji. I do not know whether Akshay Brahmachari was among the associates of Vinoba Bhave or not.

Question: In the weekly Hindu newspaper 'Harijan Sewak' of Gandhiji, the views of Vinoba Bhave Ji and Akshay Brahmachari about your so-called Janam Bhoomi and about the people who indulge in false propaganda have been published. Do you have any information about this?

(The learned advocate of the plaintiffs Shri Ved Prakash objected to this question saying that the witness has come to give evidence relating to the facts of the case and not to decide whether the views of others about those facts were

right or wrong. Asking such questions from the witness makes it clear that it is being done to harass him and waste the time of the court. Hence, such questions should not be allowed to be asked.)

Answer: I have no information about this because I have not read about this.

Question: Is it correct that Akshay Brahmachari had gone on fast in protest against an idol having been kept forcibly and stealthily in the disputed building?

(To this question also, the learned advocate of the plaintiffs Shri Ved Prakash raised an objection saying that the question asked does not relate to any issue framed in the suit. The witness has come to give evidence about the facts and he has said what he wanted to say. From the question asked to the witness, it becomes clear that an effort is being made to put words into his mouth as to what were the views of others regarding the facts of the case. Such questions are being asked to harass the witness and waste time and therefore, permission to ask such question should not be given.)

Question: Vinoba Bhave Ji and Akshay Brahmachari have been condemning the act of placing an idol in the disputed building and their views have been published in newspapers. Do you have any information on this?

(The learned advocate of the plaintiffs Shri Ved Prakash reiterated his objection to this question.)

Answer: I have no information regarding this.

Question: If such statements of theirs published in the newspapers are placed before you, will you agree with them and believe that they are their statements?

(The learned advocate of the plaintiffs Shri Ved Prakash objected to this question saying that in the question asked what has been said about the newspapers is neither in the file of the case and nor can it be shown to the witness. This question is hypothetical and should not be allowed.)

Answer: It is not necessary that I should agree with anybody's views.

At this stage, the learned advocate cross-examining the case filed document No.309C-1/1 to 309C-1/5 and the same was shown to the witness. The witness was asked.

Question: 309C-1/1 and 309C-1/2 is the photocopy of page No.212 and 213 of the 19th August, 1950 issue of Hindu newspaper "Harijan Sewak" and document No.309C-1/3 is the photocopy of page 261 of the 30th September, 1950 issue of "Harijan Sewak" and document No.309C-1/4 is the photocopy of page 147 of the 23rd June, 1951 issue of "Harijan Sewak" – they are all before you. Have you seen them?

At this stage, the learned advocate of other original Suit No.5/89 – Shri Ved Prakash raised an objection to this point that first of all, this record comprises photocopies which is not admissible for evidence and secondly, what is written in these records can be the views of the writer

himself. Whether these views are right or wrong, the witness cannot be questioned about these records.

In the light of the above objections, the above document No.309C-1/1 to 309C-1/5 is placed on record according to the order date 20.3.2002 of the Hon'ble full bench.

Answer: I have seen these papers but due to weak eyesight, I am not able to read them. On seeing document No.309C-1, the witness said that I am able to read in this "Harijan Sewak" and "Ayodhya Ke Muslims" and "August" but I am not able to read anything else. I can read the above three words because they are in bold letters. The learned advocate cross-examining the case read out to the witness document No.309C-1/1 in which it was written "Shri Akshay Brahmachari Ayodhya ke.....anshan chhod diya" (Shri Akshay Brahmachari gave up the fast) and then asked:

Question: Do you have information about the news published and do you agree with it?

(The learned advocate of the plaintiffs Shri Ved Prakash raised an objection to this question saying that the witness cannot be asked anything written in a record which is not admissible as evidence and whatever is written in this about Akshay Brahmachari, the witness cannot be asked any question relating to that because the witness has already said that he has never had any contacts with Akshay Brahmachari. Whatever Akshay Brahmachari did,

are his own views and the witness cannot be asked any question about its proprietary.)

Answer: I have no information about this news nor do I agree with it.

Similarly, the learned advocate cross examining the case read out before the witness the following extract from document No.309C-1/1 "at Ayodhya, there is an ancient mosque of approximately 425 years old named "Babri Masjid" and asked:

Question: Do you agree with this?

(The learned advocate of the plaintiffs Shri Ved Prakash reiterated his objection to this question.)

Answer: I do not agree with this.

The learned advocate cross examining the case read out to the witness the following extract from document No.309C-1/3: "I draw the attention of the readers assured" and asked:

Question: Do you have information about this and do you believe in whatever is written here?

(The learned advocate of the plaintiffs Shri Ved Prakash, reiterated his objection to this question.)

Answer: I have no information on this and I do not believe whatever is written here.

Similarly, the learned advocate cross examining the case read out to the witness the following extract of document No.309C-1/3 "the Home Minister of Uttar Pradesh Shri Lal Bahadur Shastri also, in his personal letter, written to Akshay Ji gave reference of the above reply of the Chief Minister and wrote there was correspondence through telegram and letters also" – the witness was asked:

Question: Do you have information about this and do you not agree with the reply given by the then Chief Minister and the Home Minister Lāl Bahadur Shastri?

(The learned advocate of the plaintiffs Shri Ved Prakash reiterated his objection to the above question.)

Answer: I have no information about this and I only agree with the words 'mail-milap' (inter-action) which is mentioned in this and I disagree with the rest.

I do not know that the message of the Gandhiji was sent across the whole country through his newspaper "Harijan Sewak" and the English newspaper Harijan. The witness said the pages of "Harijan Sewak" which have been shown to me are subsequent to Gandhiji. I have heard that during the lifetime of Gandhiji, both the above papers were published in English. The witness was shown document No.309C-1/4, whereupon he said "I can read the words "banavati patra or lekh" (forged letters and articles) which is written in bold letters, the rest I am not able to read. The learned advocate cross-examining the case read out to the witness the following lines from document No.309C-1/4 "black deeds of the opponents of Shri Ram Janam Bhoomi

– should produce it after taking permission”. The witness was asked:

Question: Are you familiar with what is written in the above extract?

(To this question also, the learned advocate of the plaintiffs Shri Ved Prakash reiterated his above objection.)

Answer: No please.

I do not agree with what is written in this.

Question: Do you agree with what Jeevan Ji Desai has said in this article?

(To this question, the learned advocate of the plaintiffs reiterated his above objection to this question.)

Answer: I do not agree with this because I do not believe everything that is published in a newspaper.

The witness was shown document No.309C-1/5 and asked:

Question: Does it appear to be some picture of building?

(The learned advocate of the plaintiffs Shri Ved Prakash reiterated his objection to the above question and said that there is no dispute about “any building” in the suit and, therefore, such questions should not be allowed to be asked.)

Answer: This appears to be the picture of some building.

Question: Have you ever seen a building like this anywhere?

Answer: I do not recall whether a building similar to that one which is visible in this picture I have ever seen or not.

Question: Is there a road to the north of the disputed building and to the north of the road, is there Janamsthan temple?

(To this question, the learned advocate of the plaintiffs, Shri Ved Prakash objected saying that such a question has been asked several times before and asking the same question over and over again from the witness tantamount to a harassing and misleading him and wasting the time of the court and, therefore, such questions should not be allowed to be asked.)

Answer: There is road to the north of the disputed building and to the north of the road is the Janamsthan temple. The witness was shown the photo of document No.309C-1/5 and asked is this picture similar to the Janamsthan temple and the witness replied I have never gone inside that, I have seen it from outside and, therefore, I cannot say whether the photo in document No.309C-1/5 is similar to the building of the Janamsthan temple or not. This is wrong to say that I am hiding the truth because of ill will.

The witness was shown photograph No.44 of coloured album 200C-1, whereupon he said I can see something like

a line in this picture, but I cannot see anything written there. I am not able to read whether in this picture, Janam Bhoomi Nitya Yatra and above that digit 1 is written or not. The learned advocate cross-examining the case read out to the witness the following lines of the last para on page 15 of his statement "the witness was shown photo No.44 of album No.200-1, on seeing which he said this is the picture of the main gate, i.e. Hanumatdwar and on this, a stone is fixed, on which Janam Bhoomi Nitya Yatra and above that digit 1 is written". On hearing which the witness said that it is correct that I had given the above statement.

Question: Is it that because today you have said that you are not able to read the text of the "Harijan Sewak" newspaper because it is written in small letters and that is why you are refusing to read what is written on picture No.44 whereas on 13.8.2002 you had read out the same thing in this very court.

Answer: Frankly speaking, I am not able to read anything written in photo No.44.

This is correct that the place where I am giving my statement is adequately lighted and a table lamp has also been lighted.

The learned advocate cross examining the case showed to the witness photo No.36 of black and white album document No.201C-1, whereupon the witness said that something appears to be written in this photo, but I am not able to read it. The witness was shown photo No.44 of coloured album document No.200C-1 and the article written on document No.309C-1/1 and he was asked can you see a

stone fixed in photo No.44, whereupon the witness said that the white colour thing visible in the photo on the right side appears to be that of a stone. On seeing the writing in photo No.44 and document No.309C-1/1, the witness said that the writing in both the documents appears to be light. I cannot give any reason how on 13th August, 2002 I could read what is written on photo No.44 and why I am not able to read it today. The learned advocate cross-examining the witness read out to the witness the following extract of page 5 of his cross-examination dated 13th August, 2002 "I went to Ayodhya out of curiosity.....is still there" on hearing which the witness said that I had given the right statement. The statement I had given yesterday about curiosity was correct and the statement above on page No.5 about curiosity is also correct. I do not see any contradiction between the two. It is not that I have received my education upto fourth standard from anywhere else instead of Saya School. It is not that I had taken admission in the Saya Primary School after 1935. It is also not that I took admission in that school informally (without writing his name on register) and that I was studying there just like that only.

Question: If after seeing the records of Saya School from 1930 to 1935, the names of other candidates becomes available and your name does not become available then what should it be taken to mean?

(The learned advocate of the plaintiffs Shri Ved Prakash objected to this question saying that the question is hypothetical and is aimed at misleading the witness and as such should not be allowed.)

Answer: If after 1922 and before 1935 my name does not become available in the school records, I am prepared to undergo any punishment.

This is wrong to say that I had lied about my age. This is also wrong to say that till 1945, I never went to Ayodhya. This is wrong to say that what I have said about pooja and darshan in the disputed building before 1949 is wrong. This is also wrong to say that I know upto 1949, there used to be regular Namaz in the disputed building and that I have given a wrong statement in this regard.

(The cross examination was concluded by advocate Shri Mushtaq Ahmed Siddiqui on behalf of defendant No.5.).

(Shri Mohammed Azhar Advocate accepted the cross-examination by defendant No.4, 5 and 6 on behalf of defendant No.26.)

(On behalf of defendant No.6/1 and 6/2 suit No.3/89 advocate Shri Fazle Alam accepted the cross-examination done by defendant No.4, 5 and 6.).

The cross-examination was concluded by all the defendants/parties. The witness is discharge.

Verified the statement after hearing

Sd/-

Housila Prasad Tripathi

19.9.2002

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

Sd/-

(Narendra Prasad)

Commissioner

19.9.2002