

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

O.O.S. No. 5 OF 1989
(R.S. No.12-61)

The Sunni Central Board of Wakfs,
U.P. and Others Plaintiffs

V E R S U S

Gopal Singh Visharad
And Others Defendants.

STATEMENT OF P.W. 23
MOHD. QASIM ANSARI

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P.W. – 23 Mohd. Qasim

Date : 16.1.2002

Mohammad Qasim Ansari son of late Karim Baksh Ansari, aged 74 years, resident of Mohalla Kutia, Ayodhya Distt., Faizabad, occupation Motor Mechanic stated on oath :-

I know the property in respect of which the case is being fought. Its name is Babri Masjid. Babri Masjid is at a distance of 3 furlongs from my house. I have performed Namaz from that mosque number of times. I had recited from there the Namaz of Fazir Zohar, Asir, Magrib, Isha and Tarvi. Said again that I had recited the Zumma Namaz also. For the last time I recited the Namaz there on 22nd December, 1949. After reciting the Namaz of Isha on 22nd December, 1949, when I returned to my home, there was quite an uproar there and it appeared that it would result into riots. When I woke up in the morning, my brother told me that an idol has been placed in the mosque and police has been deployed to keep a watch and it is possible that

the Namaz could be recited no more from there. four years after this incident, the Muslims gave a notice to the government that they would perform a fare-well Namaz from there i.e. Babri Masjid. When we were going to perform the farewell Namaz, the police stopped and arrested us and presented us before the Magistrate. In that proceeding, the Hon'ble Magistrate passed the sentence of 6 months imprisonment and a fine of Rs.500/-. When I was unable to pay the fine, our house and the shop were attached. After the awarding of sentence by the Magistrate, I remained in Basti Jail for about one month and 23 days. After that we never tried to recite Namaz from that place because the mosque had also been attached. The mosque had been attached immediately after this incident in 1949. I had recited Namaz from that mosque for about 8-9 years. Whenever I went for reciting Namaz, other persons from Ayodhya also recited Namaz along with us. Among them were Habi-Ulla, Farukh, Hashmat Ulla, Hazi Mahboob, Hafiz Akhlaq Ahmed, Chunnu, Barkat Ulla etc., whose names I remember at present. The people living outside Ayodhya also used to come for reciting Namaz in Babri Masjid, especially the Zumma - Namaz witnessed a large number of outsiders because there was also Jama Masjid there. In Ayodhya, apart from Babri Masjid, Zumma Namaz was also performed in the 'Kevde Ki Masjid'. So long as I recited Namaz from there, no idol was kept therein. Till that time the Hindus did not come to worship in the mosque. The structure of Babri Masjid is no more there. I know Yunus Siddiqui Sahab of Faizabad. I had seen him many times, reciting Namaz from Babri Masjid.

(Cross examination by Shri Vireshwar Dwivedi, Advocate on behalf of Shri Umesh Chandra Pandey, Defendant No.22).

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I had been to jail only once. On this point, I am not telling a lie that I have been to jail only once. Kewde wali Masjid is situated only at a distance of about one k.m. from my house. There are 7 furlongs in a k.m. I do not know how many yards or meters are there in a furlong. It is true that I don't know the number of yards or meters in a furlong but I can tell the distance in furlongs. In this connection I have not acquired any substantial knowledge.

In 1949, I had a shop of Bicycle repairing. I used to open my shop at 8 A.M. and closed it at 4-5 or 6 P.M. There was no fixed time for closing the shop. If there was no work, I used to close the shop earlier. When I took part in the procession and the police caught and put me behind the bars, even at that time I was running the bicycle shop. This shop was in Shringar Haat Mohalla. My above said shop would have been at a distance of about one k.m. from my house. That shop of mine was towards North from my house. I am the real brother of Hashim Sahib. The tailor shop of Hashim Sahib was also in Srinagar Haat and at some distance from my shop. There was no mosque at a distance of 10-20 yards from my shop in Shringar Haat. There are many mosques near our house which are situated at a short distance from each other. Out of these, there is a mosque of Kaziane and the mosque are known by the names of Mohallas in which they are located, such as the mosque of Panji Tola, the mosque of Tedhi Bazaar etc.

It is not correct to state that the dispute regarding Babri Masjid has been going on since 1934. It is true that there is locality of Shahjahanpur near Ayodhya which happened to be a Mauja (village) earlier. I don't know whether a cow was slaughtered in 1934 as a result of which

there were riots. I also do not know that due to these riots any harm was done to the structure of the disputed mosque or not. I also have no knowledge that the government, at that time, had taken a strong step and had imposed upon the Hindus a collective fine. It is true that my elder brother is a witness in this case and is also an active Advocate. It is correct that even today I have accompanied him to Lucknow. I did not come to know about the incident of 1934 even from him. Before 22nd December, 1949 the Hindus had not laid any siege around the disputed structure. It is true that till 22nd December, 1949 every thing was going on peacefully. It is true that according to me this incident took place on the night of 22nd, 23rd December, 1949, when an idol was kept inside the mosque. It is correct that prior to 2nd December, 1949 the leaders used to come to a place located at some distance from the disputed site. There was gathering and speeches etc. were delivered. I did not attend those meetings, but the voice from loudspeaker would reach our home. In those meetings the leaders would come and not the people belonging to any religion or creed. On 22nd December, 1949, Aavidyanath was delivering his speech in that meeting. In those meetings, which were being held on 22nd December or before that, many leaders would come, but I don't remember their names at present. The speech of Aavidyanath started at 7.00 p.m. on 22nd December, 1949. I did not attend that meeting. On that day, I had performed that Namaz of Isha at 7.15 p.m. The speech of Aavidyanath was being delivered at a distance of 20-25 steps in the North-East of the disputed structure. In that speech Aavidyanath ji was delivering a speech to provoke the Muslims. I had gone to that mosque from my home to perform Namaz and then I came back to my home. At that time I remained in the mosque for about half an hour. Whenever I went to perform Namaz at the disputed site, I

would come back from the Eastern gate and would go back to my home from the Southern side. I would go to perform the Namaz from this very way. On coming out of the disputed mosque from Eastern side, there was a path, that went towards East and it was adjacent to the Eastern gate. By going towards South from this path I would reach my home and if one went towards North, this path would go towards Hanuman Garhi. It would be wrong to say that I am intentionally telling a lie on this point. It is also incorrect to say that I am making a statement under pressure from Hashim Sahib as per his desire. By making a guess I will not be able to tell that apart from Avidyanath ji, how many people had come to attend the meeting near the disputed site. I will not be able to tell by guess also whether their number was 20 or 30 or 50.

The disputed site, which I call a mosque, is a Wakf. I have no knowledge as to who is the 'Wakif' of this mosque. Even my brother Hashim or any other person has told me about it. According to me it is not necessary that mosque should be a wakf. I don't have much knowledge about the things as to who was the Mutwali of this mosque. I don't have even a little knowledge in this regard. I did not try to gather any information about this. It is also wrong to say that I am trying to hide the true things. In the Babri Masjid, there was a man by the name of Moajjin Ismail. But I don't know whether he belonged to Ayodhya or some other place. I had not tried to gather information in this respect also. At that time the Imam of the Babri Masjid was Abdul Gaffar Sahab. He lived by the side of TEdhi Bazaar near our locality. My acquaintance with him had been considerably old. I know him well. Besides Imamah, he also taught the children. He used to teach in an Orphanage of Faizabad. I have no knowledge about the facts as to who appointed him

as an Imam in the disputed mosque. I don't know what was the age of Abdul Gaffar in the year 1949.

The Shia people used to visit this mosque i.e. Babri Masjid. All the Shia people who used to visit Babri Masjid, have died. I don't even remember their names. Those Shia people lived in Kajiana locality. Kajiana locality is adjacent to my Kotia Mohalla. It is wrong to say that I am telling a lie on this point i.e. about Shia people.

After 22nd December, 1949 offering of Namaz from the disputed site was stopped so I stopped going there. Since I was a Namazi and the elders were taking action in this regard, I did not take any action.

Four years after the incident of 1949, when I was going to perform the farewell Namaz, I was arrested. At that time, there were other people also with me. They were 2-3 and I don't know who had given the Notice that the farewell Namaz would be recited at the disputed site. The 2-3 persons accompanying us told that the Notice regarding reciting Namaz has been given to the government. We were going at 12.30 O' clock to recite the farewell Namaz. Groups of people consisting of four five people and two persons were going there and I don't know who were the other persons among them. Among these groups ours was a group of 2-3 persons. Hashim Sahab was not there in our group. We were accompanied by Nasir Ahmed and Hazi Fayak. They were also arrested along with us. Besides me, about 100 persons were arrested. I don't know how many other persons were arrested before my arrest. We had received no permission from the government to recite the farewell Namaz. It would be wrong to say or assume that I was going to recite the pious Namaz against the law.

It is true that I, according to my knowledge, was going to recite the Namaz as per the law.

When I used to enter the disputed structure from the outer gate, there appeared a small iron gate. On entering the mosque through this gate, there was a courtyard and no structure. After that, there was a wall which contained the iron bars. Behind this wall with iron bars, was again a courtyard. After this courtyard, there was the mosque exists in the Courtyard. There were thatched roofs on both the Northern and Southern Side of the disputed mosque. The mosque started from the first gate itself.

Question: Whether the place, where according to you the thatches were placed, was covered with the thatches or it was open ?

Answer: There were thatches on the right and left and the remaining space was open. The right hand side thatched roof was small whereas the left hand side thatched roof was bigger .

Question: What was around the building with dome?

Answer: The place behind the building with dome was vacant. There were graves on the Northern and Southern Sides, a well and Ganje Shaheedan in the East.

It would be incorrect to say that there would have been a path in Ganje Shaheedan toward East through the North-South graves. The East-West breadth of Ganj Shaheedan would have been three and a half or four yards. It would be wrong to say that I am telling a lie on this point. Ganje Shaheedan was towards East of the outer gate. The statement given about is correct that the North-South path was adjacent to the outer gate.

On entering the building with dome, there were some pillars, which were of black colour. I can't tell the number of pillars because I had not counted them. I can't tell even by assumption the number of those pillars-whether one or two, ten or twelve or twenty to twenty five. The black pillars appeared to be of stone but I did not see them carefully to know whether they were made of stone only or not. It is correct to say that the whole structure was constructed with lime stone. The paint on the building was white. I did not feel the curiosity to know why the black coloured stone pillars have been constructed in the structure built with lime stone. I did not see any mosaic work or any design made on those pillars. It is wrong to say that I am intentionally hiding the truth till date neither my brother Hashim or any other learned person told me why and how the black pillars were constructed. When I used to go to perform the Namaz, there were no pictures of Hindu God and goddesses painted on the pillar nor was there any carving on them. The North-South length of the Gumbad wali Imarat (building with dome) would have been around 30-35 yards. Similarly, the east - west length of the building would have been 30-35 yards. In the west of Gumbad wali Imarat, there was a 'Pushta' (embankment), thereafter was a slope and then a pit. I used to visit the mosque for reciting Namaz and came back after offering Namaz and apart from this I had no business whatsoever. I had seen the pushta, the slope below that and the pit while trekking the path going to the mosque. Since I did not have a close look of the Pushta, I can't tell its length and breadth.

A well was situated at about 20-25 steps from the southern and eastern corner of the outer gate of the mosque. It would be wrong to say that there was no well

and I am telling a lie about the existence of the well. The water was regularly drawn from that well and we used to wash our hands and feet with that water and performed Namaz. It would be wrong to say that there was neither the arrangement of water for washing hands and feet nor was there the well.

There is a mosque in my Kotia Mophalla also and it has minarets also. Kaziana Masjid also has minarets. I reiterate that there are two mosque in Kaziana, out of which one mosque has no minarets. There are minarets on the mosque of Panjitola. I can't tell that except the disputed mosque how many such mosque I have seen which bore no minarets. The distance from my house to Faizabad city is six kilometer and the distance from Naya Ghat to Faizabad is 8 k.m. I often make to and fro journey to Faizabad. The workshop I work in has no name. The workshop is in Reedganj. Except Zumerat (Friday) my shop remains open from 9 A.M. to evening till 'Magrib ki Namaaj' daily. The time of Magrib ki Namaz keeps on changing according to weather and the workshop closes accordingly. The owner of this workshop is my son Mohammad Israil. I have been working in this workshop for 20 years. My son Israil is not that fellow who had been jailed a few days ago. That is, my son Israil has never been jailed. It is true to say that the Reedganj locality, in which my workshop is located, is the same locality in which Mohd. Yunus, Advocate, lives, who has already appeared in the court as a witness. In Faizabad there is a mosque of Tat Shah, known by the name of Jama Masjid. It is correct to say that Tat Shah mosque would have been at a distance of about 200-250 yards from my work shop. I don't know when this mosque was built. This mosque of Tat Shah existed in 1949. It is true to say that this mosque of Tat Shah has been made bigger and more beautiful also.

I have no knowledge whether the expanse of Tat Shah Masjid has been enlarged or not in comparison to the past. About three weeks back, I had been to the Mosque of Tat Shah, but at present I don't remember when did I visit this mosque for the first time. There are two ways to enter the mosque of Tat Shah. One way opens towards the east of the mosque and the other opens towards the south. It is correct that the eastern way opens into a lane and the southern way open towards a narrow road. It is true to state that number of shops have been constructed in this mosque. It is correct to say that proper arrangement existed for washing hands and feet (for wazu) when I went to this mosque for the first time. I would not be able to tell who got this mosque of Tat Shah constructed – whether he was a king or a famous person. The mosque in my locality is very old, and I don't know who got it built. The land of the mosque situated in my locality is in the ownership of Nazul sarkar and then said that the land of the mosque is hereditary. But I can't tell to whom this hereditary land belongs. It is correct to say that similarly I don't know who is the owner of the land on which the Kaziana Masjid is built and who got it constructed. Kazitola mosque is also built on hereditary land, but I don't know who got it built and I also don't know who is the owner of this hereditary land.

There were two gates to enter the mosque. One gate was towards East and the second gate was towards North. At present I can't recollect whether the door on the North side was arched one or not. When I visited the disputed mosque, the pictures of lion and fish were not made on the Northern door. It is wrong to say that I am telling a lie here. There were stairs for going towards Northern door, it is true that after the stairs, on going inside towards right,

some space was vacant between the mosque and the door. In front of this in between space, some signs were made but I did not care to see of which things they were. I have seen the kitchen, the roller and the hearth and I have seen the foot prints also. The prints of all the things were there in this mid-land. It would be wrong to say that I am telling a lie here. No Kirtan (devotional singing) of Lord Ram or that of any god or goddess of the Hindus was held inside the complex of this structure. It would be wrong to say that I am telling a lie here. In my whole life, I had been out of Ayodhya to Kanpur only for six months. I have said in person that I used to visit Calcutta etc. I know Dharam Das, the Mahant of Ayodhya. I also know his Guru Abhiram Das. I know the Mohant of Nirmohi Akhara of Ayodhya who was there in 1949. I also know Paramhans Ram Chandra Das. I said that he used to sit in my shop. Prior to 22nd December, 1949, these people i.e. Dharam Das and his Guru Paramhans Ram Chandra Das and the Mahant of Nirmohi Akhara did not enter the mosque or its complex. It would be wrong to say that before 22nd December, 1949, Baba Bairagi people used to hold Kirtan with their axe duly entrenched. It is also wrong to say that before 22nd December, 1949 the Babas of Ayodhya, the babas of Nirmohi Akhara and other people did not allow any Muslim to enter the mosque and if any one dared to go there, these people threw shoes and chappals at him. I don't know whether or not the Inspector of the Wakf used to go to inspect the mosque before 22nd December, 1949. I have no knowledge as to who paid the salary of Imam and the Muazzin (elderly) of the mosque. As per my knowledge, the guardian of grave yards and mosques in Ayodhya was Zahur Ahmed. I have said personally that I knew only Zahur Ahmed Sahab and nobody else. Sir Zahur Ahmed Sahab died about 10-15 years ago. Zahur Ahmed Sahab sold surma (collyrium) and tobacco and he had a shop.

Zahur Ahmed Sahab would have received education upto 2nd or 3rd standard. It would be wrong to say that I am telling a lie about 'Tauliyat' also. There is Mauja Shahnawa at some distance from Ayodhya. I don't know whether or not the population of Shia people is larger. I have neither heard the place named Sholapuri nor I know about it or about any other place by the name of Sholapur. I don't know whether or not Asgar Ali Sahab, the resident of Shahnawa, was called the Guardian of the disputed mosque. I know Rafi Sahab, Advocate, of Shahnawa. He was an Advocate dealing with criminal cases and has not been my Advocate in any suit. I know him for the last 10-15 years. It is true that Ram Laxmansharan was murdered in Darshan Nagar situated at some distance from Shahnawa. It is wrong to say that Advocate, RAfi Sahab pleaded on behalf of the accused and I also used to witness that suit. I had seen the place where he was murdered. I had reached that site not upon telling or asking by some one but upon hearing a humble appeal (Guhar). This site of incident was at a distance of three miles from my house and 4 miles from my shop. It would be wrong to say that I am telling a lie on this point with a view to hide my interest in that murder.

On entering the disputed mosque, there was a place under the central dome, which was meant for Imam. Imam's place was not at a higher platform, but it was even. The place where Imam Sahab used to stand, had on its right side a raised platform (Chabutra) like structure, on which Imam Sahab used to give Khutba' (advice). Then said that three stairs were built to go to that Chabutara (raised platform). The length and breadth of this Chabutra would been a little more than one meter. When one entered from the door, these stairs were constructed on the left side. This Chabutra was adjacent to the western wall.

There was no space in between these two. This chabutra, was on the North-West side of the western wall, that is to the North of the place where Imam used to stand. Khutba is not a 'Prasad' (offerings made to God and then distributed among the devotees), but it is an advice given by Imam before reciting Namaz. After reciting Namaz, a prayer (Dua) is made. After that people used to go to their respective homes. At night a Namaz is recited which is called Tahajjud, but I have never recited Tahajjud Namaz in a mosque.

It would be wrong to say that I never went to the mosque for reciting Namaz and I am making wrong statement at the instance and instructions of other people. Some times, the women would also come and recite Namaz from outside the mosque. They did not recite Namaz in groups, but would do it all alone. It would be wrong to say that I am making wrong statement at this stage.

On the North of the disputed mosque there is a road which goes from East to West. This road on the Western side goes to Dorahi Kuan via Hanuman Garhi and Raja Sahab Ka Mahal. It would be wrong to say that even here I am telling a lie. It is true that the way to the East of the mosque and one to the North of the mosque, both meet at one place. A stone is affixed there. I have seen that and it is affixed on the Northern pavement of Northern road. I had seen that long back, and on that stone "Janamsthan" was written in Hindi. I did not see that thoroughly. I had no obstacles or hurdles in reading that matter thoroughly. Outside the complex of the disputed mosque, I did not see stone affixed on which Janambhoomi would have been written. I don't remember at present whether Sita Rasoi was also written on the stone which containing the writing "Janambhoomi" or not. It is wrong to say that I am telling

a lie even here. On the North of the Northern way of this disputed site, there was Ganje Shahdeedan, Kazi Kidwa Ki Majar and a well. On its East, there is Amawa Mandir at some distance. This Amawa Mandir is 2-3 bigha East of the Ganje Shaheedan. The length of a bigha is at the most of two furlongs. Since I don't know the measure, I would not be able to tell that it would be one and a half furlong. On the East of the Eastern way of the disputed premises, there is built a Manas Bhawan, which did not exist earlier. By earlier I don't mean 25 years ago from this day. It would also be wrong to say that I am telling a lie here that there is temple inside Manas Bhawan. If one entered the Manas Bhawan through its gate, there was built a small temple. I, myself, have said that now the government has taken its possession. Since I have not gone there, I can't tell whether or not here is a temple inside the Manas Bhavan. In the nearby area of the disputed premises, I have neither heard of a temple by the name of Sakhshi Gopal, nor have I seen that. There are many temples around the disputed premises, out of which one temple is Janamsthan also and there is another temple called Ved Mandir, which is located at some distance. There is a temple on the Eastern side, which is adjacent to Manas Bhawan. It is true that the road which goes from Manas Bhawan towards Hanuman Garhi, there are temples on either side of the road but there is no temple on the Western side of that road. There would be about 5-6 temples between Amawa Mandir and the disputed site. I don't know that on the right hand side of the road going from the disputed site to Dorahi Kuan is Avadhkhas Mauza (village) and on its left side is Kot Ram Chandra Mauza. My house falls in Jalwanpur village and it is to the East of the disputed premises. I don't know whether or not the disputed premises falls under Kot Ramchandra. I also don't know whether the disputed premises is in Ramkot or not. I

know that the disputed premises falls under Mohalla Durahi Kuan. It is also wrong to say that I am telling a lie here. About 50 years ago from this day, I and my elder brother Mohammad Hashim Ansari have been meeting Paramhans Ramn Chandra Das and I often visit his house. It is true that we have so much love for each other. We are fighting case in the Court and we visit each other's home. I go to Param Hansji not with some desire, but visit him to take tea made with milk. He comes to us rarely for taking some conveyance and he does not come to us for any other purpose. I have a conveyance for the last 40 years. These days I am having a Maruti and an Ambassador car, whereas prior to that I had V-8 Ford. These vehicles have been with me from the time I used to repair bicycles. It is true that Paramhans has no vehicle. It is wrong to say that Param Hans has a vehicle and I am telling a lie on this point. I have visited Paramhans for about two months. I have no knowledge since how long my brother Hashim Ansari has not gone to see him. I have no knowledge since how long my brother Hashim Ansari has not gone to see him. I have no knowledge that my brother had gone to meet Paramhans Ram Chandra Das yesterday to tell him that he should begin his fast just now. It is wrong to say that I have misstated the facts in this case at the instigation of the people. It is wrong to say that no Mohammedan has recited Namaz in the disputed structure after 1934. It is also wrong to say that in case any person dared to recited Namaz during this period he was beaten from a considerable distance and was made to run away. I don't know that an inspector of the Wakf had submitted a report to the effect that if any one goes to recite Namaz, he would be beaten up and made to run away. It is also wrong to say that three months before 22.12.1949, the Bairagis and Saints used to hold Kirtan at many places in front of the disputed premises and they did allow any Mohammedan to come there. It is also wrong to

say that I and my brother Ansari were dauntless persons, and for causing and making disturbance, our help was sought and so we took out a procession and only then there was a scuffle with us. At that time, we were awarded sentence with fine. We did not pay the fine because we were the victims of high handedness, whereas our financial condition was all right. Our father was not a farmer, but a tailor master and he stitched the clothes of the king of Ayodhya and often used to visit Rangoon in connection with his occupation.

(Cross examination by Shri Vireshwar Dwivedi, Advocate, on behalf of Umesh Chandra Pandey - Defendant No.22 ends)

Verified after hearing the statement

Sd/-

Mohd. Qasim Ansari

16.1.2002

On being dictated by us, the Stenographer typed it in the open Court. Be present for further examination on 17.1.2002.

Sd/-

Commissioner

16.1.2002

Dated : 17.1.2002

(In continuation of 16.1.2002 the statement of Mohammad Qasim Ansari, on oath, begins).

Cross examination by Shri Ved Prakash Advocate, on behalf of Mahant Dharam Das – Defendant No.13).

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May be, that Ayodhya only is now called 'Ram ki Nagri' (the birth place of Ram) but earlier the people called it Ayodhya. After independence, the people started calling it Ram ki Nagri. We can't tell whether or not Ram was born in Ayodhya. I do know that Mohammed Sahab was born in lakhs of people from all over India come to participate in this fair as pilgrims. When those pilgrims march, the women sing song. That is a rural song, which I don't understand. The festival of Ram Navmi in Ayodhya has been going on in Ayodhya prior to my birth. It is true that the Muslims also put-up their stalls when the festival of Ram Navmi is celebrated in Ayodhya. When the Mohammedans set up their shops, they do not fix any signs that shows that it is the shop of a Mohammedan. It would be wrong to say that the Mohammedans who set up their shops make it feel that these are also the shops of the Hindus.

It is true that the people know a person by the name of the country where he is born. Such as the person born in England is called a Britisher and similarly a person born in France is called a French. It is also correct that a person born in Japan is called a Japanese. It is wrong to say that a person born in Hindustan is called a Hindu, rather he is called a Hindustani. There is a big difference between a

Hindustani and a Hindu. It is true that these two are human being also. It is also correct that both of them have the liberty to worship their God o Allah in their respective manner. Whosever is born in Hindustan is called a Hindustani irrespective of the fact that one believes in the formless God or is a worshipper of idols. A person who does not believe in the formless God or in the idol worship, but has faith only in deed is also a Hindustani but he is called an atheist. The follower of Islam, who believes only in deed, is also respected but the people don't respect him from religion point of view.

Tumultuous activities at the disputed site had started 15-20 days ahead of December 1949 and two, four, or six leaders used to come. Among those leaders, 1-2 leaders delivered speeches daily. Since I did not attend that meeting I would not be able to tell for how long that meeting lasted. We don't know when the meeting ended but sound from the loud speaker continued to reach us but by that time I used to go to sleep. Loudspeaker would start playing at 7 p.m. but I used to sleep by 8, 9 or 10 pm. The voice from the loud speaker continued to reach us till the time I was awake. I have heard the name of Ram Manohar Lohia. He lived in Akbarpur which was a part of Distt. Faizaad at that time. Sometimes Shri Ram Manohar Lohia also used to come there to deliver speech. Shri Ram Manohar Lohia, in his speech, never said that this is the birth place of Shri Ram (Janamsthali) and a temple should be built here. It is wrong to say that the Bairagi people used to sit all around i.e. East, West, North and South of the disputed mosque by sinking the flag in the earth. I don't now that there are Inspectors in Wakf Board, who visit and keep a watch over the Wakf property and inspect that. It is correct to say that I can't tell whether or not there is an Inspector in the wakf and what are his duties because I

have never been associated with any wakf or the mosque belonging to the wakf. I don't know whether a Wakf Inspector had visited disputed site in 1949 and had submitted a Report or not. It is wrong to say that I am deliberately hiding this fact that a Wakf Inspector had visited the disputed site and had submitted a Report that the Bairagi people had set up their flag around the disputed site and they continued to sit there. It is also wrong to say that I am hiding this fact because the Muslims were frightened because of the fear of the Hindu and Sikh people and for that reason they did not go to the disputed mosque. It is also wrong to say that I am hiding this facts about that Report because it was written therein that if any Muslim came from outside and stayed in the mosque, the Bairagi people used to throw at him shoes and the rotten stuff. It is also wrong to say that this system continued constantly after 1934 and no Mohammedan was allowed to go to the disputed site. I did not go to the disputed mosque every day but whenever I got a chance I used to go there and recited Namaz. At present I don't remember the dates when I went to the mosque and when I did not go. Whenever I went there to recite Namaz 10-15-20 people from the locality went there for reciting Namaz. It would be wrong to say that I ever went to a temple in Ayodhya for reciting Namaz. I would not recite Namaz at any place which is dirty even if it mosque. But after cleaning that place I can recite Namaz there. Besides, I can recite Namaz at every place, even if it is a house belonging to some other persons but Namaz can be recited after obtaining his permission. If idols of gods and goddesses are kept in a building, I can recite Namaz even there by covering those idols. Till today I have never recited Namaz in any temple in Ayodhya by covering gods and goddesses there. It would be wrong to say that a Mohammedan would not recite Namaz at a place where gods and goddesses are

kept by covering them with a curtain. It is true that in case gods and goddesses are kept in a building and the owner of that building does not allow us to recite Namaz by covering them the question of reciting Namaz by covering them, the question of reciting Namaz from that place does not arise.

I know about this case since 1949. It was written nowhere on the disputed structure that it is Babri Masjid. I have said that there was some thing written Kutba in the mosque in Persian, which I was unable to read. I have no knowledge of English. I have some knowledge of Hindi. When I was in Basti Jail, I read Hindi for one month and twenty three days. I can very well read the Hindi Newspaper. I have read Arabic book i.e Quran .If I am given something written in Arabic except Quran I can read it . I have read no other Arabic book except Quran. No one told us whether or not there was a mention of Babri Masjid in any Arabic book. No friend of mine has told me about a Persian books, but I don't remember whether Babri Masjid has been mentioned in those book or not . I know that the disputed site was photographed on the orders of Hon'ble High Court. I don't know the year in which it was photographed, but photographs were taken after 1949. After seeing the photograph of that site I would recognize that. I was not present there when the disputed building was photographed. I recognize the Advocate Sir Zaffaryab Jeelani. If his photograph is shown, I would recognize him.

(At this stage, the learned cross examining Advocate drew the attention of the witness to the picture No.109, 110 of the black and white coloured Photographs Album of the disputed structure made by Uttar Pradesh Archeological Organisation) on seeing which the witness said in this photograph I recognize Hafiz Akhlaq Sahab, Mannan Sahab and the Advocate Jeelani Sahab. It is true that this

photograph is of the time when the Commission had visited the disputed structure. On seeing photograph No.91 of this album the witness said – it is true that this photograph contains the photograph of lower portion of the pillar installed at the disputed site. The thing which is visible in the center of the photograph is the picture of a flower pot. In this flower-pot some petals have been painted. Above that some petals are visible. The petals of the plant planted in the flower-pot seem to be tilted. Above those tilted petals, the branches etc. of the same plant are visible. It is wrong to say that the picture drawn above the flower and petals in this flower pot is not the picture of flowers and petals but it is that of Hindu gods and goddesses. The attention of the witness was drawn to photograph No.95 to 106 of the same album. On seeing these pictures the witness said that all these photographs are, perhaps, the photos of Babri Masjid. I will not be able to tell whether these photographs are of those pillars which I have mentioned earlier in my statement or of any other place. It is true that I shall not be able to tell firmly whether or not all these photographs are of Babri Masjid. The attention of witness was drawn to photograph No.87 to 90, on seeing which the witness said that I would not be able to tell as to which place these pillars, appearing in these, pictures belong to. I have seen such pillar which are installed in the Museum of Faizabad, which is occupied, at present by the Office of the S.P. and the one, which was installed in Military Compound, which is, perhaps, no more there. It is true that except the two places cited above, I have not seen these pillars at any other place. He reiterated that similar type of black coloured pillars were installed in Babri Masjid. The attention of the witness was drawn to photograph No.71 to 76 of the same Album, on seeing which the witness said – I had seen similar type of black stone pillars in Babri Masjid and cantonment and also

in the Museum. I can't tell to which place this photograph belongs. It would be wrong to say that I can't tell because I have not seen them. I have said myself that I had seen such a stone in Babri Masjid apart from that I had seen it in Babri Masjid and cantonment. On seeing photograph No.76 of the same album, the witness said that in the center there is a flower pot and on its side are drawn the flowers and petals. It is correct that the flowers and petals made on the lower side of the flower pot are tilted. On the right side above the flower pot there is not an eye but a branchy. It is wrong to say that it contains the pictures of Hindu gods and goddesses the learned cross-examining Advocate drew attention of the witness to photograph No.63 to 66 of the same album, on seeing which the witness said that these are the photograph of pillars. But I can't tell to which place they belong. I had seen such pillars made at the disputed site. The learned cross-examining Advocate drew attention of the witness towards photograph No.55 to 62, on seeing which the witness said that all these photographs are those of pillars, out of which some pillars appear to be those of Babri Masjid and I would not be able to tell to which place the remaining pillars belong. Photo No.59, 60 and 61 are, perhaps, those of Babri Masjid. Photo No.62 does not seem to be of that place. The attention of the witness was drawn to photo No.20 of the same album, on seeing which the witness said – We neither saw the picture of a lion in any mosque nor there was any such picture in the disputed mosque. I have also not seen a mosque in which the picture of fish is drawn. There was no such picture of the fish drawn in the disputed mosque also. The attention of the witness was drawn towards photograph No.9 and 10 of the same Album, on seeing which the witness said – the pictures made here are not clearly visible. In these pictures face is not drawn; nose and eyes and legs are also not drawn. Nothing is visible in these pictures. I fail to see

what has been drawn in this pictures. Such a picture had not been drawn in the disputed structure before 1949. Right from 1949 to the day of demolishing the structure, I repeatedly heard that changes are being made in the disputed site. I did not go there to see it personally because had I gone there, I would have been arrested. I will not be able to tell the exact date, but since the day the idol was kept there, I had been hearing thereafter that changes are being made there. By the change I mean writing on the walls and to erase what had been written earlier and efface the signs etc of the mosque. During the period in between 949 and the date of demolition, I did not hear anything about any new construction being made on the disputed site. It is true that after the year 1949 to the date of demolition I had not heard of any new construction being made in side. Outside that disputed structure, many new buildings were constructed which I had seen. It is true that the disputed building was clearly visible from my house. All the upper domes of the disputed building were clearly visible from my house. My house was towards East from the disputed structure. After 1949 .Manas Bhawan was built on the east of the disputed structure. Manas Bhawan was built in front of the disputed structure.

Question:- The building that existed to the East of the disputed structure, whether any new construction was made in that between 1949 and 1922 ?

Answer :- I can't say.

No new construction was made to the North of the disputed structure also. To the South of the disputed structure, some structure was raised, in which some goods etc. of the police were kept. This construction was made on the Southern side o the disputed structure to house the Police etc. This construction was made at a distance of

about 200 meters. No new construction was made on the Western side of the disputed structure. It is wrong to say that I was forbidden to recognize the picture No.9 & 10 because it contained the picture of Barah god which is considered by the Hindus as the twenty fourth incarnation of god Vishnu. It is also wrong to say that because of the aforesaid reason I am telling a lie that eyes, ears, nose, face etc. are not drawn.

The learned cross-examining Advocate drew attention of the witness to picture No.13, 14, 15 and 16 of the Album of coloured pictures of the disputed structure photographed by the U.P. Puratatva Sangathan (Archaeological Organization). On seeing these pictures the witness said that these picture are not clearly visible. I have somewhat poor eye sight. I can't work without spectacles, particularly from the close. I have got the spectacle, I have brought it with me. After seeing all the four pictures No.13, 14, 15 and 16 with spectacles, the witness said that the picture is not clearly visible. I also work as a Motor Mechanic and wearing this spectacles, I work on the tiny spares of the machine. It is true, but I am unable to see these pictures clearly with this spectacle. It is wrong to say that I am deliberately not recognizing these pictures. It is true that I can see clearly with spectacle. It is wrong to say that I was taught and instructed not to recognize these pictures. Whatever has been shown in these pictures, there is nothing as such on the disputed structure. The doors from which I entered the disputed site, no such pictures were made even there. According to me, eye, ear, nose or face is not visible in these picture. At this stage, the learned cross-examining Advocate again drew attention of the witness to picture No.16 of the album, on seeing which the witness said that nothing as such is visible in this picture. It is wrong to say that there is boar dawn in these pictures

and due to this reason I am saying that nothing is visible. According to me nothing has been drawn in these pictures; something uneven is visible. It is true that it is not even. On seeing picture No.17 & 18 of this album the witness said that I would not be able to tell whether or not these pictures are of the disputed site. His attention was drawn to picture No.38, 39, 40 of this coloured album. On seeing these pictures the witness said that these pictures are of the disputed site. These are of the Northern side. Something is drawn in these pictures, but it is not clearly visible whether or not the picture of two fish and a lion is drawn. It is correct that I had gone there in 1949 or before that, and prior to that, these pictures were not there. I had heard that such type of things had been drawn there after 1949. I had heard so after 1949, but I don't remember the exact date. I had also not seen these pictures being draw. 6, 7, 8 years after 1949, while going through that way, I had seen the pictures of such type of fish and lion drawn there, but I don't remember the exact date. It is true that I have and had sympathy for this structure even before 1949. In this connection, I had told even the person who looked after the mosque and those people had also told me that they had also seen these things. In this connection I had informed my brother who is fighting the case. I don't know whether or not he conveyed this information to an officer. My brother Mohammad Hashim is neither the guardian nor he had been never the guardian or an agent of this mosque. I have no knowledge whether or not there was a committee of this disputed mosque or premises. I can't tell whether or not the people, whom I had informed about this, made my complaint to an officer in this regard. Except the above said construction around the outer wall of the mosque, I did not see any new construction. Beside the wall, whatever was constructed there I did not see any new construction being made there. Attention of the witness was drawn to

pictures No.47 to 54. On seeing them, the witness said – all these picture are of Babri masjid but the stones are not of that place. Attention of witness was drawn to picture No. 104 to 108 of coloured album. On seeing them the witness said – all these five pictures appear to be of Babri Masjid. These are the pictures of pillars installed in the Babri Masjid. Attention of the witness was drawn to picture No.109 to 127, on seeing which the witness said that – the pillars shown in these photographs appear to be those of the Babri Masjid but I would not be able to tell to which particular place they belong to. The attention of the witness was drawn to picture No.136 to 138 of this coloured album, on seeing which the witness said that these pictures also appear to be those of Babri Masjid. It is correct that I can't say firmly that these photographs are of Babri Masjid. It is true that except photo No.13 to 16, I have seen all the picture without spectacle. It is wrong to say that these were clearly visible without spectacle also. I have said myself that the photographs which were clear were clearly visible and the dirty ones were looking dirty. Except Photo No.13 to 16 the photographs that I have seen without spectacle i.e from 13 to 138, photographs No.115, 118, 119, 120, 121, 122, 123, 125, 136, 137 are not clear. Seeing the coloured Photo No.115, the witness said that it is uneven. It appears that some flowers and petals are drawn. In Photo No.118 also, there seems something to be drawn, but these are not flowers or leaves. In photo No.119 also, some art has been made. In photo No.121, some flowers and leaves have been drawn. It is also not clearly visible, it is partly visible. In photo No.122, 123 also some flower and leaves are visible. Photo No.125 is looking even. Nothing is visible to be drawn and nothing can be seen even with spectacles in Photo No.126. On seeing photograph No.139, 140, 141 the witness said that – in photo No.139, 140, 141 also flowers, flower pot etc. are

visible. On seeing photo No.142, 143, 144 the witness said that – nothing is visible in photo No.142. In picture No.143, flower pot and flowers etc. are visible. In picture No.144 only leaves are visible. Nothing is visible in picture No.145. In picture No.146, flower pot and flowers are visible. Similarly in photo No.147 flower pot and flowers are visible. It is true that in picture No.146 and 147 the leaves of the pot are looking tilted. It is wrong to say that some picture of god and goddesses are drawn on the picture No. 146 and 147, rather it is the branch of a tree. It is wrong to say that the picture drawn on photo No.146 and 147 is the trunk of an elephant. Photo No.188 and 189 are also not clear. What is drawn in these pictures is not visible. I heard the name of Babri Masjid since I came of age. I have nowhere seen it written that the disputed site is the Babri Masjid. I know that Babri Masjid Action Committee has been set up. It was set up in 1949. I am not a member of Babri Masjid Action Committee. I don't know whether or not my brother Mohammad Hashim is a member of Babri Masjid Action Committee. It is wrong to say that the pictures of gods and goddesses and of a boar were drawn in Babri Masjid and for that reason I never recited Namaz from there. It is also wrong to say that I have never recited Namaz there. I have said myself that I have recited Namaz there number of time.

(Cross-examination by Shri Ved Prakash, Advocate on behalf of Mahant Dharam Das Defendant No.13 ends).

(Cross-examination by Shri Puttu Lal Mishra, Advocate, on behalf of Shri Rajendra Singh son of late Shri Gopal Singh Visharad, Plaintiff other original Suit No.1/89).

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The disputed site is located in Durahi Kuan Mohalla (earlier name) which is now called Ram Kot. I will not be able to tell it what distance it extends towards East and West. I will not be able to describe its extension towards

North and South also. I can't tell how many Khasras are there in Ram Kot. I can't tell the total number of temples in Ram Kot Mohalla (locality). I can't tell whether or not 150 temple are located in Ram Kot Mohalla. It is wrong to say that Ram Kot is situated in the East of Durahi Kuan. It is also not correct to say that Ram Kot is situated to the West of Durahi Kuan. Ram Kot is situated in the North-South of Dorahi Kuan. It is correct to say that in the West of the disputed site the road is situated at distance of 200 yards. This road on the one side meets Faizabad crossing and on the other side it goes towards Kotwali Ayodhya. My house is situated in the East of this road. My house falls on the Northern side from the Tedhi Bazaar crossing. It is at distance of less than one kilometer from Tedhi Bazar crossing. Dorai kuan is at a distance of one kilometer from my house. This one kilometer route is calculated when one goes by turning via Tedhi Bazar. There is no direct way. The direct way, which existed earlier was half kilometer from Durahi Kuan to my house, but that path is no more available because that land has been acquired. While going from my house to Durahi Kuan, one comes across two mosques in the West. While going from my house to Tedhi Bazar, one will come across four mosques. Namaz is recited in above mentioned both the mosques situated in the West while going to Dorahi kuan from my house and also in the four mosques one comes across while going from my house to Tedhi Bazaar. Vashishth Kund is situated in the middle of Tedhi Bazaar and the disputed site. Vashishth Kund is situated at a distance of about 700-800 meters from Tedhi Bazaar and same is the distance between Vashishth Kund and the disputed site. I shall not be able to tell that Vashishth Kund is famous for wich thing. I have heard about Panchkosi Marg and Panchkoshi Parikrama. One reaches Panchkosi Marg while walking on the river bank in Tedhi Bazaar. The whole Ayodhya is

situated in Panchkosi Mar. The disputed site at a distance of about 300 meters from Panchkosi Marg. All the famous temples of Ayodhya such as Hanuman Garhi, Kanak Bhawan and the disputed site are situated within Panchkosi Marg and our house is also located in it. Pachkosi Parikrama is performed once in an year in the month of Kartik, perhaps around Katiki fair. It is correct to say that a grand festival is organized in Ayodhya on this occasion. It is correct to say that lakhs of pilgrims come here to have a glimpse (Darshan), It is also correct to say that Bazaar is held on the side of Panchkosi Marg and the shops are set up and proper arrangement is made for light and cleanliness. Lakhs of people perform Parikrama on Panchkosi marg. They also have the glimpse of Hanuman Garhi, Kanak Bhawan and Ram Janambhoomi. The pilgrims also have a glimpse of Ram Janambhoomi (Birth place of Lord Ram) near the disputed site. I also know about Chaudh Kosi Parikrama. Ayodhya and Faizabad fall on this Chaudah Kosi Parikrama Marg. It is also correct to say that Caudah Kosi Parikrama is also performed, once in an year. This Parikrama is also held in the month of Kartik. It is also correct to say that lakhs of pilgrims and devotees take part in this Parikrama. I shall not be able to tell whether all those places fall in Chaudah Kosi Parikrama which had historic importance during the Age of Sree Ram Chandra ji. I know about Bharatkund.

Statement heard and verified after hearing

Sd/-
Mohd. Qasim Ansari
17.1.2002

On being dictated by us, the Stenographer typed it in the open court. Be present tomorrow on 18.12.2002 for further examination.

Sd/-
Commissioner

17.1.2002

Date : 18.1.2002

(In continuation 17.1.2002 the statement of P.W.-23 Mohammad Qasim Ansari, on oath, begins)

Chaudah Kosi Parikrama and Panch Kosi Parikrama is held in the month of Kartik. Panch Kosi Parikrama is held first. Kartik Poornima is also called Katki. Perhaps Panch Kosi Parikrama is held within eight days of Kartki. Chaudah Kosi Parikrama is held first. Chaudah Kosi Parikrama is performed within the periphery of fourteen kos and the Panch Kosi Parikrama is performed within the periphery of five kos. I don't know whether a kos is equivalent to two miles. Panch Kosi Parikrama is at a distance of about 6 k.m. and Chaudah Kosi Parikrama falls within a periphery of about 18 k.m. Bharat Kund is at a distance of about 15 k.m. from Birth Place in the south. It is not correct to say that in 14 kos Parikrama, Parikrama also takes place in Bharat Kund. Earlier, the half in Kartik lasted for weeks together but these days people come here for only one day and then go back. It is true that Kartki festival lasts for 7-8 days and people come and then go back. It is correct that in these days there is an atmosphere of festival throughout Ayodhya. I know Amava Mandir. The road from Amava Mandir to Dorahi Kuan is barricaded so that no vehicle could go in. It is also correct that there is heavy rush of people from Hanuman Garhi to Dorahi Kuna and Amava Mandir and again from Amava Mandir to Hanuman Garhi. It is true that there used to be same rush of people in the East, West, North and South of the disputed site as it was near Amava Mandir. It is correct that the people who come here, visit Hanuman Garhi, Kanak Mandir, Janam Sthan Mandir, Janambhoomi and said further the whole of Ayodhya. The road from Dorahi Kuan to Amava Mandir is very old, which has now been closed. Now it has been

closed after being acquired. While going from Dorahi Kuan to Amava Mandir, one has to scale considerable height. Before Dorahi Kuan, there comes a Gurudwara of the Sikhs, then the road and after that Janam Sthan. After that there is the Babri Masjid on its one side. It is true that the place I call Babri Masjid, is called Janambhoomi by the Hindus. It is true that lakhs of people who gather here have the delight of having a glimpse of all the four places. The Gurudwara of the Sikhs is situated at a higher platform than Dorahi Kuan. It is at a height of 8-10 feet from the road. After Gurudwar one comes across four five houses and then comes Janam Sthan (Birth Place). Janam Sthan is at the height of about 8 feet from the road. The height Janam Sthan would be one and a half or two ft. more than that of the Gurudwara. Janam Sthan is not located on a mound but at higher place. The land on the right side of the road in front of Gurudwara is of higher level. From Dorahi Kuan, the Janam Sthan, which we call Babri Masjid, is situated at the place, that has a height of 20-25 ft. It is true that the road to the North of Babri Masjid is at the depth of about 20-25 ft. I have never thought whether or not the Janambhoomi, which we call Babri Masjid, and the Janam Sthan are on the same height as that of the road. There is a gate to enter the disputed structure from the North. It is true that one, who enters the mosque from North can come back from the North itself. One need not to go the East. The road for going to the disputed structure through the road in between disputed structure and the Janam Sthan is on the Northern side. The Eastern door from that Northern road is at the height of 3-4 ft. This distance would be about 15 meters. On turning from the crossing towards the disputed structure, one could not see any building earlier, but now one comes across Manas Bhavan. It is wrong to say that there are 4-5 temples in between Manas Bhavan and the disputed structure. It is

true that the disputed site is at a higher level on the Southern side also. To the South of the disputed structure there is a pit and then Hetti Ki Mazar, which is called as Kuber Teela by the Hindus. The height of Kuber Teela would be around 15-20 meters. This is located on a considerably spacious place. At some place its length and breadth is more whereas at other places it is lesser. At some places it is more than 20-25 meters. This Kuber Teela also comes under Dorahi Kuan Mohalla, but now it is said to be in Ram Kot. It is true that there are several other mounds at far of distances from Kuber Teela. To the South of Kuber Teela is a road and to the East of Kuber Teela there are mounds, which are 4 in number. To the East and West of all the mounds is a road. Except one mound called Sugreev Teela, all the remaining mounds have been acquired. I will not be able to tell whether or not all these mounds fall in Ram Kot Mohalla. It is true that the land to the East of the road that goes from near Dorahi Kuan towards Lucknow and Basti, has been acquired.

It is true that Ram Navmi festival is held in the month of Chait also. It is also correct that lakhs of people come here and there is heavy rush of people. Most of the people take bath in the river Sarayu and have a glimpse of Hanuman Garhi and some people visit the whole Ayodhya which includes Kanak Bhavan, Janam Sthan Mandir and now a days they go to Janambhoomi also. It is true that the Sawan festival in Ayodhya is celebrated with much fanfare and in this festival the people come to have a glimpse of 'Bhagwan Ka Jhoola Mani Parvat', which we call Sheesh Paigambar. Both Mani Parvat and Sheesh Paigambar are separate. This festival goes on not for 10-12 days, but for 6 days. This festival lasts from Sawan Ekadashi Shukla to Poornima (full moon night). It is true that the people come one or two days earlier and go back

one or two days after the festival. The importance of this festival lies in the Jhoola. It is true that the people who come to this festival, take bath in the Saryu, have a glimpse of Kanak Bhavan Mandir, Janam Sthan Mandir and Janambhoomi. I have said personally that it is Janambhoomi only now. It is correct to say that as per my memory I have been witnessing all the above said three festivals. It is true to state that lakhs of devotees come to participate in all these three festivals, some people come by train, some by bus and some in their own vehicles. Earlier, some people used to come on bullock-carts, there were bullock carts all around Dorahi Kuan. Rather the bullock-carts were stopped near my house. It is also correct to say that 10-20 thousand people come to Ayodhya daily. In the days of our childhood, the people used to come, but not in such large number. It is true that the Hindus are claiming their own right to the disputed site by calling it Janam Bhoomi. I will not be able to tell that it was the palace of king Dashrat. I also don't know whether or not the Hindus have such an accreditation. It is correct to say that during the days of above said festivals, there remains no discrimination between the Hindus and the Muslims and the people live in love and peace.

(The cross examination by Shri Puttu Lal Mishra on behalf of Shri Rajendra Singh S/o Shri Gopal Singh Visharad, Plaintiff, Suit No.1/89 ends).

(Cross examination by Shri Madan Mohan Pandey on behalf of Paramhans Ramchandra Das Defendant No.2).

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It is true that on the North-East corner of the disputed site is situated Matgajendra, which is called as Matgan Mohalla. I don't know whether or not there is any Matgarh Mandir. I have personally said that there was a Mazar (tomb) there which has been replaced by idols, which I have not seen. A festival is celebrated there in which the people fly kites, but I don't know whether or not it is called the Baisakhi Festival. It is true that there is a heavy rush of people in that locality, but it is wrong to say that the Hindus from far off places come to participate in that festival, rather they are only the residents of Ayodhya. To the West of the disputed land runs the Saryu river which heads towards the North after going to the East. I have heard the name of Vashisth kund. This Vashisth Kund is situated on the South-West corner from the disputed land. I don't know about the Vashisth Kund area. May be that the whole land of one and a half kilometer in the West of the disputed site along the bank of Saryu river might be known by the name of Vashisth Kund. It is wrong to say that there is a Gurudwara of the Sikhs at Vashisth Kund. In the North of Vashisth Kund there is Braham Kund Gurudwara. To the East of the disputed land is Manas Bhavan to East of which there are 4-5 temples which include Lomas Mandir and Ram Gulela Mandir etc. This road, which goes from the North of the disputed structure, meets the Highway on going towards East. It is true that from the Highway to the disputed land, there are temples of the Hindus on both sides. On this very road is situated the famous Mandir Hanumangarhi. It is also true that from the North of the disputed land up to Highway there is Hindu population and all their temples. To the North of the disputed land there is Saryu river at a distance of one K.M.. It is also true that there are several temples to the North of the disputed land also. On that very side there is Kanak Bhavan Mandir and many other famous temples whose

name I don't know. I have heard the name of Laxman Teela. This is also to the North of the disputed land on the bank of the river. It is correct that according to my memory, the population of the Hindus is more than that of the Muslims in Ayodhya. Ayodhya is considered to be a holy place both for the Hindus and the Muslims. It is true that Ayodhya is considered to be the place of pilgrimage of the Hindus. I have personally said that earlier it was not considered as such but it is considered as such since becoming the Janambhoomi. It started being considered as a place of pilgrimage since the dispute of Janambhoomi began. According to my opinion, the people started treating it as a place of pilgrimage since the beginning of this dispute in 1949. It is true that according to my views the people in large number started treating it a place of pilgrimage due to this dispute. It was a place of pilgrimage even before, but then fewer people used to come, and now the people come in large number. It is true that the Hindus treat Lord Ram as their god. It is correct to say that the Hindus believe that Lord Ram was born in Ayodhya. It is also correct to say that there are many Kunds and places in Ayodhya which are related to Lord Ram.

By looking the map of disputed land, I can understand where the disputed site is. (on this point the learned Advocate cross-examining drew the attention of the witness to the Map plan No.1 Paper No.136/5 draw by Shri Siv Sanker Lal, Pleader, filed in original Suit No.1/89) upon seeing which the witness said that – the map of the disputed site drawn in it is like the one I had seen in 1949. Attention of the witness was drawn to the map drawn on Plan No.2 of these paper, upon seeing which the witness said – this map is also correct, but I don't accept Ram Chabootra or Sita Rasoi and other things written on it. The Chabootra (raised platform) shown in this map was there

but 'Ram Chabootra' written on it is wrong. Similarly the place shown in the map existed at that time also, but the name shown in it is wrong. It is wrong to say that I have never recited Namaz in this disputed mosque. I have personally said that I have recited Namaz there hundreds of time. It is also wrong to say that the Hindus would have been performing worship and recitals in this disputed mosque before 1934 and the Mohammedans would have never recited Namaz from there.

(Cross examination by Madan Mohan Pandey, Advocate on behalf of Paramhans Ram Chandra Das, Defendant No.2 ends.)

(Cross-examination by Rnjit Lal Verma, Advocate on behalf of Nirmohi Akhara Defendant No.3)

xxx xxx xxx xxx

I have been hearing since my childhood that the disputed structure was the Babri Masjid. When I heard about this mosque for the first time, I was 10 years old. It was at that time that I went to see the mosque. I am eight years younger to my brother Mohd. Hashim. When I went to recite Namaz in the disputed structure for the first time, my age was 12 years. I got my basic education at 'Bari Bua Yatimkhana Madrssa'. I was got admitted in that Madrassa by Hazi Feku Saha and not by my father or elder brother. I was admitted in first standard. At that time my age would have been around 13-14 years. Hazi Feku Mian P.W. No.2 was the father of Hazi Mahboob. I can't tell what was the age of Hazi Feku when he took me to Yateemkhana Madrassa for my admission. It is correct to say that when I accompanied him, I saw at his house Hazi Mahboob and other members of his family. I had also seen Abdul Ahmed,

the elder brother of Hizi Mahboob, one year or ten years. At that time I had seen him walking. Abdul Ahmad is elder to Hazi Mahboob by 14-15 years. Abdul Ahmed is still alive and healthy and active. My statement was recorded in Delhi before Librahan Commission. I had got my correct age recorded there. I don't remember whether I got my age recorded before the above commission as 66 years. My father would have died in Ayodhya ago from 60 years before this day. It is not that he died in Rangoon, rather he died in Ayodhya. I can't tell for how long he lived in Rangoon before his death. My father died about 8 years after he returned from Rangoon for the last time. I can't tell when did he go to Rangon for the first time. I also can't tell whether or not he had gone there before 1934. It would be wrong to say that my father went to Rangoon before 1934 and came back to Ayodhya only after one year before his death. It is correct to say that he brought a lot of wealth with him when he came back from Rangoon. Our house which is in Kotia Mohalla, was built by my grand father and not by my father. My father did not get any house built in Ayodhya. I can't tell from which place my grand father came and settled in Ayodhya. I have never seen my grand father and grand mother. My mother expired 15-20 years ago. My maternal home is in Basti District. The age of my mother at the time of her death would have been around 100 years. It is wrong to say that our ancestors came from Basti and settled in Ayodhya. I have personally said that my mother had come from Basti. I was of 50 years when my mother expired. I got knowledge about Ayodhya from my mother also. My mother did not tell me that Ayodhya is the city of Saints and Bairagis. Ever since I came of my age, I have been seeing among the people of Ayodhya the Bairagis (people detached from the world) and the family men in equal numbers. It would be correct to say that in the family-men population, the Hindu

population is around 90 percent. I was unable to get any information from my father about Ayodhya or the temples of Ayodhya or its population. I got my education from standard one to three in Urdu language. My elder brother Shri Hashim Arbi is also educate. I have studied my religious books in Urdu language. I have a little knowledge about History. It is correct to say that the names of localities in Ayodhya are after Mohammedan pronunciation. There are even localities in Ayodhya which contain considerable population of the Muslims. Their names are- Thavi Tola, Kaziana, Dorahi Kuan, Suthati, Begampura, Saidwada, Tedhi Bazaar, Kotia and Panji Tola. The temples and the residential population of the Hindus in Ayodhya was in Sargat Dwar locality, which is called Urdu Bazaar, Shringar Haat (Rai Bazar) and Rai Ganj. It is not correct to say that the ancient temples of Ayodhya are only in Ram Kot Mohalla, but they are spread in the whole of Ayodhya. It is not correct to say that Hanuman Garhi, Kanak Bhavan are located in Ram Kot locality. About 40-50 Mohammedan families would be living in Tedhi Bazar Mohalla. In this locality the Hindu population was lesser but now it is larger. I can't say with surity that how many Hindu families would be residing there. In this locality the houses and the households of the Mohammedans are existing since the old period and no Muslims family has come from outside and settled here in the last 50 years. The old families of this locality included the families of Mohammed Zakir, Hazi Ramzan, Mohd. Ashraf, Niamat Ullah etc. Hazi Ramzan and Niamat Ullah are not the relatives of Hazi Feku. I will not be able to tell as to how many ancient families lived in Saidwada locality. Similarly I can't tell about the ancient Mohammedan families living in Kaziana Moalla. Kotia and Panji Tola are separate localities and not parts of Kaziana Mohalla. In this way the number of above said localities is nine instead of seven. In

Suthati Moalla, there are about 8-9 houses of Mohammedans and there would be 2-4 houses of Hindus. I and my elder brother live in the separate parts of the same house after its partition. I don't obtain any information about this case from my brother because I often don't talk to him. I have not been on speaking terms with him for about 20-25 years. Prior to that we talked to each other quite often. Besides the disputed structure, there exist in Ayodhya the ancient mosques in Laxman Ghat and Naya Ghat. The mosque at Naya Ghat is in dilapidated and falling condition. Before the start of the bridge built over Saryu river in Naya Ghat, that mosque on the right hand stands fallen. He said again that the mosque is not on the right hand side before the start of the bridge, but it is on the left hand. This mosque bears no name. In Mohalla Suthati, a mosque of Babar era still exists. That is not called the mosque of Babar Shah. The information that this mosque belong to Babar era was given to my Malhu, a resident of Suthati Mohalla. I don't know Malhu's father's name. I did not get information about this mosque from my mother or my elder brother. I have seen this mosque. Besides this mosque, there exist four other mosques in Suthati Mohalla. In this very Suthati locality, there are one or two Kanati mosques also, but in fallen state. I have recited Namaz in four mosque of Suthati Mohalla. I have not recited Zumme ki Namaz in these mosques, but have recited Namaz of other times. The ground level of Suthati Mohalla, where these four mosque exist, would be higher than that of the disputed structure. The ground level of the Suthati mosques would be about 2-4 ft. higher than of the disputed structure. It is correct to say that the exactly to the South of Babar Shah wali Masjid in the Suthati Mohalla, there existed the mosque of disputed structure. I can't tell whether or not there was any temple in the South of Babar Shah Ki Masjid in Suthati Mohalla. I have said personally

that there exist some graves in the South. The distance between Babar Sah Masjid of Suthati Mohalla and the disputed mosque would be around two furlongs. On the way of this distance of two furlongs, earlier there was no temple of the Hindus nearby, but recently one or two temples have been built. To the road situated in the North of the disputed structure is connected the Janam Sthan Mandir. I don't whether or not this Janam Sthan Temple is also called Sita Rasoi Mandir. I have seen this temple, but I can't tell whether it would be 300-400 years old. This temple was built prior to my coming of age. There as been no Post-Office in the temple premises near Janam Sthan. To the North of this Janam Sthan Mandir, there exists 'Shri Amar Nath Mahapata Ka Ghar' but this is not a temple. I can't tell whether or not there are numerous temples to the North of Amar Nath Mahapatra Ka Ghar'. As far as I know there are one or two temples, but I am unable to tell the name of any temple. Now the population in the two furlong distance between Babar Shah Masjid in Suthati Mohalla and the disputed land has increased. Earlier it was an agricultural land and there graves were on that vacant land. This population has increased during the last thirty years. The Azan mad from the Babar Shah Masjid could e hear in the premises of the disputed structure. An old mosque o Royal age still exists in Saidwada locality and I don't know its name. An old mosque exists in Kaziana Mohalla and n new mosque ha been constructed. In Panji Tola Moalla, there is a mosque besides our house. It is correct to say that in Kaziana Mohalla, a mosque is located to the South of Fazabad Road. Both the mosque located in Panji Tola and Kaziana localities have minaret. My brother Mohd. Hashim is not the guardian of both these mosques. He is guardian of the mosque situated in Kaziana Mohalla. I don't know who were the guardians of this mosque prior to my brother Hashim. The mosque existing besides my

house is a public mosque. Besides the disputed mosque, the Zumma Ki Namaz is also recited in Kewde wali Masjid. It is not correct to say that if a mosque exists near one's house or in a locality, the four times Namaz would be recited only in that mosque by the people of that locality, rather if Namaz is recited by going to a far off place and try standing after the Hafiz or Executive Imam, it is more rewarding. I would not be able to tell how old the mosques located near our house or in Panji Tola and Kaziana Mohalla are. Apart from the mosque near my house, I used to go for reciting Namaz to that mosque where the Hafiz or 'Kaari' got the Namaz recited. It is correct to say that my shop was in Shringar Hat Mohalla and 'Kewde wali Masjid' was also located in that locality Kewde wali Masjid is located behind Ayodhya Kotwali. The distance from my shop located in Sringar Hat Mohalla to Ayodhya Kotwali was a little more than 100 steps. There was a Maulvi in Kewde Wali Masjid but he was not a Hafiz or Kari. The disputed structure was situated at a distance of one k.m. from my shop in Shringar Hat. The weekly off for the market in Ayodhya is not Friday but Wednesday and still the market remains closed on Wednesday. I used to go to Kewde wali Masjid also. Te shopkeepers of the market (Bazaar) and some people of that locality used to come for reciting Namaz. The bucket, rope, lota (small round metal utensil) etc. were available in Kewde wali Masjid. The pitchers etc. were not there. I don't remember whether or not 'Quran Shareef' was available there. Musalla and mats were there. I would not be able to tell when I went to Kewde wali Masjid for the first time for reciting Namaz. Now I don't remember the people who were present at the time of reciting Namaz in Kewde wali Masjid. It would be correct to say that my shop at Shringar Hat had started functioning before I went for performing Zumme ki Namaz for the first time to Kewde wali Masjid.

I had performed Isha Ki Namaz in the disputed mosque on 22nd December, 1949 at about 7.30 p.m. On that day a candle inside the mosque and a lantern outside the mosque was burning. I neither remember the number of persons who accompanied me in that Namaz nor I had counted them. There was no special reason for not counting the Namazies, but due to terror in mind, I came back to my home immediately after reciting the Namaz. On 22nd December, 1949 at 7.30 p.m., Isha Ki Namaz was performed under the central dome of the disputed structure. It is correct to say that at the time of reciting the Isha Ki Namaz, Musalla, mats, pitchers, iron-pot, badhna (earthen jar) etc. were available at the disputed structure. I don't remember whether or not Quran Shareef was also present. It is not necessary that Quran Shareef must exist in every mosque. After that day, I don't remember when the disputed structure was attached. The idol was kept in the disputed structure only on the night of 22/23 December, 1949 and only after that the structure was attached. I don't remember even now after how many days after keeping the idol, it was attached and I also do not remember after how many days, years or hours from the date of keeping the idol, I got information about its attachment. At present I don't remember from whom I got this information. I had asked the man, who provided me the information regarding attachment, whether in this attachment Musalla, huge pots, Badhna etc. were also attached or not. He told me that the very list that was prepared, was lost. As far as I remember, it was Hashmat Ullah, who told me about it. I have read in History that there were Hindu-Muslim riots in 1912. I don't know that after the riots, the Hindus living in Suthati Begampura, Saidwada, Kaziana Dorahi Kuan and Tedhi Bazar locality were fined. I don't know whether a law-Suit was filed against Narottam Das of Nirmohi Akhara and 115

other persons of Hindu community for breaking the cemetery. I also don't know whether all of them were acquitted in a suit of such session.

Hashmat Ullah was a resident of Kaziana Mohalla. He is of my age. I know this fact that his statement in this Suit has been recorded. Habib Ullah lives in Kotia Mohalla near my house. Shri Farukh, about whom I have mentioned at page No.2 of my statement, lives in Shringar Hat and deals in collyrium (surma). It is correct to say that his shop is by the side of Kewde wali Masjid, but his house is situated at some distance from my house. It is correct to say that his residence is by the side of Kewde wali Masjid and near our house also. I don't know whether or not Zahur Mian is party to this Suit and I also don't know whether or not he has been pleading in this case from the very beginning. Once Farukh had come to meet us. He had told us that he, himself, had gone to give witness in this case. He had told me that he gave evidence in this Suit on behalf of the Muslims. I will not be able to tell whether the Namazies, whose names I have given on page 2 of my statement, had recited Zumma ki Namaz with me first of all or for the last time. The people, whose names I have told at page No.2 of my statement, did not always accompany me; some one out of them would come across me on different occasions. When I had gone to the disputed structure to recite my last Isha ki Namaz, then Farukh was with me. Nidmat Ullah, father of Hashmat Ullah, was the resident of Tedhi Bazaar Mohalla. Hashmat Ullah's house was at distance of two hundred yards from the house of Hazi Mahboob. I have had no talk with Hashmat Ullah regarding evidence in this case. Hashmat Ullah works as a typist in the Court. I had met Hashmat Ullah for the last time two-three years ago. In the Isha ki Namaz on 22nd December, 1949 Hashmat Ullah was also a participant along with me. Hashmat is also of my

age. Hashmat has no relationship with Abdul Gaffar. Hashmat Ullah's house was an ancestral house. He has now left this house and has gone to Faizabad along with his family. He has gone to Faizabad with his immediate family.

Hafiz Akhlaq Ahmed lives in Dorahi Kuan, locality. I know him for many years. He has a mosque in his house. Braham Kund and the Gurudwara is not adjacent to his house, but they are at some distance. I got acquainted with Hafiz Akhlaq Ahmed as a resident of Ayodhya and a Namazi. I can't tell his age. Perhaps he would be of around my age. It did not see him participating in Isha ki Namaz on 22nd December, 1949. I had met Hafiz Akhlaq Ahmed 4-5 years before from this day. At present Akhlaq has no business of operating buses. It is true that earlier he used to operate buses. I have been operating taxis for the last 40 years and I also have a workshop. It would not be correct to say that I often had talk with Akhlaq Ahmed about this Suit. I am not on speaking terms with him for about his evidence. When the Commission in this case, had visited the disputed site, even then I had gone there at the time of measurement. I don't know whether or not Hafiz Akhlaq Ahmed, during the presence of Commission, was doing some pleading on the spot. In Dorahi Kuan locality, there are ten other houses belonging to the Mohammedans in addition to the house of Hafiz Akhlaq. It is correct to say that on Tedhi Bazar – Katra Road adjacent to the East of the road in the West of the disputed site, there are three houses belonging to the Mohammedan, who are brothers. On the other side of the road, at this very place, there are houses of Babu Tailor and his family people. It is correct to say that Akhlaq's house is adjacent to the west of Parikrama Road on the road which goes from Dorahi Kuan crossing to Alamgiri. Behind the disputed structure is situated Braham Kund crossing, from where one road goes

to Kata Mohalla on the North and another road from the same crossing goes to Tedhi Bazaar towards the South and a road from this crossing in the West goes to Parikrama Marg. Mohd. Akhlaq's house is situated on the South of that place from where it meets the road on western side from Parikrama Marg.

Verified on hearing the statement

Sd/-

Mohd. Qasim Ansari

18.1.2002

On being dictated by us, the Stenographer typed it in the open Court. Be present on 4.2.2002 for further examination.

Sd/-

Commissioner

18.1.2002

Date : 4.2.2002

(In continuation of 18.1.2002 the statement of PW 23 Mohd. Qasim Ansari on oath begins):-

Akhlaq Sahab, who has been referred to by me in my statement, is known to me since about 15 years of age. I became acquainted with him in a natural way and no one introduced me to him. He is almost of my age and he used to come to my shop also. He also visited our house. He knew me and Hasim Sahab very well. Hashma Ullah Ansari lived at the frontier of Kziana and Tedhi Bazar. According to me, his house would fall in Mohalla Tedhi Bazaar. It is true that Hashmat Ullah is an Ansari and I am also an Ansari. I have no relationship with him, but we do meet another because he lives in the locality near our house. I know him since I was 14-15 years of age. He also knows me since then. I will not be able to tell whether or not Hashmat Ullah Ansari is younger in age to me. I know Farukh Ahmed. I know him also since I was 14-15 years of age. He also knows me since then. There is Roshan Masjid in Kaziana Mohalla. The manager of this mosque was not Farukh Sahab, but his father. Roshan Masjid falls to the South West corner of our house. At present Mohd. Hashim is the guardian of Roshan Masjid of Kaziana. In addition to Roshan Masjid, there is another mosque besides it, but it has no name, although it is known by the name of Panjitola Masjid. This mosque is managed by the residents of Mohalla and not by Razak, again said that there is no person by the name of Razak in my locality. The name of Farukh's father is Zahur Ahmed. One Razak, whom I know, lives in Kotia Mohalla near my house. He would be a little younger to me. This Razak is in good health and is active. I know Rasool son of Rasool Baksh, who lives in Ramgang Guriana Mohalla. I know him from

he days when I was 14-15 years old. He also knows me since then. He would a little elder to me in age. I know Mohd. Yunus, Advocate. I know him for the past 15-16 years ago. Prior to 1949, I had neither heard his name nor had I met him. I don't know Abdul Rahman, the resident of Mauza Ibrhim Pragana Mangalsi, Faizabad. I have never heard 'Taravi' from him. I know Hazi Mahboob Sahab since I was 10-12 years of age. He also knows me since that age. At present I would not be able to tell on which last Zumma I went to recite Namaz at the disputed site in the year 1949 before attachment. It is true that I had recited Zumme-ki-Namaz before attachment but I would not be able to tell what date and which Zumma that was but I do remember that during the month the attachment was done, I had recited Zumme Ki Namaz once or twice. I had recited the Zumme ki Namaz at 1.30 P.M. At that time I did not note whether or not Hashmat Ulla Ansari had participated in last Zumma-ki-Namaz that I had recited. In that Zumma-ki-Zamaaz there would have been about 200-250 people. Galiban Yasan son of Rasool Baksh was present in that Namaz. I had not seen Sayyad Akhlaz in that Namaz. This incident has become too old and I, therefore, can't tell whether or not Hazi Mahmood was present in that Namaz. That Zumme-ki-Namaz got recited by Maulvi Abdul Gaffar Sahab. Maulvi Abdul Gaffar Sahab lived in Tedhi Bazar. I have personally said that he had also a house by the side of Ram Asre and he lived there also. I would not be able to tell what was the age of Abdul Gaffar Sahab at that time, but he was young. He was much elder than me. He is no more now, but I would not be able to tell when he died. I would also not be able to tell how many days before this day, I had gone to meet Abdul Gaffar Sahab, but I do remember that I had gone to see him 2-3 days before his death. Perhaps he died in the house close by Ram Asre's house. Gaffar Sahab has grandsons.

At present I don't remember whether or not Hazi Abdul Ahmad was present in that Zumme-ki-Namaz. My house is in Kutia Mohalla which is also called Panji Tola. Kutia is a separate locality. I would not be able to tell how many people of Kutia Mohalla had gone to recite the last Zumme-ki-Namaz at the disputed site. But there were definitely two-three persons from Kutia Mohalla which included Barkut Ulla and Hidayat Ulla. Now, I would not be able to tell whether or not the people of Faizabad were present in that Namaz. The Moajjin of that mosque i.e. the disputed structure was Ismal Sahab. I don't know about his house but he lived in a village and did the sweeping, wahing etc. jobs in the mosque. He lived in a thatched room in the disputed mosque, which fell on the North side. One could see this thatched room when one entered that mosque from the first outer gate. This thatch was not laid on the bricked wall but on wooden support. I would not be able to tell the length and breadth of that thatched room. In that thatched room Ismail Sahab did not live with his family, but all alone. On entering room the same outer gate, there was thatched place on the raised platform (Chabootra) on the Sourthern side. No one lived there, but people often used to come and sit there. The Mohammedans and not the Hindus used to sit there. I don't know the length and breadth of this Chabootra. The height of this raised platform would be around one and a half or two ft. from the ground level. I had been seeing this Chabootra before the last Zumma ki-Namaz. This Chabootra was firm (pukka). It was not marbled but was made of cement. It is true that this raised platform had been built much before we came of age. The thatch on this Chabootra was, perhaps, on wooden poles and not on bricked wall. It is very old incident and therefore I would not be able to tell whether it was on wooden pole or on bricked pillar. Northern Thatched room was more spacious than the Southern

Chabootra. The length of thatched room on the North was greater. The people lived in the Northern thatched room, but food was not cooked there. I would not be able to tell which Namaz at what time I recited in the disputed structure for the first time. Earlier, in my childhood, I used to go there for playing also, but when I grew up, I started going there for reciting Namaz. In my childhood day I used to play Kabbadi', Gulli-Danda and hide and seek games outside the disputed structure. Nobody took me inside the disputed structure for the first time, but I went there on my own along with the people of my locality. I would not be able to tell how many people were reciting Namaz there when I had gone there for reciting Namaz for the first time. I can't tell the names of even those persons who accompanied me when I went there for reciting Namaz for the first time, I was studying in Madrassa. At that time I was the student of 1st standard. I had recited the Zumme-ki-Namaz in the inner portion of the disputed structure. At present I have no idea whether the Namazies lived in the inner portion of the disputed structure or lived outside also. It is true that on entering from the outer gate of the disputed structure one comes across the outer court-yard which is to the North-East-South of structure and it is surrounded by a high wall. By going ahead through Eastern outer court-yard, there was a small court-yard which was adjacent to a part of the structure and was towards East and it was surrounded by a wall that contained two gates with iron bars. The iron bars were also fixed in the wall. Whenever I went to the disputed structure for reciting Namaz. I recited Namaz under the three domed portion and when it was over-crowded the children were moved from the domed portion to the small courtyard and when there was too much over-crowding, the people recited Namaz in the outer court-yard also. But the people did not recite Namaz outside the Eastern gate. Now I have no idea that

all the people were under the dome or in the courtyard when I recited the last Zumme-ke-Namaz, again said perhaps, some children were in the inner court-yard. The age of these children was eight or nine years, but at present I would not be able to tell their number. In the Zumme-ke-Namaz, the people brought the small children by holding their finger. These small children were made to sit in the inner courtyard. When I recited Zumme-ki-Namaz for the last time, all the people except children, recited Namaz in the domed portion. Except Zumma, when I went there in a group to recite Namaz, there used to be two-four-six people already there. I never counted them. They were approximately 10-15-20 but some times they exceeded this number i.e. the number went upto 50. All these people used to recite Namaz under the dome. Now I can't tell when did I recite Namaz in the disputed site for the last time before the incident of keeping an idol there. I also can't tell that of what time and at what time and how long before the incident, I had recited the last Namaz in the said mosque. There was no tension between the Hindus and the Muslims before the incident of keeping an idol there in 1949. I have so heard that there had been riots between the Hindus and the Muslims in 1934 from Shahjahanpur to Ayodhya over some cow-slaughter. Shahjahanpur is a village adjacent to Ayodhya which is a distance of 3 k.m. from the disputed site. At that time I was much younger and therefore I will not be able to tell that terror was created between the Hindus and the Muslims after that riot. I would also not be able to tell what was my age at that time. After the incident of 22/23rd December, I did not use to go to the Advocate the pleading of the suit, but my brother Mohd. Hashim used to go. I did not accompany my brother, i.e. Hashim Sahab used to go for the pleading of the suit, but he did not talk to me about this suit. I would also not be able to tell whether or not the riot

of 1934 had any affect on the disputed structure. I did not get any information from any mother or any other elder person to the effect that riots of 1934 had affected the disputed structure. I would also not be able to tell whether the majority of persons killed in the riots of 1934 were Hindus or Muslims. I would also not be able to tell whether or not the government imposed riot tax only on the Hindus after the riots of 1934. It is wrong to say that due to the terror of 1934 riots, the Muslims stopped going to the disputed site. I don't know the name of the person who was the Daroga (Sub-Inspector) or Ayodhya Kotwali at the time of incident of 1949. Before the incident of 1949, there was no Police Post near the disputed structure. In 1949 the disputed site came under Katra Police Post. I don't know whether or not the Mnshi of that Post was Karamat Ulla. At that time the disputed was looked after by a guardian, who was, perhaps, the resident of Bhadokhar. He would, often, go to the mosque via the way passing by our house, but I have not seen him making any arrangement in connection with that mosque. Zahur Mian and Hazi Feku also used to look after that mosque i.e. the disputed structure, again said if required, these two would also render help. I can't tell whether the inner courtyard of the disputed structure was locked or not. I also can't tell if Zahur Mian locked it and kept its keys with him. It is the same Zahur who had a Surma-shop and whose son Farukh Ahmad has given evidence in this case. On the outer side, there was an Eastern door and a Northern door. It remained closed and it was opened from also, if required. The door of the Northern gate was closed with a chain from inside and it was not locked. On the next day after the incident of 1949, I did not visited the sot. After that incident, I have never gone to the disputed site till today. But I have gone through the road going by its side. There was not agitation soon after the incident of 1949. I had

come to know of the fact that the mosque has been attached. I do not know that after the incident of 1949, whether only the portion containing three domes of the mosque and the inner courtyard was attached or the whole mosque with outer courtyard was attached. My elder brother Hashim Sahab told me that the mosque has been attached.

As stated in my statement above, I know about the fact of attachment and the Notice given by the Muslims. I don't have any information as to what action was taken in the suit. The Muslim had not resorted to 'Satyagraha' immediately after the attachment. I know Akshay Brahamchari. Perhaps, he lived in Katra Mohalla. I have heard that Akshay Brahamchari had made some agitation, but I don't know from whose side he had made this agitation. I had seen Akshay Brahamchari before 1949. Perhaps he is alive and lives in Lucknow. I can't tell what would have been his age in 1949, but he was young. By young I mean, between 30 and 40 years. There is no permanent Imam of the mosque of Tedhi Bazar. I have heard the name of Master Navi. He lives by the side of the mosque in Tedhi Bazar and some times he also gets the Namaz recited. It is true that before 1949, there were only ten houses in Kaziana Mohalla. The disputed structure was on a higher place i.e. it was on a higher place in comparison with other places in Ayodhya. This higher place was not known by the name of Kot Ram Candra or Moalla Ramkot. I have myself said that in 50 to 60 years, the names of all the localities in Ayodhya have been changed. I don't remember the name of village (Mauza) and locality of disputed structure before 1949. There is also Amava Mandir, but it is situated on the slope and not on the higher part of Kanak Bhawan-again said that slope starts from there itself. From there the slope starts in all

the four directions. Hanuman Garhi Mandir is situated to the East of the disputed site where the slope ends. To the North of Hanuman Garhi is Rajdwar Mandir. This Rajdwar Mandir is on a higher place and its height is equal to that of the disputed site. There is no temple by the name of Matedh, but a Mohalla has the name of Matedh. To the West of Rajdwar there is a big temple. Its height is also equal to that of Rajdwar temple. Below the Kanak Bhawan, where the slope ends, is Vibhishan Kund. There is no Angad ka Teela to the South of the disputed site, rather there is a tomb of Khwaja Hatti on the mound (Teela). There are so many temples there and I don't know the names of all these temples. To the East to the disputed structure is the temple of Hanuman ji and to the North is Matgedh locality and Vibhishan Kund. I know that Lord Ram is an adorable god of the Hindus. I have heard the name of Hanuman ji. I don't know whether or not he was the attendant (Sawak) of Lord Ram. I don't know that the disputed site was the citadel (Kot) of Lord Ram and all around lived his Army Chiefs. I have not seen Khasra Khatauni etc. related to the disputed site. I have heard and read that Ayodhya has upturned (Patti) several times and the signs thereof are still in existence that it is not the same Ayodhya. I have read that Ayodhya and unturned two three times and the signs still exist and I have seen them. By 'Paltna' means the earth was turned upside down. It is possible that there might have been earthquake and in that, the earth might have turned upside down. It is true that the Saryu river flows to the North of Ayodhya. Where the earth turns upside down, a river is formed there. I have read the above said things in some book and don't remember its name. All those books were in Urdu language. All those books had been published. That was a History book but I don't remember the name of its writer. At present, I don't possess that book. I have myself said that all these books

and many papers got burnt and looted on 6th December '92. I had read all these books before the year 1949. In these books there was no mention about the disputed structure. 2-4 temples were mentioned in that book which included Hanuman Garhi, Kanak Bhawan etc. That book contained no description which gods lived in these buildings, but it was mentioned that a king had got constructed the Kanak Bhawan. Hanuman Garhi was a fort which was given in donation by Shujau-d-Daula or some Nawab. A temple does not belong to a single person. The Bairagis lived in Hanuman Garhi Mandir but I can't tell whether Ramanand Bairagi also lived there. On the bank of the Saryu river upto Jhunjhunia Ghat, whatever one can see is found turned upside down, i.e. even the well is found turned upside down. I have not read that Auzangzeb got constructed a mosque in Ayodhya, but I have seen that. This Mosque is in Urdu Bazaar, which is also called Sargdwar. It still exists there. Namaz is not recited in that mosque. Ever since my childhood, I have never seen a Namaz being recited here, i.e. ever since I came of my age I have not seen the Namaz being performed here. The mosque has collapsed and only a minaret exists there. The height of this minaret would be around 30 ft. We did not take any action to get that mosque re-built. In the South corner of the disputed structure, there is the tomb of Khwaza Hitti Shah. It is situated at a distance of about 300 meters from the disputed structure. I have been seeing that tomb since my childhood up to 1950. After 1950, all the graves were demolished and a garden was made there. The work of demolishing these tombs started ten years after the year 1949. The 'Turbat' of the Khwaza Hitti tomb has been destroyed, but its boundary still exists there. There was no roof over Khwaza Hitti ki Mazar, but the boundary was there. The Tomb was about 6ft. long and about one meter wide. The height of its boundary was about 7ft. which was

round-shaped. The raised part from the ground is called Turbat. On the part of grave i.e. head side, the raised portion that is build, is not called Turbat but the whole tomb is called Turbat. Apart from this tomb there are hundreds of tombs near the disputed structure. There was the tomb of Qazi Kidwa and Ganje Shaheedan and many other graves near the disputed site. To the East and North corner of Khwaza Hitti ki Tomb is the tomb of Qazi Kidwa. The tomb of Qazi Kidwa was exactly to the East of the disputed structure. It would be at a distance of about 20 meters. It was a high tomb made of Lakhauri bricks. It is not surrounded by a boundary wall. It is about one and half meter higher then ground level. The tomb of Qazi Kidwa was demolished within 15-20 years. In the disputed structure I have recited the Namaz of Taravi also. I would not be able to tell the age at which I recited the Namaz of Taravi. The Namaz of Taravi is recited in the month of Ramzan Shareef. In the Namaz of Tarafi that we had recited, the Quran was completed in 15 days. Hafiz (a Mohammedan who remembers Quran by heart) was getting the Namaz recited, but I would not be able to tell the name of the person who was getting the Namaz recited. I also can't tell that who was the Hafiz in Ayodhya. I have myself said that there was no Hafiz in Ayodhya at that time. I don't know whether there was or not any Hafiz in Faizabad. Before 1949, I heard Quran from a Hafiz many times. When I recited the Namaz of Taravi for the first time, my age would have been 14-15 years. I only remember that Hafiz, after whom I recited Taravi ki Namaz, in the disputed structure was a young man. His age would have been around 30 years. But when I recited Taravi during Ramzan in the next year, the Namaz was recited by another Hafiz. When I recited last Namaz of Taravi from the disputed site, it was recited by third Hafiz, i.e. not by the 1st and second Hafiz. I don't remember how many days before the

incident of 1949, I had recited the Namaz of Taravi. At present, I would not be able to tell how many people recited the Namaz of Taravi with me when I recited it from the disputed site, but Habib Ulla, Barkat Ulla, Naseeb etc. of my locality participated in the Namaz of Taravi. Now I don't remember whether or not Ekhlaiq Ahmed, Hazi Mahboob were also there when I had recited the Namaz of Taravi for the last time. Perhaps, my brother Hashim Sahab was there. When I recited the Taravi at the disputed site, I had not recited Taravi for the entire month of Ramzan, rather I recited it whenever I got a chance. 'Even' till the completion of the whole Quran in 15 days I did not recited the Taravi. My brother Hashim Sahab had not told me the name of the Hafiz who had got the Namaz recited for the last time. The age of that Hafiz would have been also around 25-30 years. There is no Namaz of Shabe Barat (funeral procession). Fatiha (first chapter of Quran) is recited in Shabe-Barat. The people from Ayodhya and Faizabad used to come on the night of Zumma (Zummerat) and recited Fatiha near the disputed site. I also used to go to recited Fatiha. At present I would not be tell the name of any person who used to come from Faizabad to recited Fatiha. At present I don't remember when did I recite Fatiha near the disputed site for the last time before 1949. After 1949, no one was allowed to go there. Therefore, the question of reciting Fatiha there does not arise. I can identify the Eastern gate of the disputed site after seeing it.

At this stage, the learned Cross-examining Advocate drew attention of the witness to picture no. 45,46 of the coloured Album prepared by the Archaeological Department, on seeing which the witness said that this is the picture of Eastern gate of the disputed site. No other gate inside this gate is visible. On seeing picture no. 46 the witness said that – no door inside it is visible. On

seeing picture No. 45 and 46 the witness said that a stone is installed near the door. On seeing picture No. 56 of this very album, the witness said that – this is not the thatch that we had seen on the Chabootra in 1949. On seeing picture No. 66 of this album, the witness said that at present I don't remember that it is the same Chabootra that I had seen in 1949 and there was a thatch on that. On seeing picture No. 77 of this very album, the witness said that this is the picture of same inner door with iron bars as I had seen in 1949. Now it has undergone many changes. The marble-writings etc. written on it were not there earlier. The remaining wall and railings are the same. When I had seen the disputed site in 1949, some signs were made towards the Northern gate but a rolling board (chakla), roller were not made there. The ground was even and the floor was cemented (Pakki). Round and long signs were made such as roller (Belan) and Peedha (a low wooden chair-like structure with back-rest) but I did not pay much attention to them but earth was not made. On seeing picture No. 71, 72 of this album the witness said – this picture is not of the period before 1949. When I saw it earlier in 1949, such signs were not there as are made in this picture.

The learned cross examining Advocate drew attention of the witness to picture No. 11, 12 of the black and white album prepared by the Archaeological Department, upon seeing which the witness said that these pictures are of the outer wall of the disputed structure. On seeing picture No. 23 and 37 of this black and white album the witness said that after seeing this picture I am unable to understand whether or not it is the Eastern door of the disputed site.

In 1949, perhaps, I knew Mahant of Nirmohi Akhara. His name was Raghu Nath Das Ji. I would not be able to

tell whether that Mahantji lived in Nirmohi Akhara or somewhere else. I would also not be able to tell whether or not another temple of Nirmohi Akhara is situated at Ram Ghat wali Raoad. Habibbula lives near our house. His age would be around 60 years, between 55 and 60 years. After attachment of the mosque, the Administration and the Daroga had got something written by four – five Mohammedans of Ayodhya which was resented by the Muslims at that time. I got this information from people. I have no knowledge about the fact whether the protest made by the Muslims was recorded somewhere or not. Due to domestic dispute, I some times stop talking to Hashim Sahab. The reason for that was only domestic conflict. I know Yunus Siddiqui since early days. He is an Advocate. I knew Yunus Sahab since the time when I was of 20 years old, but I would not be able to tell after how many years he became an Advocate. Since Yunus Sahib, some times, came to Ayodhya for stroll and he also came for reciting Fatiha, I got acquainted with him, but I don't know when he became an Advocate. I would not be able to tell what would have been the age of Yunus Sahib when we met for the first time.

At this stage the learned cross-examining Advocate drew attention of the witness to picture No. 154/5 by Shri Washir Ahmed, Pleader Commissioner filed in other Original Sit No. 1/89, on seeing which the witness said that I would not be able to tell the place to which his picture belongs. On this very point, the witness on seeing picture no. 154/10, said that – it is the picture of western part of the disputed structure. The thing which is appearing two and a half feet high is the 'Pushta' (embankment) and not the wall. On seeing picture No. 154/9, the witness said that this picture is of the Northern door of the disputed structure but the lions drawn on it were not there in 1949. It is wrong

to say that I am giving false evidence under pressure from my brother Hashim.

(The cross-examination by Ranjit Lal Verma, Advocate on behalf of Nirmohi Akhara Defendant No. 3 ends)

Verified after hearing the statement

Sd/-

Mohd. Qasim Ansari

4.2.2002

On being dictated by us typed by the stenographer in the open Court. Be present for further examination on 6.2.2002.

Sd/-

Commissioner

4.2.2002

Date: 6.2.2002

(In continuation of 4.2.2002, the statement of Mohd. Qasim Ansari on oath begins)

(Cross examination by Sh. Hari Shankar Jain, Advocate on behalf of Hindu Maha Sabha Defendant No. 10 and Ramesh Chandra Tripathi Defendant No. 17.)

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When I came of age, there was the Rule of British Government at that time. I don't know who the Viceroy was at that time. I don't know the name of the king and Queen of Britain of that time. I don't know the name of District Magistrate of Faizabad at the time when I came of age. First of all, I came to know the name of District Manager, Nayyar Sahab. I don't know from which period to which period he remained the District Magistrate. When I came to know the name of Nayyar Sahab for the first time, my age would have been 20 to 25 years. I don't remember exactly when the first Election was held in Faizabad. It may be in 1947-48. I don't know when the first Election for State Assembly in Faizabad was held before 1949, but I remember that an Election was held before 1945. In the first Election, I had participated in the Election as a worker for Hazi Fayak Sahab. Now I don't remember the party for which he was a candidate. Hazi Feku contested the election against him. It is correct to say that Congress and Muslim league, both the parties, took part in that Assembly Election. These Elections were of Municipality and not that of Assembly. Fayak and Feku were not the candidates of any party.

I don't know which candidates contested the Faizabad Assembly Elections before 1947. Before the partition of Hindustan, no relative of mine lived in the part going to Pakistan. Before 1947, I have never been to the parts of Pakistani frontiers and I did not go there even after 1947.

When I came of age, the coin prevalent in Hindustan bore the picture of the Queen of Britain. Besides the queen, it also contained the picture of George VI. I have a working knowledge of Hindi. In 1954, I remained in Basti Jail for one month and twenty three days. I learnt Hindi during that period. Before that I could read Urdu only. I could read Arabic at the time and even now. I can't read Persian.

I never saw any thing written in Hindi inside or outside the disputed structure. Some thing, perhaps, was written in Persian inside. But I could not read that. Some Aayats of Allah, Mohammed and Quran were written in the structure in Arabic. I don't remember at how many places were written the Aayats of Quran and Allah, Mohammed. Whatever was written in Arabic was all engraved. These Aayats were written on the stones and walls also. At every place two to three lines were written. These writings were written at the height of 15-20 ft. At some places these were written 8-10 ft. below or even lower than that. All these things were written towards the inner side under all the three domes. Tat Shah wali Masjid was at a distance of 5-6 k.m. from the disputed site. There was difference between the construction of Tat Shah wali Masjid and the disputed mosque. Tat Shah Masjid was more beautiful than the disputed mosque and even now it is. Tat Shah Masjid had many domes and I can't tell their number by guess. At that time, the Tat Shah Masjid had many small and large domes. There were about six domes. Small domes were built to

add beauty. There was no dome in the disputed structure. At that time many Aayats of Quran were written in Arabic in Tat Shah Masjid. In Tat Shah Masjid, there was no writing which meant that this place is for the landing of angles. I have never seen in any mosque the writing – that this is the place for the landing of angles. I have never seen written in any mosque that the said mosque was built by whom i.e. I have not seen the name of its builder written or engraved. The biggest minaret in any mosque is not more than 40-50 meters. I am telling this by guess and I have not measured them. The Tat Shah Masjid is situated in the Chowk Area inside the main Faizabad city. I can't tell that apart from Faizabad, in which cities I have seen a mosque. Otherwise, besides Faizabad, I have been to Calcutta, Delhi Rajasthan, Ajmer, Kanpur etc. I had gone to Calcutta 20 years ago. I had visited Delhi 5-6 years ago, Ajmer 12 years ago and Kanpur 15 years ago. I have seen many mosques in Calcutta. I can't tell when the oldest mosque in Calcutta was built. I can't tell the name of main mosque of Calcutta and I also can't tell where this mosque is located. The mosque seen by me in Calcutta would be approximately 400 years old. I did not try to find out that in whose era the said mosque was built. That old mosque of Calcutta is considerably big almost as big as Babri Masjid. There is difference between the construction of that old Mosque of Calcutta and the Babri Masjid. There is engraving in Calcutta mosque. The black pillars are not made therein. I did not see any painting on them also. I did not see any picture or photograph of a man on the pillars or walls of that mosque. The door of every mosque is generally towards East. If there is no space, it is then built in the west. The door of Calcutta mosque is also towards East. Inside the mosque, the height of the 'Chabootra' (raised plat form) on which the Imam stands, would be about two and a half to three feet. Inside that

mosque the Aayats of Allah Mohammed and Quran are written at many places. The Aayats are engraved in meshed style and some Aayats are written on the walls and not on the stone. I have visited two-three mosques in Delhi, but I don't remember them at present. I have recited Namaz in the Jama Masjid of Chandni Chowk. I don't know when the Jama Masjid of Delhi was built and how old it is. It is not that this mosque is 400 years old but it could be 400-500 years old and of Mughal Age. The difference between the Babri Masjid and Jama Masjid is that minarets are built in Jama Masjid, whereas there is no minaret in Babri Masjid. The construction of Zama Masjid and Babri Masjid is the same and there is no difference in them. I can't tell if some thing is written or not in the Jama Masjid of Delhi because I did not see that attentively. As stated above, I have seen no such writing in the Jama Masjid of Delhi as had been written in Babri Masjid. In the Jama Masjid of Delhi I did not see the black coloured pillars installed. The pillars, which are made, are there to add beauty to the mosque. There is painting of flowers and leaves on those pillars. Since I did not see them carefully, I can't tell that whether the painting on the pillars of Babri Masjid and that of the pillars of Jama Masjid was similar or not. When I went to see Jama Masjid of Delhi, the case of the Babri Masjid had started. There was no curiosity in my mind to see the Jama Masjid of Delhi with a view to compare it with Babri Masjid. I had gone to Jama Masjid for reciting Namaz and had come back after doing so. I had also gone to see Qutab Minar. I had not seen the mosque built near Qutab Minar I would not call Qutab Minar a mosque because it is only a Minar (tower) and no place has been built therein for reciting Namaz. There could be a mosque without minaret, but only a minaret can not be called a mosque because there is no space there for reciting namaz. I did not see on the outer gate of Qutab

Minar any writing in which it is written that this Minar was built with the debris of 27 Hindu temples and a Jain temple after demolishing them.

I had seen the mosque of Ajmer, but I don't know its name. Ajmer is known mainly by the name of Dargah (Shrine). The tomb of a person is called Dargah. No mosque has been built over Dargah, rather a 'Burji' (turret) is built. I, myself, have said that a mosque is built by the side of Dargah. At the main place of Dargah, there is no place for reciting Namaz. It is correct to say that Namaz can't be recited near the grave by turning the face towards the grave. The Dargah has 15 ft. curvature (roundness) and there is a veranda before Dargah. Ahead of Verandah is the ground and then boundary. I can't tell by guess what the distance between the verandah and the boundary is. It would take about 5 minutes to reach that structure from the main door. I don't know what is made outside the boundary. Outside the boundary, there is a colony and shops are also built. I saw no temple within the radius of 1 k.m. of the boundary of Dargah. Neither I nor any member of my family nor my elder brother Hashim Ansari or any member of his family has gone to Saudi Arabia so far. I have seen so many mosques which are amidst the graves. I have seen such mosque in Faizabad, Ayodhya, Rajasthan and Calcutta.

In Ayodhya, I have seen a mosque where Namaz is recited inside the mosque and devotional singing (kirtan) goes on outside. Kewde wali Majjid is about 400-500 years old. Namaz inside and the Kirtan outside the Kewde wali Masjid has been going on for about 40 years. I started going to the Kewde wali Masjid for reciting Namaz after I came of age and since that I have been seeing Namaz being recited inside and the Kirtan going on outside the

mosque. I, myself, have said there is also a temple by the side of Kewde wali Masjid. Except this, I have seen no other mosque in which the Namaz is recited inside and the Kirtan goes on outside. The distance between the Kewde wali Masjid and the disputed place is on k.m. The distance from Hanuman Garhi to Kewde wali Masjid is less than half kilometer. Nearest to the disputed place is situated the mosque in the courtyard of Hafiz Akhlaq. The mosque in the courtyard of Hafiz Akhlaq is about 200-300 years old. I can't tell whether it was built in Aurangzeb era or in some other era. This is a public mosque. In this mosque all the domes, minarets are all still existing. In this mosque of Akhlaq Sahab's Courtyard, many Namazies get together on the day of Zumma. I don't know who got this mosque built and who gave it in wakf (charitable endowment).

I have never seen in any mosque of Faizabad or Ayodhyathe signs of hearth or foot steps made. I had seen the sign of hearth and not that of foot-step in the disputed mosque. I had not seen the signs of 'Khadaun' (the wooden sandal) in the disputed mosque. I had not seen 'Kirtan' being performed on the 'Chabootra' (raised plat form) of the disputed mosque. Around 2nd October, 1949, there used together considerable crowd of pilgrims around the disputed site to stay under the shade of tamarind trees. It would not be correct to say that the leaders used to come here to address this crowd and neither did the saints and Bairagis used to come there. It is correct to say that Baba Raghav Das used to come to address the crowd gathered around the disputed side, but I don't know what type of speech he delivered. It is wrong to say that Dr. Ram Manohar Lohia ever came there to address the crowd. It is wrong to say that the crowd gathered around 2nd October, 1949 stopped the Muslims to enter the disputed area. Since I don't remember the date, I can't tell whether the

Hindus had a scuffle with the Muslims of rebuked them, between 2nd October to 2nd November, 1949, but as far as I remember, the Hindus had a scuffle with the Muslims. I never saw before or after, the idol that was kept in the mosque. I don't remember the date when the idol was placed but I came know about it on the morning following the night when it was placed. When I came to know that an idol has been kept inside the mosque I felt very sad and all my fellow Mohammedans were also grieved. After the keeping of an idol, the Muslims did not convene any meeting in any mosque or anywhere else, but my elder brother Hashim Ansari told me that a Notice has been given to the government in this regard. No such plan was made that all the Muslims should unite and remove that idol. It also did not happen that majority of the Mohammeds in a meeting might have said let the by gone be gone, the idol has been kept and now there is no need to remove that. There was no such impression among the Muslims that there is no use in making disturbance because no Namaz has been recited from 1934 to 1949, rather the truth is that Namaz was regularly performed at the disputed site during 1934-1949. It is correct to say that there have been no riots between Hindus and Muslims over the disputed place from 1949 to 1986. Babri Action Committee was formed after the keeping of idol i.e. after 1949, but I have no idea after how much period it was formed. I can't tell who the main leader of Babri Masjid Action Committee is. My elder brother Mohammed Hashim is associated with Babri Masjid Action Committee. I can't tell in which year after keeping the idol, this suit on behalf of the Muslims was filed; I can't even tell by guess after how many years it was filed i.e. ten, fifteen or twenty years. I will also not be able to tell whether the suit was filed before or after 1986. As far as I remember, Babri Masjid Action Committee was formed after the keeping of idol and before 1986. I can't tell whether

any incident occurred in 1986 or not and I also have no knowledge about the importance of the year 1986.

I know about the lock, inside the disputed structure that was opened in 1986, was locked by the Govt. The lock was placed on the main door outside the courtyard adjacent to the wall. Inside that was the mosque. I have never gone in the area of the locked building. Therefore, I can't tell what used to happen inside. I know Sayyad Shahabuddin. I don't know whether or no he has ever been the Head of Babri Masjid Action Committee. It is correct to say that Sh. Zaffaryab Jilani-Advocate, Shri Mushtaq Ahmed Siddiqi-Advocate, Abdul Mannan-Advocate are the members of Babri Masjid Action Committee. Except these gentlemen, I don't know the name of any other Member of the Babri Masjid Action Committee. Babri Masjid Action Committee has been formed after the lock was opened. Therefore, the question does not arise as to what work was being done by he said Committee before 1986. It is correct to say that during Lunch Break I pondered over and then I came to know that the Babri Masjid Action Committee was formed after 1986. My above said statement that Babri Masjid Action Committee was formed after keeping the idol as I had said above is wrong. It is correct to say that since the keeping of the idol to the opening of lock in 1986, neither the Babri Masjid Action Committee nor any other Committee of Muslims was formed. I can't tell whether or not the worship and Kirtan (Singing of devotional songs) had been going on in the disputed structure till 1986 i.e. till the opening of lock. I don't know from where the Babri Masjid Action Committee gets money and my elder brother Hashim Ansari might be knowing about this. It is wrong to say that after the opening of lock in 1986, Babri Masjid Action Committee was receiving a lot of money from Saudi Arabia. It is also wrong to say that the above said Committee is

getting money from Saudi Arabia. It is wrong to say that the Babri Masjid Action Committee has given me and to my elder brother Hashim money for giving the evidence. It is wrong to say that I neither went to Babri Masjid nor did I recite Namaz and it is also wrong to say that I am misquoting the facts at the instance of my brother Hashim. I don't know what had been going on inside and outside after 1949 till after the opening of the lock in 1986. It is correct to say that whenever any act in the society against the Muslims, mosque and Islam is committed, Zehad is announced. It is correct to say that in case of Babri Masjid, no Zehad was ever announced, but there was an agitation which was like Zehad. Zehad is declared by the Mufti. It is also correct to say that in the case of Babri Masjid, no Mufti declared Zehad. It is also correct to say that no Mufti, Maulana or any religious had declared Zehad or agitation in the case of Babri Masjid. It is wrong to say that I, my brother and some persons of the Babri Masjid Action Committee want to keep this dispute alive.

(The Cross-examination by Hari Shankar Jain, Advocate on behalf of Hindu MahaSabha Defendant No. 10 and Ramesh Chandra Tripathi, Defendant No. 17 ends)

(The cross-examination made by on behalf of other Defendants was adopted by Vireshwar Dwivedi, Advocate in Plaintiffs other Suit No. 5/89)

Cross Examination on behalf of all the Defendants concludes. The witness is relived.

Verified after hearing the statement.

Sd/-

Mohd. Qasim Ansari

6.2.2002

On being dictated by us, typed by the stenographer in the open Court.

Sd/-

Commissioner

6.2.2002