the subject, the circumstances, the period when it is written, the motive or objective, if any, and such other similar factors. We know that most of the books written by renowned and esteemed persons enjoin a very high reputation amongst the historians and therefore, what they have written, may not easily be ignored. However, we also can not ignore the fact that while writing a history book the author sometimes is influenced by the institution or body who has employed him, some times though free lancer, but has expressed his views and findings according to his own appreciation without having occasion of cross-check by other experts and some times the purpose of the writing may have domination over independent objective and fair assessment and instead of simply placing on record the events of history straight, he mould facts giving a totally different shade and colour. A Court of law, when comes across such documents which are placed for adjudication of an event or disputed fact of historicity, has to proceed with extreme caution and careful manner. It cannot just treat the views expressed by the historians as a gospel truth. We have noticed and shall demonstrate what was said two centuries back, was widely corrected with the passage of time and in modern times, a considerable number of persons have come forward with well documented and discussed version canvassing a totally different view which also cannot be brushed aside easily but worth consideration. Obviously, the historians, past and present, are not eye witnesses of the historical events, but by sheer dent of diligence and intelligensia, they have analysed past events in the light of material available to them to explain historical events and have tried to apprise the people thereof. But, when in a

Court of law, the things are discussed threadbare with logic, rationality and positive material, the position many a times turns wholly different. Besides, a huge religious, cultural literature has been placed suggesting that there is a cemented faith and belief of the community in respect to certain facts about their existence. Such faith and belief may not be tested by a Court of law being beyond the scope judicial review. It is suggested that such faith which is borne out from such ancient literature should be accepted on its face without any tinkering and the matter deserves to be decided accordingly. In a battle simply that of religious historicity, this Court has all odds to ponder over such a controversy. Moreover, considering sensitivity of the matter, the issues have to be analyzed delicately like a surgeon's hand, so as to reach a just decision which may cause harmony amongst the two major communities virtually covering the entire country. It would not be only in the interest of the litigating parties but also necessary for national integration, peace and tranquillity.

3512. In this case the learned counsels who have referred to various books including that of a very large number of history etc., assisting us to make threadbare scrutiny of the matter and reach a just and correct decision.

(A) Existence of Temple & Demolition :

3513. The questions are whether there existed a temple before the alleged construction of disputed building which was demolished and thereafter the building in dispute was constructed. Here **issues no. 1(b) (Suit 4) and 14 (Suit 5)** need be answered.

"Whether the building had been constructed on the

site of an alleged Hindu temple after demolishing the same as alleged by defendant no.13 ? If so, its effect ?"

"Whether the disputed structure claimed to be Babri Masjid was erected after demolishing Janma-Sthan temple at its site ?"

3514. The oldest document after the construction of the disputed structure wherein existence of a temple (building of Lord Rama) and its demolition has been mentioned is **Tieffenthaler's "Description : Historique Et Geographique : Del'Inde" (supra)** from Pages 252 to 256, **Exhibit 133 (Suit-5) (Register 21, page 273-289**).The relevant extract of the Tieffenthaler's work is reproduced as under:

(Page 252) *"Parmi les villes de cette province, Avad (ou Oude) & Lacnav font deux de principales & des plus anciennes, & meritent une mention particuliere.*

Avad, appelee Adjudea, par les Indous lettres, eft une ville de la plus haute antiquite. Ses maifons ne font (pour la plupart) que de limon, couvertes de paille, ou de tuiles; plufieurs (cependant) font de brique. Le rue principale va du Sud au Nord, & a un mille environ de longueur. La largeur (de la ville) eft un peu moins grande. Sa partie occidentale eft affife fur une colline de terre, ainfi que celle du Nord. Celle du Nord-eft repofe fur des eminences. Vers Bangla elle eft unie.

Aujourdhui cette ville n'eft gueres peuplee, depuis la fondation de Bangla ou Fifabad, ville nouvelle ou le Gouverneur a etabli fa refidence, & ou uu tres grand nombre (d'habitans d'Oude) fe font transplantes.

Sur la rive Sud (du Deva) fe trouvent divers

batimens conftruits par les gentils, en memoire de Ram, qui fe prolongent du Laevant au Coucham (a)."

English Translation:

"Of all the cities of this region, Avad (or Oude) and Lacnav are the two of the major and very ancient cities which are worth mentioning.

Avad called as Adjudea, by the educated Hindus, is a city of very olden times its houses are (mostly) made up of mud only; covered with straw or tiles. Many (However), are made of bricks. The main street goes from South to North and it has a length of about a mile. The width (of the city) is a little lesser. ***Its western side and that of North as well, are situated on a mud hill. That of north-east is situated on knolls.*** *Towards Bangla it is united.*

Today, this city has been hardly populated, *since the foundation of Bangla or Fesabad – a new city where the Governor established his residence – and in which a great number (of inhabitants of Oude) settled in.*

On the South bank (of Deva) are found various buildings constructed by the nobles in memory of Ram, extending from East to West (a)"

(Page 253) *"Le lieu le plus remarquable eft celui que l'on nomme Sorgadoari, c'eft k dire: le temple celefte. Car ils difent que ram a enleve de la au cicl tous les habitans de la ville: Ce qui a quelque reffemblance avec l'afcenfion du Seigneur. La ville alore deferte fut repeuplce & rendue a fon premier ctat par Bikarmadjit, ce fameux Roi d'Oudjen.*

Il y avoit eci un temple conftruit fur le bord eleve du fleuve; mais Aurengzebe, toujours attentif a propager la

fecte de Mahomet & ayant enhorreurles gentils, le fit demolir & remplacer par une mosquee accompagnee de deux obelisques, afin d'abolir jusqu'au fouvenir de la fuperftition Indoue. Une autre mofquee batie par les Maures eft contigue a celle – la vers le Levant."

English Translation"

*"The **most remarkable place** is the one which is called Sorgadaori, which means : **the celestial temple.** Because they say that **Ram took away all the inhabitants of the city from there to heaven** : This has some resemblance/similarity to the Ascent of the Lord. **The city, thus deserted, was repopulated and was brought back to its earlier status by Bikarmadjit -** the famous king of Oude (OUDH).*

There was temple in this place constructed on elevated bank of the river. But Aurengzebe, always keen to propagate the creed of Mohammed and abhorring the noble people, got it demolished and replaced with a mosque and two obelisks, with a view to obliterate even the very memory of the Hindu superstition. Another mosque built by the Moors is adjacent to the one towards the East."

***(Page 253)** "Mais un endroit fameux particulierement, eft celui qu'on appelle Sitha raffoi, c'eft a dire, la table de Sitha, femme de Ram. Ce lieu eft attenant a la ville, au Midi, & fitue fur une eminence de terre.*

L'empereur Aurengzebe a fait demolir la fortereffe appelee ramcot, & a eleve au meme lieu un temple mahometan, a triple coupole. D'autres difent qu'il a etc conftruit par Babor. On y voit I 4 colonnes de pierre

noire, hautes de 5 empans, qui occupoient l'emplacement de la fortereffe. Douze de ces colonnes portent maintenant les arcades intericures de la Mosquee: deux (de ces I 2) font placees a la porte du cloitre. Les deux autres font partie du tombeau d'un certain Maure. On raconte que ces colonnes, ou plutot ces debris de colonnes artiftement travaillees ont etc apportees de l'ile de Lanca ou Selendip [appelee Ceylan par les Europeens] par Hanumann, Roi des Singes."

"But a ***place especially famous is the one called Sitha Rassoi i.e. the table of Sita****, wife of Ram,* ***adjoining to the city in the South, and is situated on a mud hill****.*

Emperor Aurengzebe got the fortress called Ramcot demolished and got a Muslim temple, with triple domes, constructed at the same place. Others say that is was constructed by 'Babor'. Fourteen black stone pillars of 5 span high, which had existed at the site of the fortress, are seen there. *Twelve of these pillars now support the interior arcades of the mosque. Two (of these 12) are placed at the entrance of the cloister. The two others are part of the tomb of some 'Moor'. It is narrated that these pillars, or rather this debris of the pillars skillfully made, were brought from the island of Lanca or Selendip (called Ceylan by the Europeans) by Hanuman, King of Monkeys."*

(Page 253-254) *"On voit fur la gauche une caiffe carree elevee a 5 pouces deterre, revetue de chaux, longue d'environ 5 aunes large tout au plus de 4. Les Indous la nomment Bedi, c'eft a dire, le berceau. La raifon en eft,*

qu'il y avoit autrefois ici une maifon ou Befchan naquit en fe produifant fous la figure de Ram, & ou font auffi nes, dit-on; fes troi freres. Dans la fuite Aurengzebe ou felon d'autres, Babor, fit rafer ce lieu: afin d'oter aux gentils l'occafion d'y pratiquer leurs fuperftitions; neanmoins ils rendent encore un culte fuperftitieux a Pun & l'autre endroit : favoir, a celui ou etoit la maifon natale de Ram, en en faifant trois fois le tour, profternes par terre. Les deux endroits font entoures d'une muraille baffe garnie de creneaux. On entre dans l'avantfalle par une porte baffe ceintree.

Pas lin de la eft un endroit ou l'on creufe des grains de riz noirs convertis en petites pierres, que l'on dit etre caches fous terre depuis le tems de Ram.

Le 24 du mois Tfchet, un grand concours de peuple celebre ici le jour de naiffance de Ram fi fameux dans l'Inde entiere."

English Translation

*"**On the left is seen a square box raised 5 inches above the ground**, with borders made of lime, with a length of more than 5 ells and a maximum width of about 4 ells. **The Hindus call it Bedi i.e. 'the cradle. The reason for this is that once upon a time, here was a house where Beschan was born in the form of Ram. It is said that his three brothers too were born here. Subsequently, Aurengzebe or Babor, according to others, got this place razed in order to deny the noble people, the opportunity of practising their superstitions. However, there still exists some superstitious cult in some place or other. For***

example, in the place where the native house of Ram existed, they go around 3 times and prostrate on the floor. *The two spots are surrounded by a low wall constructed with battlements. One enters the front hall through a low semi-circular door.*

Not far from there is a place where one digs out grains of black rice, turned into small stones, which are said to have been hidden under the earth since the time of Ram.

On the 24th of the Tschet month, a big gathering of people is done here to celebrate the birthday of Ram, so famous in the entire India."

(Page 255) *"Goptargath eft un endroit plante d'arbres touffus, a un mille de Bangla, fur la rive Sud du Gagra. Il eft affis fur une colline peu rapide, & muni de petites tours de terre aux quatre cotes. On voit au milieu un trou fouterrain, couvert d'une coupole de grandeur mediocre. Tout aupres eft un arbre Tamarinier haut & age. Un portique regne a l'entour. On dit que Ram, apres avoir vaineu le Geant Ravan & etre revnu de Lanka, eft defeendu dans cette foffe & y a disparu: de la vient qu'on a donne a l'endroit le nom de Gouptar, qui fignifie: Depart pour les airs. Vous avez donc la une Defeente aux enfers, de meme que vous aviez a Oude une Montee au cicl. On pourra fe faire par la figure une idee du local & de la forme de cet endroit. (b)" (Page 255)*

English Translation:

"Goptargath is a place planted with thick trees, a mile away from Bangla, on the southern bank of Gagra. It

is situated on a hill which is less steep, and is provided with mud towers on four sides. An underground pit is seen in the middle, covered with a medium sized dome. Near it is a very old and big tamarind tree.

A portico extends around it. It is said that Ram, after having defeated the Giant Ravan and having returned from Lanka, descended into this pit and disappeared. Deriving from this, this place was named 'Gouptar' which means 'Departure for the Air'. Therefore, you have Descent into the Hell,there, which is similar to 'Rising into the Sky' that you had in 'Oude'. One will be able to have an idea about the locality and shape/form of this place (b) from the figure."

3515. In 1838, the report of Robert Montgomery Martin was published. **Exhibit 20 (Suit-5) (Register 21, pages 321-324)** contains photocopies of pages 335 and 336 of Vol. II of "The History, Antiquities, Topography And Statistics Of Eastern India" by Montgomery Martin first published 1838. The entire set in six volumes of the aforesaid work of Montgomery Martin first published 1838 and first Indian reprint 1976 is available, i.e. Book No. 35. The relevant extract from pages 331 to 336 has already been reproduced while discussing the issue pertaining to date of construction of the disputed building. For the purpose of issues in question hereat, a few lines relevant may be noticed as under:

*"The bigot by whom **the temples were destroyed**, is said to have **erected mosques on the situations of the most remarkable temples**; but the mosque at Ayodhya, which is by far the most entire, and which has every appearance of*

being the most modern, is ascertained by an inscription on its walls (of which a copy is given) to have been built by Babur, five generations before Aurungzebe.....The only thing except these two figures and the bricks, that could with probability be traced to the ancient city, are some pillars in the mosque built by Babur. These are of black stone, and of an order which I have seen nowhere else, ... they have been taken from a Hindu building, is evident, from the ***traces of images being observable on some of their bases; although the images have been cut off to satisfy the conscience of the bigot.****"*

3516. In **Edward Thornton's Gazetteer, 1858 (supra)**, he also said:

"according to native tradition, they were demolished by Aurungzebe, who built a mosque on part of the site. The falsehood of the tradition is, however, proved by an inscription on the wall of the mosque, attributing the work to the conqueror Baber, from whom Aurungzebe was fifth in descent. *The mosque is embellished with fourteen columns of only five or six feet in height, but of very elaborate and tasteful workmanship, said to have been taken from the ruins of the Hindoo fanes, to which they had been given by the monkey-general Hanuman, who had brought them from Lanka or Ceylon. Altogether, however, the remains of antiquity in the vicinity of this renowned capital must give a very low idea of the state of arts and civilization of the Hindoos at a remote period. A quadrangular coffer of stone, whitewashed, five ells long, found board, and protruding five or since inches above*

ground, is pointed out as the cradle in which Rama was as the seventh avatar of Vishnu; and is accordingly abundantly honoured by the pilgrimages and devotions of the Hindoos."

3517. **Exhibit 70 (Suit-5) (Register 20, pages 167-185)** contains photocopy of frontispiece and pages no. 4 to 7 of the Book **"Hadiqa-E-Shabda"** written by Mirza Jan published in 1855/56 AD at Kutub Khana, Habibganj, District Aligarh. On page 183 of the register, it says:

''अल हासिल जिस तरह मथुरा और बनारस वग़ैरह को ख़स व ख़ाशाके कुफ़ से साफ किया,फैजाबाद औरअवध को भी उसी तरह ज़लालत की नजासत से शफ़्फाक किया कि यह बड़ा परस्तिश का मुकाम था,

तख़्तगाहे पिदरे राम था। यहॉ के बुतखानों को तोड़ा, संगदिल बुतों को साबित न छोड़ा। ***जहॉ बड़ा बुतखाना था वहॉ बड़ी मस्जिद बनवाई*** *और जहॉ छोटा मण्डफ़् था, मस्जिदे मुख्तसेर क़्नाती तामीर फ़्रमाई। चुंनांचे* ***बुतख़ाना ए जन्म अस्थान में मस्कते रासे राम है, उसके मुत्तसिल सीता की रसोई है, सीता उसकी जोरू का नाम है, वहॉ कैसी मस्जिदें सर बुलन्द बाबर शाह ने सन नौ सौ तेईस (23) में बऐहतमाम सैयद मूसा आशिक़ान बनवाई है कि उसकी तारीख़ ख़ैर बाक़ी (923) है। आज तक वह मस्जिद सीता की रसोई मशहूर नज़दीक व दूर है और पहलू में वह देर बाक़ी है।*** *और राम दरबार की मस्जिद फ़िदाई खान सूबेदार की बनाई थी जिसको काफिरों ने यहॉ तक सताया है कि एक दो मिनारी और मुत्हूदी दीवार अलग कर दी है बल्कि अमजद अली शाह के वक़्त में उसकी तामीर का हुक्म भी हुआ था मगर उसके मौत फ़ी मोहलत जुल की फ़ुर्सत मुदई यह हसरत साथ बही गई और किले की मस्जिद, कि बालफ़ाल क़िला लच्छमन महन्त को मुआफ़् हो गया है और मस्जिद को भी गोशा खुमारमें मकान हो गया है। वहॉ सदर मुसलबा ख़ान मीर से वह महन्त ने फिर ले ली। ऐसी मस्जिदों का हाल, जो कब्ज़ा अख़्त्यार हनूद में हों, ज़ाहिर है, खुदा हाफिज़ व नासिर है। यह तो फ़क़त महंदी आराइश तस्वीर है। अब तरफ़ माजरा रहें, जिससे अव्वल वाव व मीम होता है जिगर*

मर कर अलिफ़ लाम मीम होता है।''

''However, like Mathura and Banaras which were cleaned of the dirt, straws and garbage of the Kufra (infidelity), Faizabad and Oudh were also cleaned because it is a sacred place for worship. It was the capital of the father of Ram. The places of idols (But Khanas) were demolished and no idols were left unbroken. Big mosque was constructed on the place of big Butkhana and small mosques were built on the place of small ones. The Janam Sthan is the birth place of Ram and adjacent to it. There is Sita Rasoi. Sita is the name of the wife of Ram. Here Babar has built grand mosque in 923 under the supervision of Syed Musa Ashikan. The year 923 is still remembered for the construction of the mosque adjacent to Sita Rasoi for and near. The mosque of Ram Darbar was constructed by Fidai Khan Subedar who has been teased by the infidels who have separated the two minarets and the wall. In the period of Amjad Ali Shah, orders were issued for its construction but his sudden demise, he took this wish along with him while the Qila Masjid was given as Maafi to Lachhman Mahant. The mosque has become his house (sic). The Mahant has taken back this place from Khan Mir. The position of the mosques under the possession of Hindus, is well known. May God save you. Good bye. It is only the picture of only decoration of Mehandi (Urdu Couplet not clear) Ab Taraf Majra Rahein Jis Se Awwal Wao Ur Meen Hota Hai-Jigar Markar Aif, Lan Meem Hota Hai."

3518. Exhibit 18 (Suit-5) (Register 21, pages 201-229)

contains a photocopy of frontispiece and pages 3, 70, 71, 72, 73, 9, 10 and 11 of the Book **"Amir Ali Shaheed Aur Marka-E-Hanumangarhi"** by **Shaikh Muhammad Azmat Ali Alvi Kakoravi** as arranged and published by **Dr. Zaki Kakoravi** in **1987** Markaj Adab Urdu, Lucknow. The Hindi transliteration has also been supplied and the relevant extract whereof is as under:

> *''अवध वह* ***जो सीता रसोई मरकद है वहॉ अहद दौलत बाबर बादशाह में मस्जिद रफ़ीउल शान हमसरे आसमान बनाई, बाबरी थी,*** *उस ज़माने में हनूद को कहां मजाल, हमसरी थी, सन नौ सो तेईस, 923, में बाऐहतमाम सैयद मीर आशिक़ान बनी थी। इस की तारीख़ ख़ैर बाक़ी थी और राम दरबार में मस्जिद फ़िदाई ख़ान सूबेदार ने बनाई थी, इस्लाम की बुनियाद जमाई थी और उसके मुत्तविल एक टीला था। राज राम चन्दर ने वह मुक़ाम हनुमान अपने रफ़ीक़ को बसिला फ़तह लंका दिया था।''*
>
> *''फिर मस्जिद बाबरी में, जहॉ सीता की रसोई थी, शिर्कत की ऐलानिया पूजा होने लगी। मुन्तज़म चॉदी के जूते खा के सरंगों हुए। किसी ने ख़बर न की। पहले तो शेख़ अली हजी का कौल मुवाफ़िक हुआ था –:*
>
> *बिबी करास्ते बुतख़ाना ए मरा ऐ शेख़ कि चूँ ख़राब शवद ख़ाना ए खुदा गर्दद*
>
> *फिर इन्क़लाब फ़लक़ से ऐसा ज़माना हुआ* ***कि मस्जिद तोड़ के बुतख़ाना हुआ।*** *यहॉ ग़फ़लत का पर्दा ऐसा आंखों पर पड़ा कि किसी को न सूझा। अजग़र्ज़ बारह सौ इकहत्तर (1271) हिजरी अहद दौलत वाजिद अली शाह में शाह गुलाम हुसैन नाम फ़क़ीर ने नवाब को अर्ज़ी दी, तौहीन इस्लाम की इत्तलाह की। यहॉ किसी ने न सुना। आख़िर शाह साहिब ने फेज़ाबाद का अज़्म किया। वहॉ सनाम बेग कोतवाल व आला अली चकलादार को यह कामा सुनाया मगर इनको मुख़ालिफ़ पाया। इस अश्ना में चन्द मुसलमान शाह साहिब के शरीक हुए और अवध में पहुॅचे। मान सिंह और इतराफ़ के हिन्दू अन्बोह कसीर ले के बैरागियों की हिमायत को मौजूद हुए। गो सल्तनत इस्लामी थी, मगर मुसलमानों की किसी ने न सुनी। न मदद दी, न इयानत की। आमिल के बायस सब रस्ते मसदूद हुए।*

न वजीर ने इस सदा पर कान लगाया, न बादशाह को अन्जाम का ध्यान आया। आख़िर माह ज़िलक़ीदा सन 1271 हिजरी जुम्मा को अटल खान के अहाते वाले मुसलमान शाह गुलाम हुसैन के शरीक हुए। उस तरफ़ दस–बारह हज़ार बैरागियों के मददगार बासाज़ व हथियार जमा हो गए। आला अली ने मुसलमानों से कहा : यहां फौज सुल्तानी कम है। तुम लोग थोड़े हो, हिन्दुओं का मजमा बहुत। ऐसा न हो भगोड़े हो। शाम तक आर साहिब की पलटन आती है, इस तरफ़ भी कसरत हुई जाती है। इस वक़्त तामल करो, सुबह होने दो। दूसरे रोज़ जब यह लोग जमा हुए तो फिर नया हीला पेश किया कि आर साहिब को बादशाह के हुक्म का इन्तजार है। थोड़ा तौक़फ़ दरकार है। इनको तो बातों में उलझा रखा। हिन्दुओं ने अवध में मुसलमानों का मुहल्ला घेरा लेकिन दिलावरों ने मुँह न फेरा। तलवार चलने लगी। क़ज़ा हाथ मलने लगी। यहाँ तो यह हंगामा था। इस दार ओगुबर में कई हजार हिन्दू मस्जिद पर झुका। वहाँ शाह गुलाम हुसैन और उनके साथी हाल माल से बेख़बर खाना पकाने में मशगूल थे। जब यह लोग सिर पर पहुँचे तो वह भी आवाराह कारज़ार हुए। रुस्तम अली ख़ान, कि बेशक रुस्तम दौरां था, और इसका भाई अहमद अली खान, कि वह भी जरार यकतयाए जहां था, निकल के बड़ी बहादुरी व इस्तक़लाल से लड़े। बावजूद कसरत लश्करों के कदम उखड़ गए, भाग के रंग महल में पनाह गुजेर हुए। जब मुसलमान वहाँ पहुँचे तो वह नामर्द वहां से भी भाग निकले। बहादुरों ने उनका ताक़ब किया। बहुतों को जहन्नुम में पहुंचा दिया। आखिर भगोड़े मकानों की छतों पर चढ़ के बन्दूकें सर करने लगे। मगर चार शख्स मिसल अनाहर आगे बढ़े। चार तरफ़ से गोली बरसती थी। इस पर इनके हाथ से नाश पर नाश करती थी। इस में गोली खा के तीन आदमियों ने कलमा शहादत पढ़ के बहिश्त बरीस की राह ली। रुस्तम अली ख़ान ने हनुमानगढ़ी के जीने पर चढ़ के अज़ान कही। जिस दम अशहदान ला इलाह इल्लिल्लाह ज़बान से जारी हुआ, पेशानी पर गोली पड़ी रूह ने फ़िरदौस बरीस का रस्ता लिया। बैरागियों ने मस्जिद का मुहासिरा किया और दीवार तोड़ के एक कम सत्तर (69) आदमियों को शहीद कर दिया।''

''चुनांचे जिस तरह मथुराबिन्द्रावन वगैरह को ख़ास व ख़ाशाके बदअत से साफ़ किया, इसी तरह फैजाबाद अवध में जो बड़ा . . . . .का मुकाम था, तख़्तगाहे पिदरे लच्छमन व राम था, कुतख़ाना जन्म अस्थान में सन 923 हिजरी में सैयद

मूसा आशिक़ान के ऐहतमाम में मस्जिदे तैयार हुई, पुरनूर रही। वह हिन्दुओं में सीता की रसोई . . . .मशहूर थी। तारीख बनाई ''ख़ैर बाक़ी'' (923 हि0) है, बहुत यादगार से मिलाती है *और मुकाम राम दरबार की मस्जिद फिदाई ख़ान सूबेदार ने बनवाई जो हिन्दुओं ने खोद कर मिटा दी।''*

''Oudh is the central place of Sita Rasoi. At that place, in the period of king Babar, a grand and sky touching mosque Babri was constructed. At that time Hindus could not dare to oppose us. The mosque was constructed in 923 under the supervision of Syed Mir Ashiqan. Its name is there in the history. In Ram Darbar, a mosque was constructed by Fidai Khan Subedar and thus founded Islam there. Opposite to this place, there were a Teela. Raja Ram Chandra, being pleased with the conquest of Lanka, gifted it to his obedient friend Hanuman.''

''Then in the Babri Masjid, where Sita Rasoi is situated, pre-announced Puja began, (sic) participated. The administrators braving silver shoes, became their obedient servants. Nobody informed. Earlier the proverb of sheikh Ali Haji was true to the situation. "Be Bein Karastey Butkhana-e-Mera Ali A Seikh. Ki Choon Kharab Shawad, Khaana-e-Khuda Gardad.'' (i.e. the Butkhana on the way which was considered a bad place, became the abode of God)

Then a great change occurred, mosques were being pulled down and temples were constructed there. But we remained sleeping. Nobody awoke. Till 1271 Hijri, in the period of Wajid Ali Shah, some Faqir Shah Ghulam Husain, through an application requested that Islam was being ruined and insulted. But at that time, nobody heard

his voice. Resultantly the Shah Saheb turned to Faizabad. Here Sanam Beg Kotwal and Aley Ali Chakladar were entrusted some work. But they were opposed to it. Meantime some Muslims along with Shah Sahab rushed to Oudh. A big mass of Hindus along with Man Singh of the neighbourhood was supporting the claim of Bairagis. Although there was Muslim Rule, but Muslims were not heard anywhere. Neither where was any help forthcoming nor there was anybody to solace Muslims. All the roads for them were closed because of Aamil. The minister turned a deaf ear to it. The king also did not pay attention towards the gravity and dire consequences of the situation. In the month of Zeequad, 1271 Hijri, Friday, the Muslims of Ahata Atal Khan, gathered in the leadership of Shah Ghulam Husain. On the other side, some 10 to 12 thousand Bairagis collected, armed with weapons. Aley Ali told the Muslims that there was scarcity of Sultani Fauj. You people are in minority while Hindus are in majority. But do not go away from here. By the evening, the army of R Saheb, would be forthcoming, on this side, we are increasing in number. Now wait a bit. Let the dawn come.

The next day when they gathered, the Administration again hid and told that the palton of R Saheb is awaiting king's orders. So you have patience. They only remained talking. In Oudh, the Hindus cordoned a Muslim Mohalla but the brave youths did not showed their back. Swords were crossed. The death started playing havoc. Here all this commotion was going on, in Dar Agubar, thousands of Hindus collected on the other side, Shah Gulam Husain

and his companions unaware of the happenings were busy in cooking food. When they (Hindus) reached their heads, they began preparation to face them. Rustam Ali Khan who was "Rustam" in true sense and his brother Ahmad Ali Khan who was also a brave man fought well. Inspite of being in great number, the enemy ran away and took shelter in Rang Mahal. When the Muslims reached there the Namard (eunuch) ran away from there also. The brave persons followed them and killed many of them. At last some of them climbed on the roof of the houses and began using the guns. Four of them came forward. There was a shower of bullets which played havoc. Three of them became martyrs after reciting Kalma shahadat. Rustam Ali Khan recited Azaan, climbing on the door of Hanuman Garhi. At the same moment a bullet hit his forehead and the soul broke away every fetter to reach in the heaven. The Bairagis cordoned the mosque and killed 69 persons. They cleaned the place of the dirt and in religious activities. They did the same at Faizabad Oudh. Here the prominent place. . . . . belonged to the father of Ram and Lakshman. The mosque was build on the Kutub Khana of the Janam Sthan by Syed Musa Ashiqan in 923 and remained humming with life. This place was known as Sita Rasoi among Hindus. Date of construction is known as Khair Baqi 923 which is an important memory. Fidai Khan Subedar got the mosque constructed over Ram Darbar which was demolished by the Hindus."

3519. Exhibit 123 (Suit-5) (Register 21, pages 325) is photocopy of page 56 of **"Encyclopedia of India and of**

Eastern and Southern Asia" by **Surgeon General Balfour, 1858** containing a very brief description of Ayodhya as Under:

> *"AJODHYA, on the right bank of the Gogra river, near Fyzabad in Oudh, is in lat. 27^0 48' 20" N., and long. 82^0 14' 40" E. It has now a population of 7518 of Hindus and Mohomedans, but in ancient times it was the capital of the kingdom of Kosala, the modern Oudh, ruled over by the great kind Dasaratha of the Solar line, and father of Rama Chandra. At one time it is said to have covered an area of 12 Yojana, equal to 96 miles. During buddhist supremacy Ajodhya declined, but on the revival of Brahmaism it was restored by kind Vikramaditya (A.D. 57). There are many Jain temples, and* ***three mosques on the site of three Hindu shrines,-the Janmasthan on the site where Rama was born****, the Swarga-dwara (Mandir) where his remains were burned, and the Tareta Ka Thakur, famed as the scene of one of his great sacrifices. A mausoleum is here of the Bahu Begum, and is that finest in Oudh."*

3520. Exhibit 131 (Suit-5) (Register 21, pages 257-269) contains photocopies of frontispiece and pages no. 54, 572, 573 of **"Tarikh-E-Avadh (Hissa Doyam)"** by **Allama Muhammad Nazmul Gani Khan Rampuri (1859-1932 Isvi)** Revised by Dr. Zaki Kakoravi 1983 A.D. The relevant extract of Hindi transliteration provided by the plaintiffs (Suit-5) is as under:

> *"अजोध्या में मसाजिद*
>
> ***अजोध्या में जहाँ बुतखाना ए जन्म स्थान राम चन्दर जी था, इसके मुत्तसिल सीता जी की रसोई है। बाबर बादशाह ने वहाँ सन 932 हिजरी में एक आलीशान मस्जिद, जो जामा मस्जिद है, बऐहतमाम सैयद मूसा आशिक़ान बनवाई थी*** *जिसकी तारीख़ ख़ैर बाक़ी (923) है।* ***आज तक वह***

मस्जिद सीता की रसोई कहलाती है और पहलू में वह मन्दिर बाक़ी है। *कहते हैं कि वक़्त फ़तहयाबी पहले इस्लाम बतन मन्दिर यानी जन्म अस्थान, जहॉ महाराजा श्री राम चन्दर जी की बलादत हुई थी और सर गिर दार उर्फ़ राम दरबार और त्रेता के ठाकुर का बाक़ी था,* ***बाबर ने जन्म अस्थान को मुंहदिम करके मस्जिद बनवाई।***

जब इलाक़ा पच्छम राठछ वग़ैरह की हकूमत राजा दर्शन सिंह के हवाले हुई तो इस इलाक़े के हिन्दुओं की कुव्वत ज़्यादा हो गई। आस पास इस टीले के पास अहाता खुदवाया, लड़ाई के क़ाबिल क़िला बनवाया। इसके सबब से रोज़ बरोज़ हिन्दू फ़क़रा ज़ोर पकड़ते गए। मस्जिद के आसार बिगड़ते गए। हिन्दुओं की लजामतें होने लगीं। महन्त जोर पकड़ते गए। मुसलमानों को इनके मुक़ाबिले की ताक़त न रही। इस मस्जिद के गिर्द दीवार क़ायम करके मकान गढ़ी मे मिला लिया और हनुमानगढ़ी इसका नाम रक्खा। परस्तिश करने लगे। इस मुसलमान फ़क़ीर को पहले तो कुछ देते रहे। जब वह मर गया तो महन्तों ने मस्जिद का निशान बाक़ी न रक्खा। जब इन्तहा को दर्शन सिंह की हकूमत पहुॅची ***तो अजोध्या में कई बरस तक अज़ान और गावकुशी बन्द रही। शायद अहद हकूमत मुहम्मद अली शाह में फिर अज़ान की रस्म जारी हुई और गावकुशी भी बदस्तूर रही हो।***

अल ग़र्ज़ यहॉ तक हंगामों की नौबत आई कि सिवाए मस्जिद मुंहदिमा हनुमानगढ़ी के ***मस्जिद बाबरी, जहॉ सीता की रसोई थी, इसके सेहन में भी हिन्दुओं ने बुतखाना बनाया और मस्जिद वाक़या राम घाट दरया को भी खराब करके इसके सेहन में अपने मुस्कन बनाये।*** *मस्जिद में कूड़ा डालने लगे और मुसलमानों की सैकड़ों कब्रें तोड़ कर ईटों और पत्थरों से बड़ी शान व शौकत के बुतखाने बनाये।*

सन् 1271 हिजरी में वाहिद अली शाह के अहद में श्याह गुलाम हुसैन ने मौलवी मुहम्मद आरअ की इमदाद से दोबारा मस्जिद की आबादी और बुतखाने की बरबादी के लिये बज्में जिहाद हैदराबाद में, कि गोमती के पार है, मुहम्मदी . . . .क़ायम किया। हसन अली ख़ान बॉके का बेटा अहसान अली ख़ान रिसालादार इनका मददगार हुआ बल्कि रुस्तम अली ख़ान और बहादुर अली ख़ान दोनों भाई शरीक हो के मुस्तैद कारिन्दा हुए। दूसरे बाज़ मुस्नाकीन भी इनके शरीक हाल हुए। और यह सब फ़ैज़ाबाद

को चले। रदना ही तक पहुॅचे थे, आला अली कायम मुक़ाम आगाई नाज़म सुल्तानपुर के मुलाजमों ने रोका, जाने न दिया। शाह साहिब ने लखनऊ का रास्ता लिया और जो फेज़ाबाद पहुॅच गये थे उनको निसार हुसैन नायब कोतवाल और कप्तान ऐलग्ज़ेण्डर आर ने निकाल दिया। मुहाने से निकाल दिया। बाद चनदे परचा अख़बार फैजाबाद से हिन्दू मुसलमानों की तक . . . . में गुजरा। मिला ख़ते के बाद आगा अली ख़ान मारूफ़ आग़ाई नाज़म और मिर्ज़ा मुनाम बेग कोतवाल के नाम हुक्म हुआ कि मस्जिद की तहक़ीकात करो। इस सहारे पर शाह साहिब ने फिर चन्द मुसलमान क़ाज़ी नूर अली, साकिन मुज़ाफ़ात आज़मगढ़ के साथ अजोध्या को भेजे। यह लोग मस्जिद बाबरी में मुकीम हुए। थोड़े दिनों के बाद शाह साहिब भी दाखिल मस्जिद मज़कूर हुए। मौलवी आरअ भी इनके साथ हुए और किसी के कहने से वहॉ से निकले। इनके पास जमाअत कम थी और कुछ सामान भी न था मगर कमरे हिम्मत बैरागियों के हाथ से मस्जिद के निकालने की बॉधी। कप्तान आर साहिब और मिर्ज़ा मुनाम बेग कोतवाल और मिर्ज़ा अली ने मुसलमानों को इनकी शिर्कत से रोका और बैरागियों की मदद को राजा मान सिंह और राजा किशन दत्त राम पाण्डे चकलादार और दूसरे ज़मींदार गिर्द व पेश के जौक पहुॅच गये यहॉ तक कि इस हज़ार आदमी जमा हो गये और घाघरा के घाट रोक लिये कि शायद कोई मुसलमान मदद के लिये उधर का क़सद करे तो उतर न सके। मौलवी साहिब और शह साहिब के साथ तमाम आदमी थे और वह भी गुर्बा किसी ज़बरदस्त आदमी ने साथ न दिया। इस की यह हालत थी कि मिला तो रोज़ी नहीं तो रोज़ा। किसी ने इनकी कुमक न की और ख़बर न ली।

मस्जिद में मुसलमानों को ज़िबह और कुरआन को पामाल करना :

आख़िरशः दसवीं या बारहवीं ज़ई क़ादा सन 1271 हिजरी मुताबिक ***जुलाई सन 1855 ईसवी को तक़रीबन दो–तीन सौ मुसलमान नमाज़ के वास्ते मस्जिद बाबरी में, कि सीता की रसोई में है, जमा हुए****। शाह साहिब पेश हमाम हुए। यह ख़बर बैरागियों को पहुॅची। उन्होंने मस्जिद को घेर लिया। सरकारी आदमी, जो हिन्दुओं से रिख्वतें खा चुके थे, इधर उधर मुॅह फेर कर हट गए। मुसलमानों ने जो देखा कि ख़्वामख़्वाह घेरे में मरते हैं, वह भी कुक़ाबिले और लड़ने मरने को आमादा हुए। आख़िरकार कोतवाल के प्यादों और ऐलग्ज़ेडर आर के सवारों ने मुत्वस्ता होकर दफ़ा शर किया।* ***लेकिन इतनी देर हंगामा रहा कि***

मुसलमान जुम्मा की नमाज़ अदा न ....''

''Masjid in Ayodhya.

There is a Sita Rasoi within the Butkhana Janam Sthan of Ram Chanderji. King Babar, in 923, built a grand mosque which is known as Jama Masjid under the supervision of Syed Musa Ashiqan, *the date of which is known as Khair Bagi 923.* ***Even today this mosque is known as Sita Rasoi and a temple is also there adjacent to it.*** *It is said that before the conquest of Islam, This place was the place of birth (Janam Sthan) of Maharaja Ram Chandraji. There was remains of Sar Girdar alias Ram Darbar and Treta Thakur.* ***Babar got the mosque constructed after demolishing the Janam Sthan****.*

When Raja Darshan Singh won the area of the west Rath etc. the Hindus gained strength. They paved the way around the Teela for fighting and thereby the population of Hindu Faqirs also increased. The signs of the mosque depreciated. Hindus organized their congregations. The Muslims had no sufficient strength to fight. They got a wall constructed around the mosque and named the place as Hanuman Garhi and began Puja there. They did care the Muslim Faqir residing there but after his death, the Hindu Mahant even removed the signs of the mosque. In the rule of Darshan Singh, ***no Azaan was held in Ayodhya for many years and there was no cow slaughter. Perhaps from the period of Mohammad Ali Shah, there began Azan and cow slaughter.***

At last, after great tussle, ***the Hindus got their abodes and temple built within the dilapidated Masjid***

Hanuman Garhi, Babri Masjid. The Hindus also defaced Masjid, Ram Ghat. *They began throwing garbage in the mosque and by demolishing the graves made splendid temples.*

In 1271 Hijri, during the reign of Wajid Ali Shah, Shah Ghulam Husain with the help of Maulvi Mohammad Ariz (sic) got the mosque reconstructed and established Bazm-e-Jihad in Haidrabad across the river for removing the temple from there. The son of Bankey Hasan Ali Khan, Ahsan Ali Khan Risaldar became its leader. Moreover Rustam Ali Khan and his brother Bahadur Ali Khan also joined the said organization. Some other persons also joined and all of them started for Faizabad. They reached Radna where they were stopped by the men of in-charge of Agha-e-Nazim, Sultanpur and they did not allow them to move forward. Shah Saheb took the way to Lucknow and those who had reached Faizabad were evacuated by Naib Kotwal Nisar Husain and Captain Alexender R, through Mohana. Later on a news paper from Faizabad. . . . about Hindus and Muslims. After inspection, Agha Ali Khan alias Aghai Nazim and Nirza Munam Beg Kotwal were ordered to enquire into the matter At this occasion Shah Saheb sent to Ayodhya some Muslims accompanied by Noor Ali R/s Muzafal, Azamgarh. They stayed at Babri Masjid. After a few days Shah Saheb also reached the said mosque along with Maulvi Araz. They were small in number and had no luggage etc. but they were firm and persistent against the Bairagis. Captain R Sahed Mirza Munam beg Kotwal and Mirza Ali stopped Muslims from moving forward while for

helping the Bairagis Raja Man Singh and Raja Kisan Dutta Ram Pandey Chakladar and other Zamindars reached on spot. About 80 thousand Hindus collected and closed Ghagra Ghat so that Muslims could not have any help from across the river. A good number of Muslims were with Maulvi Saheb and Shah Saheb. But except for the poor, no influential person helped. These poor persons were in the condition of hand to mouth, nobody helped them.

<u>The slaughter of Muslims in the mosque and desecration of Holy Kuran.</u>

In the last on 10th, on 12th of Zeeqad 1271 Hijri Corresponding to ***July 1855 about 2 to 3 hundred musli reached Babri Masjid for offering Namaj in Sita Rasoi.*** *Shah Sahab took over as Pesh Imam. This news reached Bahragis who cordoned the mosque. The Govt. Officers who had taken bribe from the Hindus, flee to the spot. When the Muslims saw that they would be killed, they came out to face the situation. However, men of Kotwal and riders of Alexander R save the situation form being worsen.* ***But because of great hue and cry, the Muslims could not offer Jumma Prayer."***

3521. P. Carnegi in **Historial Sketch (supra)** published in 1870 has noticed the above fact on page 20/21 as under:

*"**The Janamsthan marks the place where Ram Chandra was born**. The Sargadwar is the gate through which he passed into Paradise, possibly the spot where his body was burned. The Tareta-Ke-Thakur was famous as the place where Rama performed a great sacrifies, and which he commemorated by setting up there images of himself and*

Sita.

If Ajudhia was then little other than a wild, ***it must at least have possessed a fine temple in the Janamsthan;*** *for many of its columns are still in existence and in good preservation,* ***having been used by the Musalmans in the construction of the Babari Mosque.*** *These are of strong close-grained dark slate-colored or black stone, called by the natives Kasoti (literally touch-stone,) and carved with different devices. To my thinking these strongly resemble Budhist pillars that I have seen at Benares and elsewhere. They are from seven to eight feet long, square at the base, centre and capital, and round or octagonal intermediately."*

3522. He was officiating Settlement Officer at Faizabad and relatively in a better position to know what the people believed at that time. Since the incident was quite old, i.e., hundred years or more, direct evidence was difficult to trace out but in comparison to recent rights set up, the facts mentioned by Carnegi obviously deserve more credence and weight.

3523. In 1877, Assistant Commissioner, Faizabad District **W.C. Benett** gave us **"Gazetteer of Oudh" (supra)**. He also said in para 6 of the Book:

*"The Janamasthan and other temples.--****It is locally affirmed that at the Muhammadan conquest there were three important Hindu shrines****, with but few devotees attached,* ***at Ajodhya****, which was then little other than a wilderness.* ***These were*** *the* ***"Janamasthan,"*** *the "Swargaddwar mandir" also known as "Ram Darbar," "Treta-ke-Thakur."*

On the first of these the Emperor Babar built the

mosque, which still bears his name, A.D. 1528."

3524. In 1880, A.F. Millitt's **"Report on Settlement of Land Revenue of the Faizabad" (supra), Exhibit 8 (Suit-5) (Register Vol. 20, Pages 55-62)** took note of the above facts:

*"If Ajudhya was then little other than wild, it must at least have possessed **a fine temple in the Janmasthan**; for many of its columns are still in existence and in good preservation, having been **used by the Musalmans in the construction of the Babari mosque**. These are of strong close-grained dark slate-colored or black stone, called by the natives Kasoti (literally, touch-stone), and carved with different devices."*

3525. Report of Archaeological Survey of North West Provinces and Oudh 1889 (supra) (Exhibit 92 (Suit-5) (Register 20, Pages 63-65) says:

"*The **old temple of Ramachandra** at Janmasthanam must have been a very fine one, for many of its columns have been used by **the Musalmans in the construction of Babar's masjid.** These are of strong, close-grained, dark-coloured or black stone, called by the natives Kasauti, "touch-stone slate" and carved with difference devices. They are from seven to eight feet long, square at the base, centre and capital, and round or octagonal intermediately."*

3526. A.Fuhrer's account published in 1891, **Exhibit 9 (Suit-5) (Register 20, page 67-73)** says:

"It is locally affirmed that at the Musalman conquest there were three important Hindu temples at Ayodhya: these were the Janmasthanam, the Svargadvaram, and the Treta-Ke-Thakur. On the first of these Mir Khan built a

masjid, in A.H. 930 during the reign of Babar, which still bears his name. This old temple must have been a very fine one, for many of its columns have been utilized by the Musalmans in the construction of Babar's Masjid. These are of strong, close-grained, dark-coloured or black stone, called by the natives Kasauit, "touch-stone slate." and carved with different devices; they are from seven to eight feet long, square at the base, centre and capital, and round or octagonal intermediately."

3527. H.R. Nevill's Gazetteer of Faizabad published in 1905, i.e., **Fyzabad A Gazetteer being Vol. XLIII of the District Gazetteers of the United Provinces of Agra and Oudh"** at page 153 and 175 says:

***"In 1528 Babar built the mosque at Ajodhya on the traditional spot where Rama was born**." (page 153)*

***"The Hindus temples are all intimately connected with the history of Ajodhya**. Most of them are of comparatively recent origin, as **it would appear that almost all the ancient shrines were destroyed by Aurangzeb and other Musalman zealots**..... Above this on the hill to the **west stood the Janamasthan or birthplace of Rama**, and close by are the Kanak Bhawan, a very fine building erected by the Rani of Tikamgarh or Orchha; **the Sita Rasoi or Sita's kitchen; the Bara Asthan, the head-quarters of a fraternity called the Bara Akhara**; the Ratan Singhasan marking the place where Rama was installed after his return from exile; the Rang Mahal, Anand Bhawan, Kaushalia Bhawan or Janam Bhumi, and the temple of Amar Das, as well as many*

smaller temples and shrines." (emphasis added) (page 190)

3528. **"Imperial Gazetteer of India"** published in 1908 **(Exhibit 10 (Suit-5) (Register 29 Page 87-89)** is photocopy of frontispiece and pages 388 and 389 of "Imperial Gazetteer of India Provincial Service United Provinces of Agra & Oudh, Vol. II, published in 1934 Faizabad Division is similarly worded. The relevant extract thereof is as follows:

"*The present town stretches inland from a high bluff overlooking the Gogra.* ***At one corner of a vast mound known as Ramkot, or the fort of Rama, is the holy spot where the hero was born. Most of the enclosure is occupied by a mosque built by Babar from the remains of an old temple, and in the outer portion a small platform and shrine mark the birthplace."***

3529. "**Fyzabad Gazetteers"** published by H. R. Nevill in 1928 (Supra) says:

"***It is locally affirmed that at the time of the Musalman conquest there were three important Hindu shrines at Ajodhya and little else.*** *These were the Janamasthan temple, the Swargaddwar and the Treta-ka-Thakur, and each was successively made the object of attention of different Musalman rulers.* ***The Janamasthan was in Ramkot and marked the birthplace of Rama.*** *In 1528 A.D. Babar came to Ajodhya and halted here for a week.* ***He destroyed the ancient temple and on its site built a mosque, still known as Babar's mosque. The materials of the old structure were largely employed, and many of the columns are in good preservation; they are of close-grained black stone,*** *called by the natives kasauti,*

and carved with various devices.

3530. After independence, the U.P. Government published a Gazetteer in 1960, i.e., "**Uttar Pradesh District Gazetteers-Faizabad"** by Smt. Esha Basanti Joshi (Supra). There it mentions:

> "***The Janmasthan was in Ramkot and marked the birthplace of Rama. It seems that in 1528 A.D. Babur visited Ayodhya and under his orders this ancient temple was destroyed and on the site was built what came to be known as Babur's mosque****. The material of the old temple was largely employed in building the mosque and a few of the original columns are still in good preservations; they are of cloe grained black stone (kasauti) bearing various Hindu bas-reliefs (see Plate I), the outer beam of the main structure being of sandal wood.".*

3531. Exhibit 50 (Suit-5) (Register 21, pages 349-361) contains frontispiece and pages no. 59, 60, 150, 151, 152, 153, 154 and Parishishtha “Gha” (Annexure-D) in two pages from the Book **“Ayodhya Ka Itihas”** by Lala Sitaram Awadhwasi, 1932 published by Hindustani Academy, Prayag. The complete book is also available to the Court, i.e., **Book No. 46**. There is slight difference in the Book No. 46 and the pages marked as Exhibit 50, though it is reprint of 2001, since the arrangement of contents in the pages on account of size of the fonts etc. is different. Substantially there is no difference in the contents. Pages 59 and 60, i.e., paper no. 107C1/123-124 are pages no. 44 and 45 in Book No. 46. Pages no. 150 to 154, i.e., paper no. 107C1/125-129 are pages no. 113 to 116. In the revised edition, Appendix "Gha" is not the same and in fact the text of the

inscriptions which have been repeated in Appendix "Gha" at paper no. 107C1/130-131, has been excluded in the Reprint edition. It further appears that the translation of the two inscriptions given on paper no. 107Ca/127-128 differs from the translation given in Appendix "Gha", i.e., paper no 107C1/130-131. How and why it has happened is not known and we cannot make any comment on it. The author has given his own separate history with respect to the Babar's alleged visit at Ayodhya and it says:

''बादशाह बाबर ई0 सन् 1528 में दल बल के समेत अयोध्या की ओर बढ़ा और सेरवा और घाघरा के संगम पर उसने डेरा डाला। यह संगम अयोध्या से तीन कोस पूर्व था। यहाँ वह एक सप्ताह तक आस–पास के देश से कर लेने का प्रबन्ध करता रहा। एक दिन वह अयोध्या के सुप्रसिद्ध मुसलमान फ़कीर अब्बास कलंदर के दर्शन को आया। उस समय बाबर के साथ उसका सेनापति मीर बाक़ी ताशकंदी भी था। बाबर ने फ़कीर को बड़े महँगे कपड़े और रतन भेंट किए परंतु फ़कीर ने उन्हें स्वीकार न किया। बाबर सब वहीं छोड़कर अपने पड़ाव पर लौट गया। वहाँ पहुँचने पर उसने देखा कि सारी भेंट उसके आगे पहुँच गई। बाबर चकित हो गया और नित्य फ़कीर के दर्शन को जाने लगा। एक दिन फ़कीर ने कहा कि जन्म–स्थान का मंदिर तुड़वाकर मेरी नमाज के लिए एक मस्जिद बनवा दो। बाबर ने कहा कि मैं आपके लिए इसी मंदिर के पास ही मसिज़िद बनवाए देता हूँ। मंदिर तोड़ना मेरे 'उसूल के खिलाफ है।' इस पर आग्रही फ़कीर बोल उठा, ''मैं इस मंदिर को तुड़वाकर उसी जगह मसजिद बनवाना चाहता हूँ। तू न मानेगा तो तुझे बददुआ दूँगा।'' बाबर कॉप उठा और उसे अगत्या फ़कीर की बात माननी पड़ी और मीर बाक़ी को आज्ञा दे कर लौट गया। मसजिद बनवाने का एक दूसरा कारण 'तारीख पारीना मदीनतुल औलिया (تاریخ پارینہ مدیندۂ الولیا) में दिया हुआ है। और वह यह है :

''बाबर अपनी किशोरावस्था में एक बार हिंदुस्तान आया था और अयोध्या के दो मुसलमान फ़कीरों से मिला था। एक वही था जिसका नाम हम ऊपर लिख आए हैं और दूसरे का नाम था मूसा अशिक़ान। बाबर ने दोनों से यह प्रार्थना की कि मुझे ऐसा आशीर्वाद दीजिए जिससे मैं

हिंदुस्तान का बादशाह हो जाऊँ। फ़कीरों ने उत्तर दिया कि तुम जन्म–स्थान के मंदिर तोड़कर मसजिद बनवाने की प्रतिज्ञा करो तो हम तुम्हारे लिए दुआ करें। बाबर ने फ़कीरों की बात मान ली और अपने देश को लौट गया।''

इसके आगे मसजिद बनाने का ब्यौरा महात्मा बालकराम विनायक कृत कनकभवन–रहस्य से उद्धृत किया जाता है:

''मीरबाक़ी ने सेना लेकर मंदिर पर चढ़ाई की। 17 दिनों तक हिंदुओं से लड़ाई होती रही। अंत में हिंदुओं की हार हुई। बाक़ी ने मंदिर के भीतर प्रवेश करना चाहा। पुजारी चौखट पर खड़ा हो कर बोला, 'मेरे जीते जी तुम भीतर नहीं जा सकते।' इस पर बाक़ी झल्लाया और तलवार खींचकर उसे क़त्ल कर दिया। जब भीतर गया तो देखा कि मूर्तियॉ नहीं हैं, वे अदृश्य हो गई हैं। पछता कर रह गया। कालांतर लक्ष्मणघाट पर सरयू जी में स्नान करते हुए एक दक्षिणी ब्राह्मण को मूर्तियॉ मिलीं। वह बहुत प्रसन्न हुआ। कहते हैं कि उसकी इच्छा भी यही थी कि कोई सुंदर भगवन्मूर्ति रखकर पूजा करे। अस्तु, पुजारी के वंशधरों ने जब सुना, तब तत्काल नवाब के यहॉ अपना दावा पेश किया। नवाब ने निर्णय किया कि जिसे मूर्तियॉ मिली हैं वही सेवा–पूजा का अधिकारी है। निदान, स्वर्गद्वार पर मंदिर बना, उसमें उन मूर्तियों की स्थापना हुई। उनकी सेवा–अर्चा अब तक उस ब्राह्मण के वंशधर करते हैं। ठाकुर जी काले राम जी के नाम से प्रसिद्ध हैं। इसमें एक बड़े काले पत्थर पर राम पंचायतन की 5 मूर्तियॉ खुदी हैं।

बाक़ी बेग ने मंदिर की ही सामग्री से मसजिद बनवाई थी। मसजिद के भीतर 12 और बाहर फाटक पर 2 काले, कसौटी के पत्थर के स्तंभ लगे हुए हैं। उक्त शाह जी की कब्र पर थे, जो अब फैज़ाबाद के अजायबघर में रखे हुए हैं। इन स्तंभों को देखकर प्राचीन मंदिर की सुंदरता का कुछ–कुछ अनुमान किया जा सकता है। इनकी लंबाई 7 से 8 फुट तक है। किनारों पर और बीच में चौखूँटे हैं और शेष भाग गोल अष्टपहल है। इन पर सुंदर नक्काशी का काम बना हुआ है। मसजिद के भीतर एवं फाटक पर 2 लेख खुदे हुए हैं उनसे मसजिद से संबंध रखने वाली बातें मालूम होती हैं। मसजिद के भीतर वाला लेख इस प्रकार है :

بفرمودۂ شاہ بابر کہ عدلش

بناۓ است باُ کاخ گردوں ملاقی

بنا کردہ ایں مُہیط قُدسیاں
امیر سعادت نشاں میر باقی
بود خیر باقی و سال بنایش
عیاں شُد چو گفتم بود خیر باقی

(उपर्युक्त शेरों का नागरी अक्षर में पाठ)

''(1) बफरमूद–ए–शाह बाबर कि अदलश;
बनाईस्त ता–काख़े गरदूँ मुलाकी़।
(2) बिना कर्दे ईं महबते कुदसियॉ ;
अमीरे सआदत निशॉ मीर बाक़ी।।
(3) बुअद खैरे बाक़ी चूँ साले बिनायश;
अयॉ शुद चूं गुफतम बुवद ख़ैर बाक़ी।।

(अनुवाद)

(1) बाबर बादशाह की आज्ञा से, जिसके न्याय की ध्वजा आकाश तक पहुँची है।

(2) नेकदिल मीर बाक़ी ने फ़रिश्तों के उतरने के लिए यह स्थान बनवाया है।

(3) उसकी कृपा सदा बनी रहे। बुअद खैर बाकी–इसी के टुकड़ों से इसी इमारत के बनने का वर्ष 735 हिजरी भी निकल आता है।

मसजिद के फाटक पर लेख

بنام ان کہ دانا ہست اکبر
کہ خالق جملہ عالم لامکانی
درود مصطفیٰ بعد از ستایش
کہ سرور انبیائے دو جہانی
فسانہ در جہاں بابر قلندر
کہ شُد در دور گیتی کامرانی

(इसका नागरी अक्षर में पाठ)

(1) बनामे आंकि दाना हस्त अकबर
कि खालिक जुमला आलम लामकानी
(1) दूरूदे मुस्तफा बाद अज सतायश
कि सरवर अंबियाये दो जहानी
(3) फसाना दर जहां बाबर कलन्दर

कि शुद दर दौरे गीती कामरानी''

(अनुवाद)

(1) उस परमात्मा के नाम से जो महान और बुद्धिमान है, जो संपूर्ण जगत का सृष्टिकर्ता तथा स्वयं निवास–रहित है।

(2) उसकी स्तुति के बाद मुस्तफ़ा की तारीफ़ है, जो दोनों जहान तथा पैगंबरों के सरदार हैं।

(3) संसार में बाबर और कलंदर की कथा प्रसिद्ध है, जिसे उसे संसार–चक्र में सफलता प्राप्त हुई है।

यहाँ हम इतना और लिखना चाहते हैं कि बहुत थोड़े ही तोड़–फोड़ से मंदिर की मस्जिद बन गई है। पुराने रावटी के खंभे अब मस्जिद की शोभा बढ़ा रहे हैं। मूसा आशिकान की कब्र कटरे की सड़क पर वसिष्ठ कुंड के पास अब भी बताई जाती है परंतु कब्र का निशान नहीं है और वह जगह बहुत ही गंदी है। एक जगह जन्म–स्थान के 2 खंभे गड़े हैं। कहा जाता है कि जब मूसा आशिक़ान मरने लगे तो उन्होंने अपने शिष्यों से कहा कि जन्म–स्थान का मंदिर हमारे ही कहने से तोड़ा गया है। अतः इसके 2 खंभे बिछाकर हमारी लाश रखी जाय और 2 हमारे सिरहाने गाड़ दिए जाएँ।

मुग़ल साम्राज्य में अयोध्या की महिमा घट गई। इतना पता लगता है कि अकबर ने यहाँ ताँबे के सिक्कों की एक टकसाल स्थापित की थी।''

3532. In Chapter 6 paper no. 107C1/123-124, the author (Sitaram) has tried to trace out reference of Ayodhya in 'Vedas' and has said:

''छठा अध्याय

वेदों में अयोध्या

वेदत्रयी में स्पष्ट रूप से न कोशल का नाम आया है न उसकी राजधानी अयोध्या का। अथर्ववेद के द्वितीय खंड में लिखा है :

अष्टचका नवद्वारा देवानां पूः अयोध्या;

तस्यां हिरण्मयः कोशः स्वर्गो ज्योतिषावृतः।।

{देवताओं की बनाई अयोध्या में 8 महल, 9 द्वार और लौहमय धन–भंडार है, यह स्वर्ग की भाँति समृद्धिसंपन्न है।}

ऋग्वेद मं. 10, 64, 9 में सरयू का आह्वान सरस्वती और सिंधु के साथ किया गया है और उससे प्रार्थना की गई है कि यजमान को तेज बल

दे और मधुमन घृतवत जल दे।

सरस्वती सरयुः सिन्धुरूर्मिभिः महोमही रवसायंतु वक्षणीः,
देवी रापो मातरः सूदयित्वो घृतवत्पयो मधुमन्नो अर्चत।।

इससे प्रकट है कि हमारे देश के इतिहास के इतने प्राचीन काल में भी सरयू की महिमा सरस्वती से घटकर न थी। पंजाब की दो नदियों के साथ सरयू का नाम आने से कुछ विद्वान यह अनुमान करते हैं कि इस नाम की एक नदी पंजाब में थी परंतु हमें यह ठीक नहीं जॅचता।

शतपथ ब्राह्मण में कोशल का नाम आया है और ऋग्वेद में कोशल के सूर्यवंशी राजाओं का कहीं–कहीं नाम है। ऋग्वेद मं. 10, 60, 4 का ऋषि राजा असमाती और देवता इंद्र हैं।

''यस्येक्ष्वाकुरुपव्रते रेवान्मराय्येधते। दिवीव पंच कृष्टयः।।''

इसमें इक्ष्वाकु या तो पहला राजा है या उसका कोई वंशज। और वह इंद्र की सेवा में ऐसा धनी और तेजस्वी है जैसे स्वर्ग में 5 कृष्टियॉ (जातियॉ) हैं।

इक्ष्वाकु से उतरकर 20वीं पीढ़ी में युवनाश्व द्वितीय का पुत्र मांधातृ हुआ। वह दस्युओं का मारने वाला बड़ा प्रतापी राजा था और ऋग्वेद मं. 8,39,9 में अग्नि से उसके लिए प्रार्थना की जाती है। वह मंत्र यह है :

''यो अग्निः सप्तमानुषः श्रितो विश्वेषु सिंधुषु।
तमागन्म त्रिपस्त्य मंधातुर्दुस्युहन्तममग्नियज्ञेषु
पूव्यं नभंतामन्यके समे।''

ऋग्वेद मं. 8,40,12 मांधातृ अंगिरस के बराबर ऋषि माना गया है।

''एवेन्द्राग्निभ्यां पितृवन्नवीयो मन्ध्यातृवदंगिरस्वदवाचि।
त्रिधातुना शर्मणा पातमस्मान्वयं स्याम पतयो रयीणाम्।।''

इसके आगे ऋग्वेद मं. 10,134 का ऋषि यही यौवनाश्व मांधता है। उस सूक्त का अंतिम मंत्र यह है :

''नकिर्देवा मनीमसि नत्किरायो पयामसि, मंत्रश्रुत्यं चरामसि।
एक्षेभिरभिकक्षे भिरत्रामि संरभामहे।।''

इसको ध्यान से पढ़िए तो ऋषि का अच्छा शासक होना प्रकट होता है। वह केवल अपने वैरियों का विनाश नहीं चाहता वरन यह भी कहता है कि हम उन दोषों से मुक्त रहें जिनके कारण राजा लोग अपने धर्म से विचलित होते हैं। इन मंत्रों में नाम कहीं मंधातृ है और कहीं मांधातृ है परन्तु दोनों के एक होने में संदेह नहीं।''

3533. Exhibit 21 (Suit-5) (Register 21, page 345) is photocopy of pages 693 and 694 of "Encyclopedia Britannica, 15th Edition, 1978". This also gives some description of Ayodhya.

> *"**Ayodhya,** also called OUDH or AWADH, a city of ancient India, on the Ghaghara (Gogra) River in Faizabad district of Utter Pradesh, India. From it are derived later forms of the name, Avadh (Awadh) and Oudh. Ayodhya is regarded as one of the seven holy places of the Hindus. According to traditional history, it was the early capital of the kingdom of Kosala, while in Buddhist times (6th-5th centuries BC), Sravasti became the kingdom's chief city. Scholars generally agree that Ayodhya is identical with the city of Saketa, where the Budha is said to have resided for a time. Its later importance as a Buddhist centre can be gauged from the Chinese Buddhist monk Fahsien's statement in the 5th century AD that there were 100 monasteries there. There were also a number of other monuments, including a stupa (shrine) reputed to have been founded by Asoka (3rd century BC). Ayodhya is revered by Hindus because of its association in the Ramayana, a great Indian epic poem, with the birth of Rama and with the rule of his father, Dasaratha. According to the source, the city was prosperous, well fortified, and had a large population.*
>
> *The Kanauj kingdom arose in Oudh during the 11th and 12th centuries. The region was later included in the Delhi sultanate, the Jaunpur kingdom, and, in the 16th century, the Mughal Empire. Oudh gained a measure of*

independence early in the 18th century but became subordinate to the British East India Company in 1764. In 1856 it was annexed by the British; the annexation and subsequent loss of rights by the hereditary land revenue receivers provide one of the causes of the India Mutiny in 1857. Oudh was joined with the Agra Presidency in 1877 to form the North-Western Provinces and later the United Provinces of Agra and Oudh, now Uttar Pradesh state.

There are few surviving monuments of any antiquity. ***Rama's birthplace is now marked by a mosque, erected by the Mughal emperor Babur in 1528 on the site of an earlier temple.*** *The numerous Vaisnava shrines and bathing ghats are of no great age. Close to the modern city are several mounds marking the site of ancient Ayodhya that have not yet been adequately explored by archaeologists. The region around the city, which the British called Oudh, is about 24,000 sq mi in area and coextensive with Lucknow and Faizabad divisions."*

3534. In our view the description therein being of 1978 is of no importance as it reiterates virtually what is contained in the earlier books of reference.

3535. Exhibit 56 (Suit-5) (Register 21, page 369-411) is photocopies of frontispiece and pages no. 44, 45, 128, 129, 132, 133, 134, 135, 136, 137, 138, 139 and 140 of the Book **"Ayodhya" Part I by Hans Bakker 1986** and also pages no. 143, 144, 145, 146, 147, 148 and 149 of **Part II** of the aforesaid book. Hans Bakker's book in its entirety has been exhibited as **Exhibit 23 (Suit-5).**

3536. Besides, a number of pages from this book have

been filed and they are differently exhibited as under:

(a) **Exhibit 57 (Suit-5) (Register 31 Page 41**) contains the photocopy of the Chapter "Introduction" running in four pages (from XV-XVIII) from Hans Bakker's book "Ayodhya" published in 1986.

(b) **Exhibit 58 (Suit-5) (Register 31 Page 49**) contains the photocopy of the page 43 of Hans Bakker's book "Ayodhya" published in 1986.

(c) **Exhibit 59 (Suit-5) (Register 31 Page 51-71**) contains a photocopy of Chapter 3 pages 49 to 59 of Hans Bakker's book "Ayodhya" published in 1986.

(d) **Exhibit 60 (Suit-5) (Register 31 Page 73-85**) contains the photocopy of the Chapter 4 pages 60 to 66 of Hans Bakker's book "Ayodhya" published in 1986.

(e) **Exhibit 61 (Suit-5) (Register 31 Page 87-92**) contains the photocopy of the Chapter 8 Part I pages 125 to 127 of Hans Bakker's book "Ayodhya" published in 1986.

(f) **Exhibit 62 (Suit-5) (Register 31 Page 93-99**) contains the photocopy of the Chapter 8 Part 1 pages 141, 143, 150, 151 of Hans Bakker's book "Ayodhya" published in 1986.

(g) **Exhibit 63 (Suit-5) (Register 31 Page 101**) contains photocopy of Chapter 23 "Introduction" of Hans Bakker's book "Ayodhya" published in 1986.

(h) **Exhibit 64 (Suit-5) (Register 31 Page 155**) is photocopy of Part 2 Chapter 25 pages 176 to 178 of Hans Bakker's book "Ayodhya" published in 1986.

(i) **Exhibit 65 (Suit-5) (Register 31 Page 159**) contains

the photocopy of the Chapter 26 Part 2 page 178 of Hans Bakker's book "Ayodhya" published in 1986.

3537. Hans Baker made research in respect to Ayodhya pursuant to grant of Project of University of Groningen (Netherlands). He submitted thesis to the Faculty of Letters of University of Groningen in 1984. The book titled as "Ayodhya" is actually his published Thesis which is a part of Groningen Oriental Studies and was published in 1986. The relevant extract of the findings of Hans Baker which are relied by some of the learned counsels are as under:

> *"Vaisnavism no doubt received some impetus when Saketa/Ayodhya became one of the foremost cities of the Gupta empire. The ascendancy of Saketa, its identification with Ayodhya, the place of Vishnu's incarnation, the evidence of special reference to the Rama avatara in circles closely connected with the Gupta court at the beginning of the fifth century, the fact that the Gupta emperors from Candragupta II onwards styled themselves parambhagavatas and that Skandagupta even compares himself with Rama, the recording of the foundation of temples, notably of a Visnu temple dedicated to the 'God with the Bow' (Sarngin) by Skandagupta – all strongly endorse the assumption that Vaisnava temples also appeared in Saketa/Ayodhya during the 4th and 5th century. At least some of the ten Deva temples mentioned by Hsuan tsang may have been dedicated to Visnu. Yet, there is no archaeological or literary evidence to support this assumption.*
>
> *The oldest pieces of archaeological evidence are the*

black columns which remain from the old (Visnu) temple that was situated on the holy spot where Rama descended to earth (Janmbhumi). This temple was destroyed by the first Mogul prince Babur in AD 1528 and replaced by a mosque which still exists. The following specimens of these pillars are known to exist: fourteen pillars were utilized by the builder Mir Baqi in the construction of the mosque and are still partly visible within it; two pillars were placed besides the grave of the Muslim saint Fazl Abbas alias Musa Ashikhan, who, according to oral tradition, incited Babur to demolish the Hindu temple. The grave and these two pillars (driven upside-down into the ground) are still shown in Ayodhya, a little south of the Kubertila. A seventeenth specimen is found in the new Janmsthana temple to the north of the Babur mosque. It is rather a door-jamb than a column.

The pillars inside the mosque were ***described by Martin****: "These are of black stone and of an order which I have seen nowhere else, and which will be understood from the accompanying drawing. That they have been taken from a Hindu building, is evident from the traces of images being observable on some of their bases; although the images have been cut off to satisfy the conscience of the bigot. . . They are only 6 feet high." the same columns were* ***described by Carnegy:*** *"These are of strong, close-grained, dark slate-coloured, or black stone, called by the natives Kasoti" (kasauti), "('touchstone slate') and carved with different devices. . . they are from seven to eight feet long, square at the base, centre and capital, and round or*

octagonal intermediately." ***I was not allowed to inspect the columns inside the mosque. From a distant glance and from the description above it is beyond doubt that they are the same as the two pillars found beside the grave.***

The two columns at the grave of Musa Ashikhan rise about 1m above the ground. They are carved at the base with a pot (kalasa) with overhanging creepers from which a decorative lotus rises up. On one of the octagonal sides of one pillar a female figure in tribhanga pose (measuring c. 15-20cm) is still visible although it is heavily mutilated. As far as they protrude above the ground the columns are octagonal passing into a square at the base. They may date from the tenth or eleventh century.

The door-jamb found in the modern Janmsthana temple (it rests against the wall of the inner-court) consists of the same type of material as the other columns. It is 115cm long, and decorated with sculptured figures from top to bottom. At the base is a small arched recess in which stands an elegant image of make deity (25cm high). The deity wears a makuta (tiara), his right hand shows the vitarka-mudra, his left hand seems to hold something that most resembles a trisula. The figure wears a dhoti and vanamala and is standing in tribhanga posture. An identification of the image with Visnu would be unwarranted, since it may as well represent one of the (guardian) deities of the temple precincts. Above the niche are two vertical bands of decoration, the right one shows the petal, or rising creeper motif, the left one contains five

figures of nymphs, one above the other, the uppermost one being a salabhanjika. The jamb may date from the same period as the columns, although they are not necessarily from one and the same temple. ***All these pieces are ascribed by local tradition to the Visnu temple that occupied the Janmbhumi site before the coming of Babur.***

Curiously enough, ***Laksmindhara who gave a survey of the well-known Hindu tirthas of the eleventh century mentions neither Ayodhya nor the birthplace of Rama.***

- The oldest Visnu idol (10th-11th century) found in the surroundings of Ayodhya is *the one lying among the debris of a temple at the holy place Dugdhesvara (Sitakunda) near the village Darabganj. It represents one of the 24 forms of Visnu, viz., Visnu Trivikrama. The sculpture (36x46cm) is much eroded, yet intact. Other fragments, among which a pedestal, are found at the same site.*

- Rather than testifying to an ancient Saiva temple the two medallions in the Guptahari/Cakrahari temple in the Gopratara compound may have belonged to a Visnu temple on this site. Gopratara is the oldest tirtha of Ayodhya. Cakrahari figures in the Vaisnava tour II(S), whereas TP, quoting the S recension of AM, reads Guptahari and Gopratara instead. The existence of a Visnu temple at the Gopratara ghat belonging to the early period seems therefore plausible. ***Gopratara is the only tirtha in the Ayodhyaksetra that is mentioned by Laksmindra.*** *The S*

recension preserves the name of the Visnu temple (visnor ayatanam) in which the image of Visnu Guptahari was installed, namely Harismrti (AM 58.3). The relation between Cakrahari and Harismrti is not clear and the name Harismrti is deleted in the OA recension. ***From the data given above we tentatively conclude that there existed an ancient Visnu temple at the Gopratara ghat (possibly erected before AD 1000) named Harismrti.*** *The idol of the temple came to be known as Guptahari. The image and the Visnu temple Harismrti are not necessarily of the same date. The temple might have been provided with a new image (Guptahari) in the course of time (12th century?; cp. I,54).” (Pages 43-45)*

3538. Chapter 8 deals with the development of "Ayodhya" as Sacred Center from 13th to the middle of the 18th century with special reference to the Ayodhya Mahatum.

“*The appointment of Malik Nasir-ud-din Mahmud governor of Avadh in AD 1226 initiated a period of Islamization of official life in the provincial capital. Although it did not mean, as will soon be seen, the developments in the Hindu fold were totally repressed or that an effective check was put upon its activities, it did precludes the building of Hindu temples of any significance and permanence until the 18th century.* ***This is proven by the existence of a gap in archaeological evidence with respect to Hindu artefacts, images and temples alike, from the thirteenth to the seventeenth century.*** *The few idols found that could belong to the seventeenth century might equally be assigned to the eighteenth century. In the*

latter century great building activity was initiated again under the liberal rule of the Nawwabs of Oudh. The oldest temples in Ayodhya date from this time, and the majority of 'old' images found today likswise belong to this period at the earliest.

It would seem that under Muslim supremacy it was possible for Hindu religious life to continue on a modest scale in old temples which were built before Muslim rule, until they were eventually demolished. The first Hindu temple that is known to have succumbed to this fate was the temple on the Janmbhumi, which was replaced by a mosque by order of Babur. *Yet, besides in temples, congregations could be held at the bathing ghats on the river and at holy places, mostly tanks or kundas, in the town and its surroundings. On the occasion of festivals temporary structures like mandapas (awnings) could be raised to serve for worship.*

The oldest versions of the AM, as well as independent evidence, seem to endorse the view that the religious structure of Ayodhya as far as Hinduism is concerned was not essentially different in the 13th and 14th centuries from that in the 12th. ***Jinaprabhasuri, writing in AD 1332 mentions mainly tirthas that have been shown to exist in the 12th century:*** *the ghats on the Saryu river, Svargadvara and Gopratara, the naga sanctuary in the north of Ayodhya, now under the name of Sahasradhara, the confluence of the Sarayu and Gharghara, and the shrine of the yaksa Mattagajendra, said to be situated on top of the city wall (prakara). Further the Jain author mentions the*

Sitakunda among the several other Hindu tirthas (anegani loiatitthani). ***The ban on building new temples may have left open the possibility of resorting to new holy bathing places in the river and in ponds.*** *In default of archaeological remains of bathing places it is generally difficult to ascertain whether and how many of the kundas described in later texts were existent in the 12th or earlier centuries.*

In order to complete our understanding of the sacred topography of Ayodhya and its surroundings we shall turn to the main source of information, the oldest version of the Ayodhyamahatmya. It will be shown in Intr.Pt.II that the oldest transmitted texts of the AM tradition are not only found in the recension of the Mahatmya that was included in the Vaisnavakhanda of the Skandapurana(siglum S). An additional collection of legends is preserved in a MS henceforth referred to as B. It will be shown that a chronological differentiation between S and B is not warranted on textual critical grounds. S as well as B appear to go back to a 'floating', possibly oral, tradition which will be designated by the phrase 'α-type-of-text'. The transmittors of the (oral) tradition composed and collected the legends of the holy centres which had begun to emerge in the eleventh and following centuries. Accordingly the α-type-of-text is not to be considered as a fixed body of sacred literature nor was it necessarily homogeneous, as is shown by differences between S and B and within S itself. It would have been a kind of compendium of sacred information about the holy places and their traditions

which gradually assumed a more definite form in a tradition transmitted by local Pandits and priests, until it underwent the first literary redaction and was included by the composer of the Vaisnavakhanda in the body of smrti literature. Consequently the S recension is only an instance of a process that had begun long before and would continue afterwards.

A survey of the sacred topography of the holy ksetra as rendered in the α-type-of-text at the stage of its redaction in the S recension is presented in table I. We observe that specific Ramaite holy places are still in a minority, notably within the town itself. ***From the twenty seven Hindu places described in chapters 2-3 (i.e. before AD 1200) only three (11%) could be positively related to Ramaite mythology.*** *Taking together all places presented in table I we note that 31% of them are somehow connected with Rama Lore. We should treat these figures with caution, however, because the absence of literary evidence from before AD 1200 may seriously distort our view of that period.*

No sanctuaries within Ayodhya itself that were not already supposed to exist in the 12th century are described in B and S. the Varahasabha mentioned in B might refer to a temple dedicated to Varah near the confluence of the Sarayu and Gharghara. ***The two Ramaite palaces, Kaikeyi-bhavana and Sumitrabhavana, may refer to subsidiary shrines within the Janmasthana, compound or to the bare sites on either side of it rather than implying the existence of separate temples.*** *Both sites are*

today still without a temple of any significances. Besides the Janmasthana, places within the precincts of the town that are explicitly connected with Ramaite mythology by legends of their origin are the naga sanctuary sahasradhara (where Laksmana reunited with Sesa), the yaksa shrine of Surasa, the river Tilodaki and the two tanks Ksirodaka and Sitakunda. MS B adds to this the ghat on the river on the eastern side of the city called Ramakunda. In addition S mentions seven ponds or tanks within the town of a general Hindu connotation and of unknown antiquity.

Besides being reflected in the sacred topography, the gradual Ramaization of Visnuism in Ayodhya may be gleaned from theological remarks in the S recension. It should be noted before-hand, however, that S is predominantly a non-sectarian Vaisnava text which conceives of the supreme deity as Visnu, Hari, or Bhagvat. Yet, this does not alter the fact that signs of Ramaization appear throughout the text.

In his introduction the narrator of the Mahatmya Romaharsana, speaks the words: namami paramatmanam ramam rajivalocanam/atasikusumasyamam ravanantakam avyayam//. As was already known from the Ags., Laksmana is conceived of as an incarnation of Sesa. Release (mukti) is said to be within reach of everybody by means of worship (puja) of Rama with incense, flowers, lamps, etc. A bath in the Ramaite tirthas such as the Sarayu or the Sitakunda leads to reunion with Rama (ramarupo bhaven narah, or ramam avapnuyat). The text further notes the meditation on Rama, and the installation of a Rama image (ramamurti).

But, nor surprisingly for a mahatmya text, pilgrimage to Ayodhya ranks first among the means of salvation. Ayodhya is the place to be seen in the Kali age. The merits thereof are extolled in the usual way by comparing them with the fruits to be obtained in other holy places, notably Kasi, the river Ganga, Gaya and Purushottama. Finally S extols the visit and darshan (darsana) of Janmasthana on Rama's birthday, especially meritorious for one who observes the vow of Navami:

"A man who has seen (Janmasthana) will not be born again, even if he does not offer gifts, does not practise asceticism, does not go on (further) pilgrimages, or does not perform sacrifices: When the day of Navami has come a man engaged in the vow will be liberated from the bondage of rebirth due to the miraculous power of a bath and a gist. By seeing Janmbhumi he shall obtain the result that accrues to one who offers daily a thousand red cows.".

If we compare the text of MS B with that of S we observe that B has a less generally Vaisnava and more specially Ramaite stamp. The topography described in B taken by itself consists of approximately 45% Ramaite holy places. With regard to theology B adds to S the doctrine of Rama's grace (prasada). Two devices to reach Rama, comparatively absent in S, are accentuated: the darshan (darsana) of Rama, and the powerful means of release that is at the disposal of the devotee in the form of Rama's name (ramanamaprasada). Japa of the name yields bhukti and mukti. Concomitant with emphasis on the name is the high esteem in which the practice is held of participating in the

recitation of Rama's exploits: "The deeds of Raghunatha comprise a hundred crores (of syllables): each syllable destroys a man's great sins." "And when one goes (on pilgrimage) to Ayodhya one should always (nitya) be engaged in recitation, singing the beautiful story of the incarnation (pradurbhavakatha) of the Lord." Other hymns mentioned in this context are the Namasahasra, the Stavaraja, and the Gajendramoksanastotra. Another significant difference between MS B and S is the concept n the former of a celestial Ayodhya which is replicated on earth by Visvakarman. Finally B accentuates the celebration of Ramanavami by describing a gathering (mela) that is held on the bank of the bank of the Sarayu near the Ramakunda on the occasion of the birthday:

"Gods and Asuraas, men, Nagas, Yaksas, Gandharvas, and Kinnaras, all the Planets and their foremost, the Sun, preceded by Rahu and Ketu, the Guardians of the world to begin with Indra, and Sesa along with the other Serpents, the Gods with Brahma at the head, and the (Divine) Mothers, Rudra and the others, all these have come to Ayodhya and reached the bank of the Sarayu. ***When the day of Navami has come men, Gods, and Asuras alike come for darshan to where God Rama is present, O great Goddess.****"*

Considering that both S recension as well as the legends preserved in MS B go back to the α-type-of-text, we are led to infer the the composer of the Vaisnavakhanda in selecting and editing his material was endeavouring to establish a traditional Vaisnava text of a non-sectarian

character. The predilection of this 'smrti author' can be amended by considering B and S together.

To fix the period in which the α-type-of-text was redacted and included in the Vaisnavakhanda the following arguments may be considered. The fact that some of the holy places described in S appear to have been established at the end of the eleventh and in the twelfth century almost excludes the possibility that the redaction of S was made before AD 1200. The references to devotion to Rama that are found throughout S and the Ramaite form of Vaisnavism that is manifest in B only endorse this conclusion. At the time of the redaction the Rama cult must have been already well established in Ayodhya. In fact it may have been the principal cause for the transformation of local holy places into centres of pilgrimage, which again made the want of an authoritative text more acutely felt and encouraged the insertion of the local mahatmya tradition into an acknowledged smrti text. These historical circumstances point rather to the 13th or 14th century, if not later. The practice of wandering around singing the name of Rama referred to in B is a historically attested phenomenon at least from the time of Ramananda whose floruit was most probably in the 14th century.

A terminus ad quem is set by a quotation from the AM from the Skandapurana in the work of Jiva Goswami in the 16th century. Moreover that century witnessed the growth of a new conception, viz., that of the Ramadurga, which, as we shall see below, greatly altered the structure and appearance of Ayodhya as a holy town. This idea is

still completely absent in S as well B. On the contrary the sacred topography described in S does not significantly differ from the situation in the 12th century, and tallies with the description given by Jinaprabhasuri in the beginning of the 14th century.

In view of the above consideration we are inclined to accept the close of the 13th or the 14th century as the most plausible date for the redaction of the α-type-of-text and its insertion in the Vaisnavakhanda (S).

On account of the more outspoken Ramaite character of B, notably the description of a (new) ghat (Ramakunda) and the conception of a celestial Ayodhya, features that represent significant modification with respect to the S recension, we are inclined to accept (despite the text-critical evidence) a somewhat later date for B (14th-15th century). B may have been culled from a later, modified and extended version of the α-type-of-text." (Pages 125-130)

"*In summarizing we may say that both religious as well as political sources testify to a prospering town in the fourteenth century; a growing centre of political and commercial activity, with which the development of a centre of pilgrimage went hand in hand.* ***Periodical fairs may have served commercial as well as spiritual ends. The most important of the festivals in those days was doubtlessly the birthday of Rama. On this and similar occasions the town attracted an increasing number of pilgrims in pursuit of darsana of the Janmasthana.*** *Among the devotees Sants like Ramananda, Saiva ascetics*

like Siddhigiri, or Muslim pirs like Badi ud-din Madar Shah might equally have been found. Melas took place mainly, it seems, on the bank of the Sarayu river. The most frequented ghats of this period can be gathered from the pilgrimage tour described in S: 1) Svargadvara and both adjacent temples of Candrahari and Dharmahari, 2) Brahmakunda, 3) Cakratirtha with the temple of Visnuhari, and the ghats and temple of Gopratara a little outside of the town. This configuration is corroborated by a description of Ayodhya that occurs in a MS of the Nrsimhapurana. To ensure peace and the loyalty of the Hindu part of the population the Muslim governors appear to have tolerated these gatherings which no less contributed to their own welfare. Apart from the new Muslim quarter unnecessary provocation of Hindu resentment was avoided as is apparent from the fact that no buildings such as mosques and the like were raised on Hindu holy ground.

Muhammad Tughlaq's successor, Firuz Tughlaq founded the present city of Jaunpur in AD 1359. After the invasion of Timur-i-lang, when confusion prevailed throughout the Sultanate, the Wazir Khwaja-i-Jahan, who was endowed with the title ***Malik-ush-Sharq, was sent by the Sultan Nasir-ud-din Mahmud to recover the eastern dominions in AD 1394. He took his residence in Jaunpur, and soon proclaimed independence. Avadh became part of the Sharqi territory until it was eventually recovered by Bahlol Lodi, the Sultan of Delhi, who appointed his nephew Mian Kala Pahar Farmuli***

Governor of Avadh in the last years of his reign (AD 1489). Ayodhya came under the control of the Lodis. *About the aforementioned Lodi governor, Abbas Khan Sarwani remarks; ". . . his jagirs were never disturbed and during all this time he gave his attention to nothing else except the accumulation of wealth. I have heard from persons of veracity that he had assured three hundred mans of red hard gold, and he did not purchase any other but golden jewelry."* ***Ayodhya might have been the right place for this hoarder since gold was found in its environs*** *(see below).*

Little is known as to the specific Historical situation in Ayodhya under the rule of the Sharqis and Lodis. In the political domain the town had to concede much ground to the city of Jaunpur. Along with the weakness of central authority Hindu chiefs gradually strengthened their hold on the situation. With regard to this period Joshi remarks: "Under the Jaunpur kings Avadh was administered in a better way than under the Sultans of Delhi. The local zammindars and rajas also appear to have strengthened their position and the Sharq rulers (surrounded as they were by petty though independent principalities) had to placate them to maintain peace and order in their kingdom."

Scarcity of sources inevitably obscures the progress of the town during the fifteenth century. Subsequent history proves that the foundations were laid for a period of blossoming. An idea of the prosperity and religious prestige which was attained on the eve of the age of the Great

Moguls may be gleaned from the evidence left behind by the founder of the Mogul Empire.

The conqueror Zahir-ud-din Muhmmad Babur visited Ayodhya in Hijri 934 (AD 1527). The new emperor writes in his diary that he was on the march to Oudh and reached the town for the first time about March 29: "We stayed a few days on that ground (near Aud) in order to settle the affairs of Aud. People praised the land lying along the Sird(a) 7 or 8 kurohs (14-16 miles) above Aud, saying it was hunting ground." Unfortunately the diary breaks off after April 2 AD 1527, only to resume in September 18 AD 1528. ***In this interval a mosque was raised by order of Babur on the site of the Janmabhumi temple. Babur might therefore have stayed in Ayodhya somewhat longer or have returned later in the same year.*** *Beveridge gives the translation of a fragment which probably deals with Ayodhya and which has obviously been displaced in the codex on which the translation of Leyden and Erskine was partly based. "The passage contained in this section seems to be a survival of the lost record of 934 AD (f.339) . . . It may be a Persian translation of an authentic Turki fragment, found, perhaps with other such fragments in the Royal Library." The translation of its runs: "After spending several days pleasantly in that place, where there are gardens, running-waters, well-designed buildings, trees, particularly mango trees, and various birds of coloured plumage, I ordered the march to be towards Ghazipur."*

The columns of the Janmabhumi temple that were

used in the construction of the mosque have been described above. ***The mosque itself contains two inscriptions, the translation of the one inside reading****:*

"By the command of the Emperor Babur, whose justice is an edifice reaching up to the very height of the heavens, the good-hearted Mir Baqi built this alighting-place of angels. Bavad Khair baqi: (May this goodness last forever). The year of building it was made clear likewise when I said buvad khair baqi" (=935 AD, i.e. AD 1528).

Another incomplete inscription is found above the entrance which provides no additional information. ***Mir Baqi Tashqandi was apparently appointed first Mogul Governor of Avadh****.*

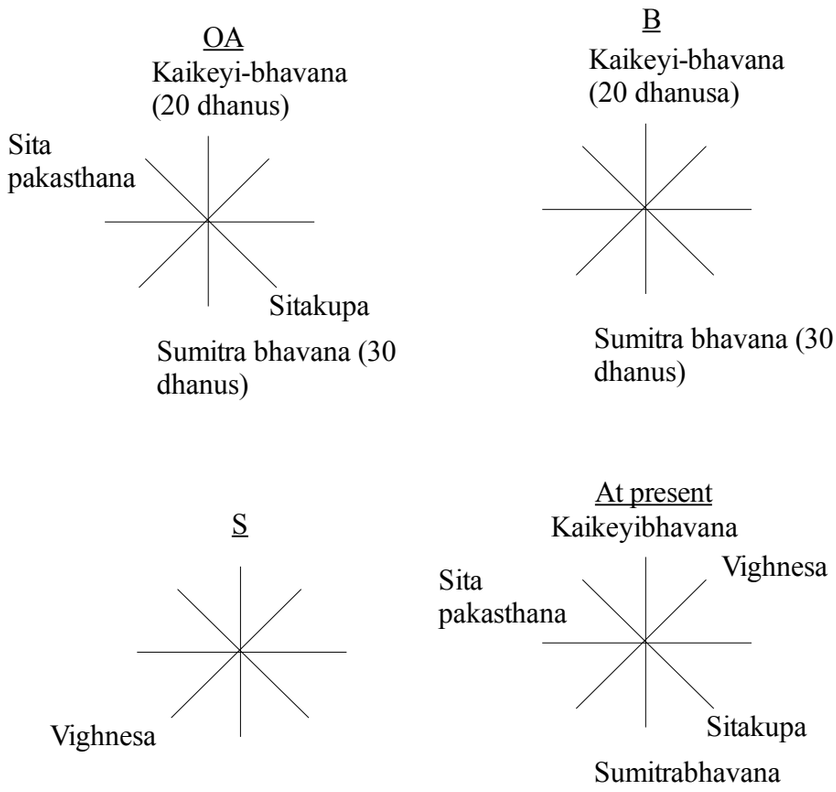
By the time of Babur Ayodhya, particularly the temple of the Birthplace and evidently gained such prestige that it aroused the envy of the new emperor, possibly incited by local Mussulmans for whom the flourishing of this Hindu centre of pilgrimage had for long been a thorn in the flesh. ***Local tradition has it that it was especially the pir Fazl Abbas Musa Ashikhan (whose grave is still marked today by two temple columns), who instigated Babur to demolish this denounced centre of idolatry.****"*

(Pages 132-134)

3539. Based on the topography of the Janamsthan in "Ayodhya Mahatam" Hans Baker tried to find out the exact location and on page 144-146 mentioned as under:

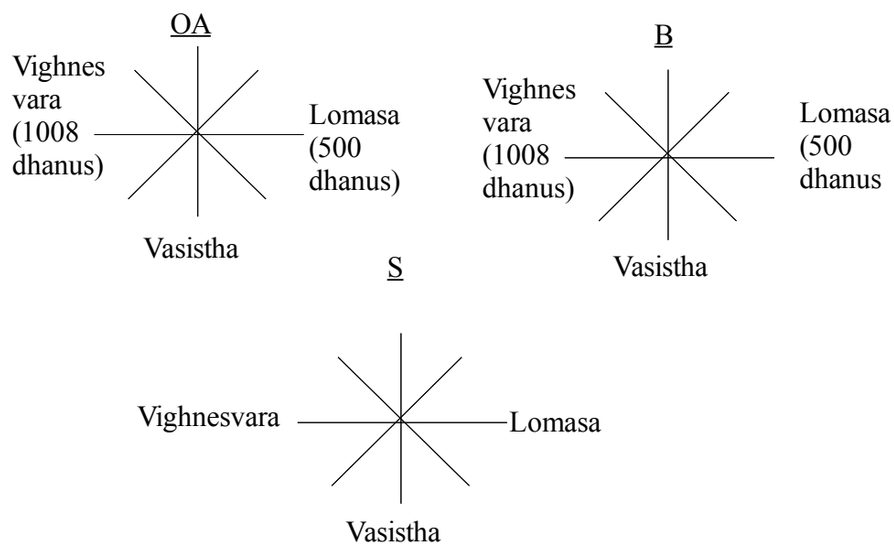
"*When we leave aside the information contained in AM 21.2-4, the location of the Janmasthana as given in the carious recessions can be sketched as follows.*

Situation (1):



The topographical information contained in AM 21.2-4 can be sketched as follows:

Situation (2):



Slokas AM 21.2-4 (situation (2)) seem to define a ksetra, an area that is considered to be the birthplace of Rama. This are is said in OA and B to stretch more than

500 dhanus (>910m) westwards of Lomasa, 1008 dhanus (=1835m) eastwards of Vighnesvara, and 100 dhanus (=182m) from Unmatta in an unspecified direction. In the middle of this ksetra the royal palace called Janmasthana is said to be situated. It is uncertain which places are meant in situation (2), and one is inclined to consider these three slokas as spurious. Unmatta and Lomasa do not occur elsewhere in the Mahatmya, while Vighneswara (if identified with Vighnesa) was said in S 21.1a to lie south-west of the Janmasthana instead of west. Moreover the Vighnesa referred to in S 21.1a lies somewhere in the area of the Ramkot (see Intr.AM 17), whereas the Vighneswara mentioned in S 21.2a is said in OAB 21.3c to lie 1,835m eastwards.

Nowadays a math named Ramgulela is believed to represent Lomasa, but this place lies about 350m east of the Janmasthana and its denomination as Lomasa seems to have arisen merely to justify these three verses. Vasistha might refer to the Vasisthakunda which lies c.450m south-west of the Janmasthana. Unmatta as a name of a tirtha is unknown to the Mahatmya as well as to local Pandits. One is tempted to think of Mattagajendra or Surasa/Surapa, which however lie c.900m north-west of the Janmasthana instead of the said 182m. We have conjectured that Unmatta could refer to the disappeared Bhairava shrine within the Ramkot, possibly situated on the Hanumantila (see Intr.AM 17 and ad OAB 21.3d). The absence of these three slokas in MS P could point to their spurious character, although the textual critical analysis would not

directly warrant such conclusion.

When returning to situation (1) we observe that OA and B basically agree, albiet that OA has added Sitapakasthana and Sitakupa, places which only occur in the OA recension (see OA 24, and OA 26). The given distances of the Kaikeyibhavana and Sumitrabhavana (respectively 36m and 55m), when reckoned from the mosque of Babur, do not correspond with the modern situation. Today both sites (Sumitrabhavana c.100m S, Kaikeyibhavana c.250m N) are devoid of any significant religious buildings, as they might always have been. The directions in B and OA (see OAB 25.1, and OAB 25.3) may therefore be considered to refer only to spots or subsidiary shrines in the northern and southern precincts of the Janmasthana compound which were named after Sumitra and Kaikeyi merely for the sake of completion (see Intr.AM 25).

More difficult to explain is the location of the Janmasthana with respect to Vighnesa as indicated in S 21.1. As has been said above an identification of Vighnesa referred to in S 21.1a (tasmad) with Vighnesvara of S 21.2a is problematic. The Vighnesa implied in S 21.1a might be identical to a place of the same name mentioned in OA which today, however, is considered to lie in the opposite direction, i.e. to the north-east of the Janmasthana (see Intr.AM17).

Notwithstanding all the difficulties discussed above, the original location of the Janmasthana temple is comparatively certain since it seems to be attested by

the location of the mosque built by Babur, in the building of which materials of a previous Hindu temple were used and are still visible. The mosque is believed by general consensus to occupy the site of the Janmasthana.

After the destruction of the original temple a new Janmasthana temple was built on the north side of the mosque separated from it by a street."(Page 144-146)

3540. He (Hans Baker) has given synopsis on pages 146-149 as under:

"Assessment of the content.

The history of the birthplace of Rama, Janmasthana, has been treated in Pt.I. A synopsis may suffice here.

Specimens of pillars that formed part of the Hindu temple that was demolished by order of Babur in AD 1528 ***show that the original birthplace temple dated from the 10th or 11th century (I, 43-45). Before its destruction the temple must have been one of the main pilgrimage centres of Ayodhya, especially on the occasion of Ramanavami*** *(I, 128, 132). On the instigation of a Muslim saint Khwajah Fazl Abbas, as local tradition has it (or of another Muslim Faqir named Jalal Shah according to Sitaram 1933, 34f.), the first Mogul governor appointed by Babur, Mir Baqi, replaced the temple by a mosque in AD 1528 (I, 133f.).*

The destruction of the temple would not have implied the end of all forms of worship in and around the holy site. Just as they do today, pilgrims may have assembled near the mosque to have darshan of the

tirtha, and in order to perform the puja special provisions may have been made. *Tieffenthaler describes a vedi erected in the court of the mosque which is three times circumambulated by the pilgrims who then make a prostration (Tieffenthaler I, 181; Cp. Tripathi 1969, 39 ff. Quoted below).* ***The ritual of Ramanavami described in OA 22, which is said to be carried out in the Janmasthana (OA 22.22), does not require a temple or the like and could therefore have been performed somewhere near the original holy spot in the 16th and following centuries.*** *Such perseverance and flexibility of Hinduism under Muslim repression, which was demonstrated throughout the history of North India, could have provided an objective reason for the compiler of the OA recension* ***not to delete or minimalize his description of the Janmasthana despite its occupation by a mosque.*** *The general pretentions of this sort of literature to describe an eternal situation created in an immemorial past, a kind of religious superstructure that is detached from the upheavals of the gross material world, may explain why no reference whatsoever to the actual situation found a place in the Mahatmya. Considerations of this kind lead inevitably to the conclusion that the historical event of the destruction of the Janmasthana temple is of no use in fixing a date (pre or post Babur) for the recensions of the AM.*

The Janmabhumi may be conceived of as a compound which has comprised and still comprises several holy site. The description is restricted to the Janmasthana temple itself in the S recension (OABS

21), but B has added two apparently subsidiary shrines- the places of Sumitra and Kaikeyi *(OAB 25). The OA recension bears witness to a still further developed compound which comprised also two shrines of Sita, viz. her kitchen and her well (Sitapakasthana (OA 24) and Sitakupa (OA 26)). The above mentioned tirthas are today within a distance of 200m from the mosque of Babur. According to local tradition the shrines of Sumitra and Kaikeyi were destroyed alongwith the temple of Janmasthana. An interpolation occurring only in edition a connects the three palaces (Kausalya, Kaikeyi, and Sumitra) with three ghats (tirthas) at the Sarayu (III, App. 1 No. 4). Due to a shift in the bed of the river these ghats are nowadays much in decay. Thus glorification of the sacred complex Rama's birthplace spreads over AM 21-AM 26.*

The later history of the site is briefly as follows.

Although under some liberal Muslim rulers the tension between Hindus and Muslims with regard to the Janmasthana may have been temporarily alleviated by giving the Hindus permission to perform their puja on a platform near or even within the precincts of the mosque (Tripathi 1969, 39: akbar ne hindu janta ki prasamsa ke liye ahate me ek cabutara banvane ki ajna de hi, jis par ram parivar ki murtiya sthapit karke jhopari ke bhitar mandir ka rup diya), yet Babur's inheritance remained a bone of contention between both sections of the populace.

The slumbering conflict came to a head in the controversy that had arisen in 1855 between Hindus and Muslims in consequence of the Letter's claim to offer

prayers at Hanumangarhi *(see ad OA 17.2c). About 300 fanatical Muslims had assembled in the mosque and resolved to launch an attack on the Vaisnava vairagis. The fight that ensued is described by Bhatnagar 1968, 119: "In the meantime the Muslims proposed to put a door in the enclosure-wall of the masjid and repair its defences. Some people were sent to bring a pair of strong doors from Begampura" (i.e. the area to the north of the Ramkot, H.T.B.). "While they were coming back, they were surrounded by the Vairagis who asked them to abandon their projected scheme. In a moment the news spread like wild fire and the Muslims rushed to the help of their comrades and attacked the Vairagis. Then ensued a regular fight between the two factions. While the conflict was in progress the Muslims tried to enter Hanumangarhi but the attempt failed and they had to retreat with the loss of their leaders who were left wounded at the garhi . . . "The Vairagis in the meantime shouting slogans fell on the masjid and cut the Muslims to pieces. Shah Ghulam Husain with a few followers escaped by jumping over the walls, leaving behind some 70 dead and many more wounded." (For the aftermath of this massacre, which led to the expedition of Amil Ali,* ***see Bhatnagar 1968, 117-140)****.*

Soon after this rupture, ***in February 1856, Oudh was annexed by the British Government and Ayodhya came directly under British rule. "A railing was put up" around the mosque "to prevent disputed, within which, in the mosque the Mahomedans pray, while outside the fence the Hindus have raised a platform on which they***

make their offerings. *" (Carnegy 1870, 21).*

In December 1949 new riots broke out between Hindus and Muslims. During the night of December 23 the Hindus succeeded in installing idols within the mosque (Tripathi 1969, 60f.). "The agitation continued for more than three years. It had serious repercussions on the law and order situation in this town and resulted in some assaults and murders. During these years the relations between the Hindus and the Muslims remained strained and the services of the police were constantly on call. The site of the dispute (i.e. the mosque of Janmasthana) is in police custody pending the decision of the civil court. The police maintains an armed guard on the spot for the protection of the building and the prevention of any breach of peace, and a temporary out-post has been established near the site of the dispute." (Faiz-Gaz. 249). This situation continues up to the present day.

Modern situation.

Today the mosque and the railing set up by the British are still there. *The lawsuit is still pending in the Court of the Civil Judge Faizabad. A sentry stands outside the fence and more soldiers are permanently quartered inside the mosque.* ***No Muslims are allowed to enter the precincts and the Hindus may come only as far as the fence in front of the entrance gate where they have erected a small altar****. On a platform near the altar groups of Hindus are continuously engaged in Kirtana. A pamphlet circulated among the many pilgrims who visit the place for darshan reads " "Shri Ram Janma Bhumi of Ayodhya is a*

very sacred place. Anticipating Hindu-Muslim friction the Govt. has declared it a disputed place and has taken possession over it. Regular case is being conducted in the civil and criminal court. Since December 27, 1949 day and night Akhand Kirtan is being performed with a determination that it will continue so long as "Ram Janma Bhumi" is not freed" . . . "It is the sacred duty of the entire Hindu Community to finance this holy cause donations (sic:) and thus earn immense "PUNYA". "A glimpse of the idols within the mosque can be seen. Offerings of food (sweets) can be given through the bars of the fence. At present only eleven Hindus are allowed to enter the mosque on special occasions to perform the puja of the idols (Sita and Rama).

On the northern side of the mosque is a new Janmasthana temple. The place was founded by a sadhu called Ramadasa, pupil of Devamurari (Prayaga), in the 18th century (Tripathi 1969, 75 ff.). Gradually the hut built by Ramadasa evolved into the large temple that nowadays occupies the site. The temple is built around an inner court on the west side of which are two cellas. In one of these the images of Rama and his parivara deities are installed, the other one contains the idols of Dasarath and his entourage.

Against the wall of the court stands a piece of a door-jamb said to come from the old Janmasthana temple. It has been described in I, 44f. The temple is visited by many pilgrims."(Pages 146-149)

3541. This description of Baker is either a reiteration of the information supplied in various Gazetteers or that contained

in History book. However, at placed he has simply proceeded by assuming many things on his own without asigning such information.

3542. On behalf of plaintiffs (Suit-4), certain expert witnesses, (Historians) were examined to tell us that according to their expert opinion, which they have formed after due research and enquiry, the conclusion drawn is that no temple existed at the disputed site at the time when the said construction was made and there was no demolition of any alleged temple for constructing the disputed structure. The nature of the issues is such where one cannot expect a direct oral evidence. An incident of several hundred years ago, if occurred, what were the circumstances, when and how it happened, can only be seen/ inferred from the historical material, if any. By its very nature, there cannot be any direct evidence in the form of a witness. A documentary evidence in the form of inscription, if available, could be of immense help. One helping hand in such matters, where the issues pertain to science, art or other matters in the Court may form its opinion by taking help of opinions of Expert. Section 45 of the Evidence Act, 1872 enables the Court to consider opinion of the persons specially skilled in such matters. It reads as under:

> ***"45. Opinions of experts.-****When the Court has to form an opinion upon a point of foreign law, or of science or art, or as to the identity of handwriting or finger impression, the opinions upon that point* ***of persons specially skilled*** *in such foreign law, science or art, or in questions as to identity of handwritings or finger impressions* ***are relevant facts****.*

Such persons are called experts."

(emphasis supplied)

3543. Section 5 of the Evidence Act says that evidence may be given in any suit or proceeding of the existence or non-existence of every fact in issue and of such other facts as are declared to be relevant under Part I Chapter 2 and of no others. Therefore, there is an embargo by the statute that except to the extent the evidence may be given under Section 5 no other evidence should be entertained by court.

3544. In **Collector, Gorakhpur Vs. Palakdhari ILR (1899) 12 All 1 at page 43** this Court observed that Section 5 excludes everything which is not covered by or comes within the purview of other sections which follow in the statute. A word of caution was added by Hon'ble Mookerji in **Emperor Vs. Panchu Das & Ors. AIR 1920 Cal 500 (FB)** that the principle of exclusion should not be so applied as to exclude matter which may be essential for the ascertainment of truth. To the same effect is the observation in **Queen-Empress Vs Abdullah ILR (1885) 7 All 385 (FB)**.

3545. In **Siris Chandra Nandy Vs. Rakhala Nanda AIR 1941 PC 16** it was held that it is not open to any Judge to exercise a dispensing power and admit evidence not admissible by the statute merely because it appears to him that irregular evidence would throw light upon the issue. The consensus of the opinion however, has been that in case of doubt about the admissibility of a particular piece of evidence, the Judge should declare in favour of admissibility, rather than of non-admissibility. In other words, admissibility is the rule and exclusion is the exception.

3546. Then there is an exclusion of certain facts which need not be proved that is those covered by Section 56 to 58. Section 57 specifically enables the Court to resort to appropriate books or documents of reference where the matters are of public hostory, literature, science or art.

3547. Section 58, however, of some importance in this matter since the question of admission by the parties in different ways i.e. pleadings, the evidences produced, having somehow connection with the property in dispute in general have been raised by all the parties at one or the other occasion. Section 58 says:

> ***"58. Facts admitted need not be proved.-*** *No fact need to be proved in any proceeding which the parties thereto or their agents agree to admit at the hearing, or* ***which, before the hearing, they agree to admit by any writing under their hands, or which by any rule of pleading in force at the time*** *they are deemed to have admitted by their pleadings:*
>
> *Provided that the Court may, in its discretion, require the facts admitted to be proved otherwise than by such admission."*

3548. Admissions under Section 58 can be classified into two: (a) Judicial admissions; and (b) Extra-judicial. Judicial admissions are formal admissions made by a party during the proceedings of the case while extra-judicial admissions are informal admissions not appearing on the record of the case. Judicial admissions are binding on the party since they constitute a waiver of proof. They can be made the foundation of the rights of the parties.

3549. Extra-judicial or informal admissions are also binding on the party against whom they are set up. Where they operate as, or have the effect of estoppel, in that case they are fully binding and constitute foundation of the rights of the parties otherwise they are binding partially and not fully, as observed by Privy Council in **Chandra Vs Narpat Singh 1906 (29) All 184 (PC).**

3550. An issue arises when a material preposition of fact or law is affirmed by one party and denied by the other. A Court has to try the questions at which the parties are at issue, and not those where they are agreed. Admissions made deliberately for the purpose of the suit, whether in the pleading or by agreement, will act as an estoppel to the admission of any evidence contradicting them.

3551. Section 59 provides as to when a fact may be proved by oral evidence and says that all facts, except the contents of documents or electronic records, may be proved by oral evidence. Section 60 says that oral evidence must be direct and reads as under:

> ***"60. Oral evidence must be direct.-*** *Oral evidence must, in all cases whatever, be direct; that is to say-*
>
> *If it refers to a fact which could be seen, it must be the evidence of a witness who says he saw it;*
>
> *If it refers to a fact which could be heard, it must be the evidence of a witness who says he heard it;*
>
> *If it refers to a fact which could be perceived by any other sense or in any other manner, it must be the evidence of a witness who says he perceived it by that sense or in that manner;*

If it refers to an opinion or to the grounds on which that opinion is held, it must be the evidence of the person who holds that opinion on those grounds;

Provided that the opinions of experts expressed in any treatise commonly offered for sale, and the grounds on which such opinions are held, may be proved by the production of such treatises if the author is dead or cannot be found, or had become incapable of giving evidence, or cannot be called as a witness without an amount of delay or expense which the Court regards as unreasonable:

Provided also that, if oral evidence refers to the existence or condition of any material thing other than a document, the Court may, if it thinks fit, require the production of such material thing for its inspection."

3552. A question has repeatedly been raised in this matter in respect to certain documents, which were marked exhibit long back before Civil Judge. The normal system of marking of exhibit of a document is, when it is proved by witness or on admission of the other parties it is so granted. However, marking of document as exhibit would only means that the existence of document or genuineness thereof is admitted or proved and after marking it, no further proof is required for the purpose of its existence or genuineness.

3553. In **Saddiq Ali Vs. State 1981 CrLJ 379** a Full Bench of this Court observed when the genuineness of a document is admitted, the contents also stand admitted and need not be proved by further evidence.

3554. In **Purushotama Reddiar Vs. S Perumal AIR 1972 SC 608** it was held that the contents of a document admitted in

evidence without objection may not be conclusive evidence but all the same the contents are also admitted by such admission.

3555. But one must make a distinction that the contents stand admitted does not mean the truth of the facts contained in the document or denoted by those contents also stand admitted. That is a totally different aspect. The party admitting a document does not accept the truth of the contents and is free to challenge the contents by cross-examination or otherwise.

3556. The Apex Court in **Sait Tarajee Khimchand Vs. Yelamarti Satyam AIR 1971 SC 1865** also observed that mere marking of an exhibit does not dispense with the proof of the truth of the contents of the document and it is always open to the opposite parties to impeach the document and the contents thereof in all other possible manner (See also **Sailendra Kishore Vs. Harekrishna AIR 1978 Orissa 125)**.

3557. These provisions and some other of the Evidence Act may apply where a fact may be proved in the manner as permitted in the Evidence Act by oral evidence or by available document. But where a fact in dispute relates to events of history and science of hundreds and thousands years ago, availability of evidence is apparently difficult. The present one is such matter where this situation exist. The parties have produced a lots of witnesses to prove the facts one or the other way but most of such witnesses of fact, we find, their evidence inadmissible in view of the above provisions on the historical facts in issue.

3558. Basically, a witness is to be examined for what he has seen or directly heard in relation to a fact in issue or relevant fact. Formation of opinion on the set of the facts placed is within

the exclusive domain and prerogative of the Court. Generally opinions and beliefs of third persons are inadmissible in evidence. However, there may be certain issues where the Court may feel necessity of expert opinion. These are outside the legal and judicial fields. A Judge is not supposed to posses the expert knowledge in such fields. Probably, it is for this reason that the law of evidence provides for expert opinion, to be adduced as evidence, subject to certain conditions prescribed in the Act. It is Section 45 which renders the opinion of such experts as relevant fact. An experts opinion, in any case, constitute material for the Court to arrive at a proper conclusion.

3559. Section 45 refers to certain specified fields, i.e., foreign law, science, art, identify of handwriting and finger impressions. A bare reading thereof gives an impression that it is confined to certain fields mentioned therein. Initially the terms like Foreign Law, Science etc. were read very strictly. A question as to identification of typewriting whether by a particular typewriter or not would be included within the format of Section 45 came to be considered initially in **Hanumant Vs. State of Madhya Pradesh AIR 1952 SC 343** and the Court held that it would not be included. The correctness of the above judgment came to be considered before a Constitution Bench in **State Vs. S.J. Choudhary AIR 1996 SC** 1491, where the Court considered the meaning of the word 'science' in Section 45 of the Evidence Act and overruled its earlier decision in **Hanumant Vs. State of Madhya Pradesh (supra)** observing:

> *"The plain meaning of Section 45 is that the Court in order to form an opinion upon a point of foreign law, or of science, or art, or as to identity of handwriting, or finger*

impressions can treat the opinion upon that point of person specially skilled in such foreign law, science or art, or in questions as to identity of handwriting, or finger impressions as relevant facts. In other words, the opinion of persons specially skilled in such foreign law, science, or art, or questions as to the identity of handwriting or finger impression, called experts therein, are relevant facts. The opinion of such experts is admissible in evidence as relevant facts by virtue of Section 45 of the Evidence Act.

6. *In our opinion, irrespective of the view taken on the question of meaning of the word 'handwriting' in Section 45 to include typewriting, the word 'science', occurring independently and in addition to the word 'handwriting' in Section 45, is sufficient to indicate that the opinion of a person specially skilled in the use of typewriters and having the scientific knowledge of typewriters would be an expert in this science; and his opinion about the identity of typewriting for the purpose of identifying the particular typewriter on which the writing is typed is a relevant fact under Section 45 of the Evidence Act. It is obvious that the Indian Evidence Act when enacted originally in 1872 did not specifically mention typewriting in addition to handwriting because typewriters were then practically unknown. However, the expression' science, or art' in Section 45 in addition to the expressions 'foreign law' and 'handwriting' used in the Section as originally enacted, and the expression 'finger impressions' inserted in 1899 is sufficient to indicate that the expression 'science, or art' therein is of wide import. This expression 'science, or art'*

cannot, therefore, have a narrow meaning in Section 45 and each of the words 'science' and 'art' has to be construed widely to include within its ambit the opinion of an expert in each branch of these subjects, whenever the Court has to form an opinion upon a point relating to any aspect of science or art.

7. *The meaning of the word 'science' as understood ordinarily with reference to its dictionary meaning must be attributed to the word as used in Section 45 of the Indian Evidence Act. Some of the meanings given in the dictionaries are :*

The Oxford Encyclopedic English Dictionary :

"Science.....a systematic and formulated knowledge, esp. of a specified type or on a specified subject (political science). b. the pursuit or principles of this....."

The New Shorter Oxford English Dictionary, Vol. 2.,:

"Science...2a Knowledge acquired by study; acquaintance with or mastery of a department of learning... 3a. A particular branch of knowledge or study; a recognized department of learning;..."

Collins Dictionary of the English Language:

"Science n. 1 the systematic study of the nature and behavior of the material and physical universe, based on observation, experiment, and measurement, and the formulation of laws to describe these facts in general terms. 2. the knowledge so obtained or the practice of obtaining it. 3. any particular branch of this knowledge: the pure and applied sciences. 4. any body of knowledge

organized in a systematic manner. 5. skill or technique..."

It is clear from the meaning of the word 'science' that the skill or technique of the study of the peculiar features of a typewriter and the comparison of the disputed typewriting with the admitted typewriting on a particular typewriter to determine whether the disputed typewriting was done on the same typewriter is based on a scientific study of the two typewritings with reference to the peculiarities therein; and the opinion formed by an expert is based on recognized principles regulating the scientific study. The opinion so formed by a person having the requisite special skill in the subject is, therefore, the opinion of an expert in that branch of the science. Such an opinion is the opinion of an expert in a branch of science which is admissible in evidence under Section 45 of the Indian Evidence Act.

8. There cannot be any doubt that the opinion of an expert in typewriting about the questioned typed document being typed on a particular typewriter is based on a scientific study of the typewriting with reference to the significant peculiar features of a particular typewriter and the ultimate opinion of the expert is based on scientific grounds. The opinion of a typewriter expert is an opinion of a person specially skilled in that branch of the science with reference to which the Court has to form an opinion on the point involved for decision in the case. In our opinion, on a plain construction of Section 45 giving to the word 'science' used therein its natural meaning, this conclusion is inevitable; and for supporting that conclusion, it is not

necessary to rely on the further reason that the word 'handwriting' in Section 45 would also include typewriting."

3560. In **United States Shipping Board Vs. The Ship "St. Albans" AIR 1931 PC 189** with respect to opinion of experts, the Privy Council said :

"The extent to which the opinions or conclusions of skilled persons are receivable by way of proof in point of fact has not been seriously in doubt from the time when, in 1782, in Folkes v. Chadd (1782) 3 Dougl, 157, Lord Mansfield stated the grounds on which the evidence of Smeaton, the famous constructive engineer, was to be admitted upon a disputed question of obstruction to a harbour:

"the opinion of scientific men upon proven facts may be given by men of science within their own science."

Another Chief Justice, Lord Russell of Killowen, explained the rule in a modern case of Reg. v. Silverlock (1894) 2 Q.B. 766=63 L.J.M.C. 233=10 R. 431= 72 L.T. 298=43 W.R. 14=18 Cox. C.C. 104=58 J.P. 788. The witness must have made a special study of the subject or acquired a special experience therein. "The question is, "Lord Russell said: ***"Is he peritus: is he skilled; has he adequate knowledge?****"*

3561. In **Amar Nath Vs. Mrs. Amar Nath AIR (35) 1948 Lahore 126** a Special Bench of the Lahore High Court observed:

"What is admissible is evidence on the nature of this marriage ceremony, on the intention of the parties in going through the ceremony, and on the question of custom in

variance of the general law, if such a custom is alleged. ***Evidence is not admissible for the purpose of ascertaining the principles of the ordinary Hindu Law of marriage****; that is purely a point of law which it is for the Court to decide. In 21 Lah. 493 their Lordships of the Privy Council* ***deprecated the practice of obtaining the opinion of experts for ascertaining the principles of Hindu or Muslim law.*** *Their Lordships observed on page 503:*

"... Hindu or Muslim law were to depend on the evidence given in a particular case. ....The system 'expert advisers' (muftis, and maulvis or in the case of Hindu law pandits) had its day but has long been abandoned, though the opinions given by such advisers may still be cited from the reports. Custom, in variance of the general law, is matter of evidence but not the law itself."

In this judgment their Lordships expressly approved the observations of Sulaiman J. in Aziz Bano Vs. Mahomed Ibrahim Hussain 47 ALL. 823 on page 835. In holding that the ***so called expert evidence of a witness in regard to the Shia law on marriage was not admissible under the Indian Evidence Act,*** *the learned Judge observed :*

"The Shia law on marriage is the law of the land and is in force in British India. ..... It is the duty of Courts themselves to interpret the law of the land and apply it and not to depend on the opinion of witnesses however learned they may be."

These observations would apply equally to the interpretation of the Hindu Law of Marriage."

3562. In **Mosque known as Masjid Shahid Ganj Vs.**

Shiromani Gurdwara Prabandhak Committee, Amritsar, 1940 PC 116 Privy Council also took the same view and condemned the practice of obtaining opinion of so called religious experts in the matter of principles of Hindu or Muslim Law.

3563. In **Forest Range Officer & others Vs. P. Mohammed Ali & others AIR 1994 SC 120**, it was observed :

> *"The expert opinion is only an opinion evidence on either side and does not aid us in interpretation."*

3564. The caution, the Court must exercise while considering opinion rendered by an expert is expressed, in **Murarilal Vs. State of M.P. AIR 1980 SC 531**, where the Court held:

> *"But, the hazard in accepting the opinion of any expert, handwriting expert or any other kind of expert, is not because experts, in general, are unreliable witnesses- the quality of credibility or incredibility being one which an expert shares with all other witnesses-, but because all human judgment is fallible and an expert may go wrong because of some defect of observation, some error of premises or honest mistake of conclusion. The more developed and the more perfect a science, the less the chance of an incorrect opinion and the converse if the science is less developed and imperfect. The science of identification of finger-prints has attained near perfection and the risk of an incorrect opinion is practically non-existent. On the other hand, the science of identification of handwriting is not nearly so perfect and the risk is, therefore, higher. An expert deposes and not decides. His*

duty is to furnish the judge with the necessary scientific criteria for testing the accuracy of his conclusion, so as to enable the judge to form his own independent judgment by the application of these criteria to the facts proved in evidence'." (Para 4)

"Reasons for the opinion must be carefully probed and examined. ... In cases where the reasons for the opinion are convincing and there is no reliable evidence throwing a doubt, the uncorroborated testimony of an handwriting expert may be accepted. ..." (Para 11)

3565. In **State Vs. Kanhu Charan Barik 1983 Cr.L.J. 133**, a Division Bench of Orissa High Court held :

"Evidence of experts after all is opinion evidence. The ***opinion is to be supported by reasons. The Court has to evaluate the same like any other evidence.*** *The reasons in support of the opinion, if convincing, make the opinion acceptable.* ***There is no place for ipse dixit of the expert.*** *It is for the court to judge whether the opinion has been correctly reached on the data available and for the reasons stated."*

3566. Hon'ble Subba Rao (C.J.) (as His Lordship then was) in **Guntaka Hussenaiah Vs. Busetti Yerraiah AIR 1954 Andhra 39** said :

*"**The expert's evidence is only a piece of evidence.** A Judge of fact will have to consider that evidence along with the other pieces of evidence. Which is the main evidence and which is the corroborative one depends upon the facts of each case."*

3567. In **Magan Bihari Lal Vs. State of Punjab AIR 1977**

SC 1091, the Court held that it is now well settled that expert opinion must always be received with great caution and perhaps none so with more caution than the opinion of a handwriting expert. This type of evidence, being opinion evidence, is by its very nature, weak and infirm.

3568. A Single Judge of this Court also expressed the same opinion in **Saqlain Ahmad Vs. Emperor AIR 1936 Alld. 165** observing :

> *"The value of the expert evidence depends largely on the cogency of the reasons on which it is based. In general it cannot be the basis of conviction unless it is corroborated by other evidence."*

3569. In **Lalta Prasad Vs. Emperor 5 IC 355**, the Judicial Commissioner, Oudh observed :

> *"Expert testimony derived from comparison of handwriting is no doubt very valuable as evidence corroborating the direct evidence if any upon the point, but it is only in rare cases that it can take its place.*

3570. It would be prudent to quote the following passage from Taylor's Law of Evidence, page 1344, para 1877 about the admissibility of evidence of experts :

> *"Still as experts usually come with a bias on their minds to support the cause in which they are embarked, little weight will in general be attached to the evidence which they give, unless it be obviously based on sensible reasoning."*

3571. In **Mt. Titli Vs. Alfred Robert Jones AIR 1934 All. 273**, it was observed:

> *"The opinion of an expert by itself may be relevant but would carry little weight with a Court unless it is supported*

by a clear statement of what he noticed and on what he based his opinion. ***The expert should, if he expects his opinion to be accepted, put before the Court all the materials which induced him to come to his conclusion, so that the Court, although not expert, may form its own judgment on those materials.*** *... The mere mention that certain kind of tests knows as Binet and Simon tests were applied and certain results were obtained, might be relevant as piece of evidence but would not be conclusive."*

3572. In **Palaniswamy Vaiyapuri Vs. State AIR 1968 Bombay 127**, a Division Bench of Bombay High Court in para 11 of the judgment said :

"The opinion of an expert must be supported by reasons and it is the reasons and not ipse dixit which is of importance in assessing the merit of the opinion."

3573. In **Sita Nath Basak Vs. Mohini Mohan Singh AIR 1924 Cal. 595**, a Division Bench of Calcutta High Court observed that in the matter of infringement of copyright, the Court should be reluctant to sit as an expert to decide the question of infringement of copyright and the proper course, in ordinary circumstances, is to get the opinion of experts. This was explained in **Government of West Bengal Vs. Nitya Gopal Basak & others 1985 CRI.L.J. 202** by a learned Single Judge of Calcutta High Court that the above view was expressed primarily on the ground that the Court would have to take great pains and would have to waste its valuable time to ascertain how far the piracy extended and it was desirable therefore to seek opinion of expert to compare the works and to ascertain the details to avoid excessive expenditure of time and labour. It was

also pointed out that such a course was also necessary as the Court might not be conversant with the alphabets of the book.

3574. In the context of opinion of handwriting expert, in **Fakhruddin Vs. State of Madhya Pradesh AIR 1967 SC 1326**, the Court held that the opinion of handwriting expert though is relevant in view of Section 45 of the Evidence Act, but that too is not conclusive. Reliance was placed on earlier decisions in **Ram Chandra Vs. State of Uttar Pradesh AIR 1957 SC 381** (at page 388) and **Ishwari Prasad Misra Vs. Mohammad Isa AIR 1963 SC 1728** where it was observed that expert evidence as to handwriting is an opinion evidence and it can rarely, if ever, take the place of substantive evidence. It cannot be conclusive because it is after all opinion evidence. In para 11 of the judgment in **Fakhruddin (supra)**, the Apex Court further observed that where an expert's opinion is given, the Court must see for itself and with the assistance of the expert come to its own conclusion whether it can safely be held that the two writings are by the same person. This is not to say that the Court must play the role of an expert but to say that the Court may accept the fact proved only when it has satisfied itself on its own observation that it is safe to accept the opinion whether of the expert or other witness.

3575. In **re B. Venkata Row (1913) 36 Mad. 159** a quotation from **Dr. Lawson's** work on the **"Law of Expert and Opinion Evidence"** was quoted, which reads as under :

> *"The evidence of the genuineness of the signature based upon the comparison of handwriting and of the opinion of experts is entitled to proper consideration and weight. It must be confessed however that it is of the lowest order of*

evidence or of the most unsatisfactory character. We believe that in this opinion experienced laymen unite with the members of the legal profession. Of all kinds of evidence admitted in a Court this is the most unsatisfactory. It is so weak and decrepit as scarcely to deserve a place in our system of jurisprudence."

3576. This was followed in **Indar Datt Vs. Emperor AIR 1931 Lahore 408**. A Similar observation was made by Division Bench of this Court in **Srikant Vs. King Emperor (1905) 2 ALJ 444** and **Kali Charan Mukerji Vs. Emperor (1909) 9 Cr.L.J. 498.**

3577. In **Sudhindra Nath Vs. The King AIR (39) 1952 Cal. 422**, it was observed :

"We are now left with the evidence of identification by the hand-writing Expert. With regard to this class of evidence, it is a rule of law that it is extremely unsafe to base a conviction upon the opinion of hand-writing experts. Without substantial corroboration; because it is well known that a comparison of hand-writing as a mode of proof is always hazardous & inconclusive, ***unless it is corroborated by other evidence****."*

3578. In the context of a post mortem report, in **State of Haryana Vs. Ram Singh (2002) 2 SCC 426**, the Court said that the post mortem report though by itself is not a substantive piece of evidence, but can by no means be ascribed to be insignificant provided it is corroborated by other evidence.

3579. In **Perumal Mudaliar Vs. South Indian Railway Company Ltd. AIR 1937 Mad. 407** the manner of recording opinion of expert was considered and a Single Judge (Hon'ble

Beasley, C.J.) said :

> *"The evidence of experts must be given in the ordinary way. Subject to certain exceptions- those exceptions being amongst others, the certificates of the Imperial Serologist touching the matter of bloodstains and of the Chemical Examiner, which are made admissible in evidence by themselves-it is quite obvious that* ***the opinion of an expert must be given orally and that a report merely or certificate by him cannot possible be evidence. Unless he goes into the witness box and gives oral evidence, there can be no cross examination of the expert at all.****"*

3580. Similarly, another Single Judge in **Coral Indira Gonsalves Vs. Joseph Prabhakar Iswariah AIR 1953 Mad. 858** said :

> *"Certificates, like these, do not prove themselves. They must be 'strictly proved' by the doctor who issues them. He has to state what tests he carried out to arrive at his conclusion and must stand cross-examination and convince the Court that his conclusion about the potency is correct."*

3581. In reference to an Excise Inspector as to whether he may be considered as expert within the meaning of Section 45 of the Evidence Act, the Apex Court in **Sri Chand Batra Vs. State of U.P. AIR 1974 SC 639** said :

> *"Another question before us is whether the Excise Inspector, whose evidence was under consideration, had sufficient knowledge to be deemed to be an expert within the meaning of Section 45 of the Evidence Act so that the tests adopted by him, together with all the attendant circumstances, could establish beyond doubt that the*

appellant was in possession of illicit liquor. We think that these are also essentially questions of fact."

"We find that the Excise Inspector who had deposed, at the very outset of his evidence, that he had put in 21 years service as Excise Inspector and had tested lacs of samples of liquor and illicit liquor. As already pointed out, the competence of C.D. Misra to test the composition and strength of the liquid under consideration was not questioned at all. We, therefore, think that this particular Excise Inspector could be treated as an expert within the meaning of Section 45 of the Evidence Act."

3582. In **Haji Mohammad Ekramul Haq Vs. The State of West Bengal, AIR 1959 SC 488** the Court held that an opinion of expert unsupported by any reason is not to be relied on.

3583. In **The Forest Range Officer and others Vs. P. Mohammed Ali and others, AIR 1994 SC 120** the Court said:

"The expert opinion is only an opinion evidence on either side and does not aid us in interpretation." (para 8)

3584. Who an expert witness would be, has been considered in **State of Himachal Pradesh Vs. Jai Lal and others, AIR 1999 SC 3318** and it says:

"An expert witness, is one who has made the subject upon which he speaks a matter of particular study, practice; or observations; and the must have a special knowledge of the subject." (para 13)

"Therefore, in order to bring the evidence of a witness as that of an expert it has to be shown that he has made a special study of the subject or acquired a special experience therein or in other words that he is skilled and

has adequate knowledge of the subject." (para 17)

"18. An expert is not a witness of fact. His evidence is really of an advisory character. The duty of an expert witness is to furnish the Judge with the necessary scientific criteria for testing the accuracy of the conclusions so as to enable the judge to form his independent judgment by the application of this criteria to the facts proved by the evidence of the case. The scientific opinion evidence, if intelligible, convincing and tested becomes a factor and often an important factor for consideration along with the other evidence of the case. The credibility of such a witness depends on the reasons stated in support of his conclusions and the data and materials furnished which form the basis of his conclusions."

"19. The report submitted by an expert does not go in evidence automatically. He is to be examined as a witness in Court and has to face cross-examination."

3585. The relevance and importance of expert's evidence in the present dispute has also been noticed by the Apex Court in **Dr. M. Ismail Faruqui (supra)** and in para 154 it says:

"Thirdly, there is the aspect of evidence in relation to the question referred. It is not our suggestion that a court of law is not competent to decide such a question. It can be done if expert evidence of archaeologists and historians is led, and is tested in cross-examination. . . . . The Court being ill-equipped to examine and evaluate such material, it would have to appoint experts in the field to do so, and their evaluation would go unchallenged. Apart from the inherent inadvisability of rendering a judicial opinion on

such evaluation, the opinion would be liable to the criticism of one or both sides that it was rendered without hearing them or their evidence. . . . ."

3586. Expert evidence thus is only a piece of evidence and external evidence. It has to be considered along with other pieces of evidence. Which would be the main evidence and which is the corroborative one depends upon the facts of each case. An expert's opinion is admissible to furnish the Court a scientific opinion which is likely to be outside the experience and knowledge of a Judge. This kind of testimony, however, has been considered to be of very weak nature and expert is usually required to speak, not to facts, but to opinions. It is quite often surprising to see with what facility, and to what extent, their views would be made to correspond with the wishes and interests of the parties who call them. They do not, indeed, wilfully misrepresent what they think, but their judgment becomes so warped by regarding the subject in one point of view, that, when conscientiously deposed, they are incapable of expressing a candid opinion.

3587. In **Ramesh Chandra Agrawal Vs. Regency Hospital Ltd. & Ors. JT 2009 (12) SC 377** Apex Court considered the issue pertaining to expert opinion in a bit detail. In para 11, the Court has said:

"The law of evidence is designed to ensure that the court considers only that evidence which will enable it to reach a reliable conclusion. The first and foremost requrement for an expert evidence to be admissible is that it is necessary to hear the expert evidence. The test is that the matter is outside the knowledge and ecperience of the lay person. ...

The scientific question involved is assumed to be not with the court's knowledge. Thus cases where the science involved, is highly specialized and perhaps even esoteric, the central role of expert cannot be disputed. The other requirements for the admissibility of expert evidence are:

i. that the expert must be within a recognized field of expertise

ii. that the evidence must be based on reliable principles, and

iii. That the expert must be qualified in that discipline."

3588. The Court has also said that in order to bring the evidence of a witness as that of an expert it has to be shown that he has made a special study on the subject or acquired a special experience therein or in other words that he is skilled and has adequate knowledge on the subject. Referring to this Court's decision in **Titli Vs. Jones (Supra)** the Court said that it is not the province of the expert to act as Judge or Jury. The real function of the expert is to put before the Court all the materials, together with reasons which induce to come to the conclusion, so that the court, although not an expert, may form its own judgment by its own observation of those materials. Again in para 15 of the judgment in **Ramesh Chandra Agrawal (Supra)**, the Court said:

"An expert is not a witness of fact and his evidence is really of an advisory character. The duty of an expert witness is to furnish the Judge with the necessary scientific criteria for testing the accuracy of the conclusions so as to enable the Judge to form his independent judgment by the application of these criteria to the facts proved by the evidence of the

case. The scientific opinion evidence, if intelligible, convincing and tested becomes a factor and often an important factor for consideration along with other evidence of the case. The credibility of such a witness depends on the reasons stated in support of his conclusions and the data and material furnished which form the basis of his conclusions. (See Malay Kumar Ganguly v. Dr. Sukumar Mukherjee and Ors.) Criminal Appeal Nos. 1191-1194 of 2005 alongwith Civil Appeal No. 1727 of 2007, decided on 7.8.2009."

3589. It also referred to an earlier decision in **The State (Delhi Administration) Vs. Pali Ram AIR 1979 SC 14** where the Court said "No expert would claim today that he could be absolutely sure that his opinion was correct, expert depends to a great extent upon the materials as put before him and the nature of question put to him" and further in para 17 of the judgment in **Ramesh Chandra Agrawal (supra)** the Apex Court said:

"In the Article "Relevancy of Expert's Opinion" it has been opined that the value of expert opinion rest on the facts on which it is based and his competency for forming a reliable opinion. The evidentiary value of the opinion of expert depends on the facts upon which it is based and also the validity of the process by which the conclusion is reached. Thus the idea that is proposed in its crux means that the importance of an opinion is decided on the basis of the credibility of the expert and the relevant facts supporting the opinion so that its accuracy can be cross checked. Therefore, the emphasis has been on the data on basis of which opinion is formed. The same is clear from following

inference: Mere assertion without mentioning the data or basis is not evidence, even if it comes form expert. Where the experts give no real data in support of their opinion, the evidence even though admissible, may be excluded from consideration as affording no assistance in arriving at the correct value."

3590. In **Musheer Khan @ Badshah Khan & Anr. Vs. State of Madhya Pradesh AIR 2010 SC 762** is a very recent judgment where the Apex Court has said "under the Evidence Act the word 'admissibility' has very rarely been used. The emphasis is on relevant facts. In a way relevancy and admissibility have been virtually equated under the Indian Evidence Act." Further referring to the opinion of finger print expert in that matter it says that it is well known that the evidence of finger print expert falls under the category of expert evidence under Section 45 but it is also clear that this evidence of finger print expert is not substantive evidence. Such evidence can only be used to corroborate some items of substantive evidence which are otherwise on record.

3591. Lord Campbell in **Tracy Perrage Case (1843) 10 CI & F 154** said that, being zealous partisans, their belief becomes synonymous with faith as defined by the Apostle, and it too often is but "the substance of things hoped for, the evidence of things not seen". He also said that, skilled witnesses come with such a bias on their minds to support the cause in which they are embarked, that hardly any weight may be given to their evidence.

3592. Miller J in **Middllings P Co. Vs. Christian, 4 Dillon 448** said, *"By own experienced both in the local courts and in the*

Supreme Court of the United States is, that whenever the matter in contest involves an immense sum in value, and when the question turns mainly upon opinions of experts, there is no difficulty in introducing any amount of them on either side."

3593. This is what we have found here also. Both sides have produced well qualified and highly trained Historian and others giving diametrically opposite opinion. It would be useful to quote from **Sarkar's Law of Evidence, 16th Edition, 2007 Vol. 1, page 1052**:

> *"The infirmity of expert evidence consists in this that it is mostly matters of opinion and is based on facts detailed by others or assumed facts or opinion against opinion and experts are selected by parties by ascertaining previously that they will give an opinion favourable to the party calling them. Expert evidence is however, of value in cases where the courts have to deal with matters beyond the range of common knowledge and they could not get along without it, eg in matters of scientific knowledge or when the facts have come within the personal observation of experts."*

3594. The learned author on page 1053 **(supra)** also said "An expert is fallible like all other witnesses and the real value of his evidence consists in the logical inferences which he draws from what he has himself observed, not from what he merely surmises or has been told by others. Therefore in cross-examining him, it is advisable to get at the grounds on which he bases his opinion. There is special difficulty in dealing with the evidence of expert witnesses. Such evidence must always be received with caution; they are two often partisans- that is, they

are reluctant to speak quite the whole truth, if the whole truth will tell against the party who had paid them to give evidence. At the same time such witnesses are in a position of advantage; for they have had that special training and experience which the judge and jury are without; and the absence of which renders necessary the presence of such witness. Expert witnesses are far too prone to take upon themselves the duty of deciding the questions in issue in the action, instead of confining themselves to stating fairly and clearly their real opinion on the matter.

3595. In **Gulzar Ali Vs. Sate of Himachal Pradesh 1998 (2) SCC 192** the Apex Court observed that the observation of the High Court that there is a natural tendency on the part of an expert witness to support the view of the party who called him, could not be downgraded. Many so-called experts have been shown to be remunerated witnesses making themselves available on hire to pledge their oath in favour of the party paying them.

3596. In **Hari Singh Vs. Lachmi, 59 IC 220** the Court observed that the evidence of skilled witness, however eminent, as to what he thinks may, or may not have taken place under a particular combination of circumstances, however confidently he may speak, is ordinarily a matter of mere opinion. Human judgment is fallible. Human knowledge is limited and imperfect. An expert witness however impartial he may wish to be, is likely to be unconsciously prejudiced in favour of the side which calls him. The mere fact of opposition on the part of the other side is apt to create a spirit of partisanship and rivalry, so that an expert witness is unconsciously impelled to support the view taken by his own side. Besides it must be remembered that

an expert is often called by one side simply and solely because it has been ascertained that he holds views favourable to its interests.

3597. We have given just in brief some of the principles, well settled, which may guide a Court while considering opinion of an expert. We have to weigh the experts' opinion made available to us in the matter in dispute though in two directions and will try to find out the most creditworthy and reliable opinion. In the light of the above, we proceed to consider the opinion of the experts, who have made their deposition as historians. On behalf of the pro-mosque parties i.e. Muslims, PW 13-Dr. Suresh Chandra Mishra, PW-15 Dr. Sushil Srivastava, PW-18 Prof. Suvira Jaiswal, PW 20 Prof. Shirin Musvi have been examined as Experts (**Historians**); PW 16-Prof. Suraj Bhan, PW 24 Prof. D Mandal, PW-27 Prof. Shereen F. Ratnagar, PW-28 Dr. Sita Ram Roy, PW 29 Dr. Jaya Menon, PW 30 Prof. R.C. Thakran, PW 31 Dr. Ashok Dutta, PW 32 Dr. Supriya Varma and DW 6/1-2 Mohd. Abid have been examined as Experts (**Archaeologists**). On the other hand pro-temple parties i.e. Hindus have examined, OPW-9 Dr. Thakur Prasad Varma, OPW 11 Dr. Satish Chandra Mittal, DW-13/1-3 Dr. Bishan Bahadur as Expert (**Historians**); OPW 10 Dr. K.V.Ramesh and OPW 15 Dr. M.N.Katti as Experts (**Epigraphist**); OPW 3 Dr. S.P. Gupta, OPW-17 Dr. R. Nagaswami, OPW-18 Arun Kumar, OPW 19 R.D.Trivedi and DW 20/5 Jayanti Prasad Srivastava as Experts (**Archaeologist**). The relevant statements of the Expert Historians of the two sides need be considered at this stage. However, there are two witnesses namely PW-16 and PW-24 who initially appeared as

Historian Archaeologist.

3598. **PW 13, Suresh Chandra Mishra**, has deposed his opinion that as per in-depth study which he has made about the dispute of Babari Mosque, he has come to know that this Mosque was constructed by Mir Baqi and no demolition was made before its construction. No evidence he could find suggesting existence of any temple at the disputed site. Appointed as a Reader in Saraswati Co-educational College affiliated with Delhi University in August 1973, he did his Ph.D. in 1985 from the same University, while in service. He claimed his specialization in Ancient History:

''मेरा विशिष्टीकरण (महारथ) प्राचीन इतिहास पर है।'' (पेज 1)

"My specialization is in Ancient History." (ETC)

3599. An expert witness is like any other witness and has to be tested in the same manner. We find that the learned counsels of various defendants cross examined PW 13 very elaborately and his entire statement is running in 288 pages. All kinds of questions have been asked from him to test his veracity, competence, expertise etc. He claims to have visited disputed site in 1964 and on pages 33 said:

''विवादित स्थल और विवादित भवन की सम्बन्ध में मेरी गहन जिज्ञासा 1989–90 में जागृत हुई। लेकिन मुझे विवाद का ज्ञान तो पहले ही से था। इस विवाद का ज्ञान मुझे लगभग 1968 के आसपास हुआ था।''

(पेज 33)

''My curiosity about the disputed site and the disputed building cropped in 1989-90 but I had knowledge of the dispute from before. I came to have knowledge of this dispute in and around 1968.'' (ETC)

3600. On page 37, he says that after deep study, he could

ascertain the place of birth of Lord Rama:

''मुझे पता लग चुका है कि उनका जन्म स्थान कहॉ है। यह स्थान अयोध्या ब्रह्मकुण्ड और ऋषि मोचन घाट के मध्य में पड़ता है। यह समस्त बयान और अपने निष्कर्ष मैंने अपने ग्रन्थों को पढ़कर सर्वेक्षण करके, खोजबीन करके, और पूछॅताछ करके दिये हैं।'' (पेज 37)

"I have learned where his birth-place is. This place lies between Ayodhya Brahma-kund and Rishi-Mochan ghat. I have given all this statement and my findings by going through books and by carrying out surveys, investigations and enquiries." (ETC)

3601. The material which he studied to form the said opinion has been detailed on page 38:

''इस संबंध में मूल ग्रन्थ बाल्मीकी रामायण, महाभारत, वह अन्य सेकेन्डरी वर्क्स का अध्ययन किया। सेकेन्डरी वर्कस में आर0जी0 भण्डारकर कृत हिस्टी आफ वैष्णजीम डा0 सुबीरा जैसवाल द्वारा लिखी किताब डवलपमेंट आफ वैषनव इन इण्डिया, ई0 बनर्जी द्वारा लिखित राम के बारे में लिखी किताब, राइट्यस आफ रामा जो आर0एल0 ब्राकिउटन द्वारा लिखी किताब, अगस्त्य संहिता, उत्तर तापनीयोपनिषद, अयोध्या महात्म के अन्य तीन संस्करण वृदांवन रिसर्च इन्सटीट्यूट से प्राप्त पाण्डुलिपि और बाडलीयन लाइब्रेरी लंदन, तथा रामनारायण दास के संस्करण जो अयोध्या में राममयीकरण चिन्हों के या स्थलों के क्रमिक संवर्धन को विषद रूप से स्पष्ट करते हैं का अध्ययन किया है। एक और बहुत आवश्यक किताब जो मैंने अयोध्या पर पढ़ी है वो ग्रोनिंगगेन विश्वविद्यालय (नीदरलैण्ड) के हांस बेकर द्वारा लिखित अयोध्या को भी पढ़ा है। यह बाद वाली पुस्तक 1990 से पहले प्रकाशन में आ गयी थी और बाकी की किताबें अलग अलग समय में प्रकाशित हुई है।'' (पेज 38)

" In this respect, I studied the primary treatises like Valmiki Ramayana and Mahabharata and also certain secondary works. In the secondary works, I have studied 'History of Vaishnavism' by R.G.Bhandarkar, 'Development of Vaishnavas in India' by Dr.Suvira Jaiswal, a book on

Rama by E. Banerjee 'Righteous of Rama' by R.L.Brokiuton, 'Agastya Samhita', 'Uttar Tapniyopnishad', other three editions of Ayodhya Mahatmya, manuscript received from the Vrindavan Research Institute, ... from Bodleiyan Library London and a memoir of Ram Narayan Das which vividly deals with the gradual growth of symbols or sites typical of Rama. Another very important book which I have studied on Ayodhya, is a book titled 'Ayodhya' authored by Hauns Bracker of Groningen University of Netherlands. The subsequent book had been published before 1990 and the rest of the books were published at different times." (E.T.C.)

3602. Following part of his statement, cross examination, in our view, would reflect on the reliability of the opinion of the aforesaid witness:

''बाबर मेरा चुनिंदा विषय था।'' (पेज 54)

"Babur was my favourite subject" (ETC)

''विवादित ढांचे के बारे में मैंने मौके पर भी अध्ययन किया। इतिहासिक दृष्टि से मैंने सबसे बड़ी बात पाई कि इस ढॉचे की गुम्बद (डोम) उस पर अंकित फूल की पॅखुडियां, तिकोन, उसका सहन, बाहरी दीवाल पर बना हुआ सिंह (शेर) तथा मस्जिद के नीचे भाग में मुस्लिम गलेज्ड वेयर जो इस बात के प्रतीक थे कि वह मस्जिद है।'' (पेज 70)

"I made study with regard to the disputed structure, even at the site. The most important thing from the historical point of view which I found, was a dome of this structure depicting flower-petals, a triangular shape, its courtyard, a lion carved out on the exterior wall, and the Muslim glazed ware in the base part of the masjid, which features were the symbols showing it (this structure) to a mosque." (E.T.C.)

''यह कहना भी गलत है कि मैंने उसमें यह गलत बयानी की हो कि जब मेरे माता–पिता इस भवन के अन्दर चले गये तो मैं बाहर खड़ा रह गया था। वैसे यह ठीक है कि सन् 66 और सन् 68 में भी इस विवादित परिसर के बाहरी मुख्य द्वार पर ताला बन्द था और कोई भी व्यक्ति अन्दर नहीं जा सकता था।'' (पेज 93)

"It is wrong to say that in the said testimony I have wrongly stated that when my parents went inside this building, I was left standing outside the building. However, it is true that even in 1966 and 1969 the main outdoor of this disputed premises was locked and none could go inside." (ETC)

''जब मैं अपने इस स्थल निरीक्षण पर 1990 में गया तो वहां जाने पर रोक–टोक थीं लेकिन उसके बावजूद भी मुझे लोगों ने वहां जाने दिया। मुझे अब महीना या मौसम याद नहीं है जब मैं स्थल निरीक्षण पर गया था। मैं मौके पर शाम के समय गया था। लेकिन निश्चित तौर पर समय नहीं बता सकता। मैं यह भी ठीक से नहीं कह सकता कि सूर्य छिपने से पहले गया था या सूर्य छिपने के बाद गया था। मैं यह नहीं कह सकता कि उस वक्त दर्शन करने का समय था या नहीं। उन बातों को 8 वर्ष हो चुके हैं। सड़क से परिसर के पूर्वी छोर पर जो सड़क आती है उससे मैं भीतर गया था। . . . . यह कहना गलत है कि 1990 में पूर्व की ओर से परिसर में अंदर जाने पर पूर्णरूप से रोक लगी हुई थी। मैं रोक के बावजूद भी इजाजत लेकर अंदर गया था। जो पुलिस वाले वहां बैठे थे मैंने उनसे यह इजाजत ले ली थी।'' (पेज 147)

"In 1990, when I went to this site for inspection, there was a bar on ingress to that place. But despite all that, people allowed me to go there. I do not remember the month or season when I visited the site. I visited the site in the evening. But I cannot definitely tell the time. I also cannot properly tell whether my visit preceded or followed the sunset. I cannot say whether it was the time of having darshan or not. 8 years has past since then I went inside

through the road leading to the eastern end of the premises . . . . . It is wrong to say that in 1990 there was a complete ban on ingress to the premises from the east. Despite the ban, I went inside. I had taken the permission from the policemen on guard." (ETC)

"महमूद गजनवी के बाद अगला आक्रमण मोहम्मद गौरी का हुआ था।" (पेज 179)

"After Mahmud of Ghazni, the next invasion was made by Muhammad of Ghur." (ETC)

*"उसने अपना आखिरी युद्ध बारहवीं शताब्दी में जीता था उसने पृथ्वीराज चौहान को हराया था। मोहम्मद गौरी इस्लाम को मानने वाला था। **पृथ्वी राज चौहान गजनी के राजा थे, उसके आस पास के राजा था**।" (पेज 179)*

*"He won his last battle in the 12th century. He defeated Prithvi Raj Chauhan. Muhammad of Ghur was a follower of Islam. **Prithvi Raj Chauhan was king of Ghazni; he was a king of its adjoining area.** " (ETC)*

*"यह कहना गलत है कि युद्ध जीतने के बाद मो0 गोरी ने पृथ्वी राज चौहान की दोनों आंखे निकलवा दी थी और फिर सिर काट दिया था वास्तव में **यह हिन्दू कटट्रवादियों की अपनी कपोलकल्पना है।**" (पेज 180)*

*"It is wrong to say that after winning the battle Muhammad of Ghur caused both the eyes of Prithvi Raj Chauhan to be gouged out and then his head to be chopped off. Actually, **it is an imagination of the Hindu hard-liners**." (ETC)*

*"**मैने जजिया टैक्स का नाम सुना है।** मुझे याद नहीं आ रहा कि जजिया टैक्स किसके शासन में या किस समय लगा था। इस समय मुझे याद नहीं आ रहा कि यह कब और किसलिए लगाया गया था। **मुझे याद नहीं आ रहा कि जजिया टैक्स केवल हिन्दुओं पर लगता था**।" (पेज 184)*

*"**I have heard of Jazia tax**. I fail to recall under whose rule or at which time the Jazia tax was imposed. At present I fail to recollect when and for what purpose it was levied. **I do not remember that the Jazia tax was levied only on Hindus.**" (ETC)*

*"**मेरी जानकारी में आज से एक सौ वर्ष पूर्व काशी मे विश्वनाथ मंदिर नहीं था।** . . . .मैं यह नहीं मानता कि ज्ञानव्यापी मस्जिद का निर्माण काशी विश्वनाथ मंदिर के आधे हिस्से को तोड़कर किया गया हो। मैं यह भी नहीं मानता कि यह कहा गया निर्माण औरंगजेब ने करवाया हो। **यह कहना गलत है कि काशी विश्वनाथ मंदिर के आधे भाग को तोड़कर औरंगजेब ने ज्ञानवापी मस्जिद का निर्माण करवाया हो।**'' (पेज 199)*

*"**In my knowledge, there was no Vishwanath temple in Kashi 100 years ago..** . . . . . I do not think that the Gyanvapi mosque was constructed by demolishing half of the Kashi Vishwanath temple. I also do not take it to be true that the said construction was raised by Aurangzeb. **It is wrong to say that Aurangzeb built the Gyanvapi mosque by demolishing half of the Kashi Vishwanath temple**." (ETC)*

*''**मैं कभी भी गवाही देने के लिए हवाई जहाज से नहीं आया** ..... मैं रेल यात्रा करता हूं ..... यह ठीक है कि मैंने पिछली बार अदालत को बतलाया था कि **मैं 2 बार हवाई जहाज से भी वापस दिल्ली गया हूं।**'' (पेज 201)*

*"**I never came by air to give my testimony.** ..... I travel by rail ..... It is true that I told the court last time that **I had gone back to Delhi by aeroplane two times**." (ETC)*

*''उन्नीसवीं शताब्दी के आस–पास से विवादित स्थल मौजा कोट रामचन्द्र की सीमा में आता है। उससे पहले इसे अयोध्या कोट बोला जाता रहा है। **इस बात का जिक मुझे भुशुण्डि रामायण के अन्दर मिला था कि इसे अयोध्या कोट कहा गया है।** मुझे अब याद नहीं है कि मैने*

ऐसा कहां पढ़ा है या किस जगह देखा है कि उन्नीसवीं शताब्दी से अयोध्या कोट की बजाय इस मौजे का नाम कोट रामचन्द्र पड़ गया हो।'' (पेज 211)

''The disputed site falls within the limit of mauja-Ram Chandra Kot from in and around the 19th century. Prior to it, it was called Eyodhya Kot. ***I came across its being called Ayodhya Kot, in the Bhushundi Ramayana.*** *At present I fail to remember where I have read or at which place I have seen that from the 19th century this mauja has come to be called Ram Chandra Kot instead of Ayodhya Kot .'' (ETC)*

'मैंने राम जन्म भूमि के बारे में जो निर्णय लिया है उसका आधार मेरा स्कन्द पुराण का अध्ययन मुख्य रूप से और तीर्थ सम्बन्धी तमाम लिटरेचर जो 17वीं शताब्दी तक चलता है और मेरे सर्वेक्षण के आधार पर हैं मैंने जो पुस्तक में मेजरमेंट दिये हैं उनको चेक करने की कोशिश की है। ***मैंने मौके पर नपाई नहीं की। लेकिन आंखों से देखकर उसकी सच्चाई का अंकलन किया है।*** *यह कार्य मैंने 1989–90 में कर लिया था।'' (पेज 215)*

''The finding which I have inferred in regard to Ram Janam Bhumi, is based mainly on my study of Skandha Purana and is also based on plenty of pilgrimage-related literature which extends up to the 17th century and on my survey. I have tried to check the measurements given in the book. ***I did not try to take measurements on the site. But I have tried to verify its veracity by observing them with the eyes.*** *I had done this work in 1989-90.'' (ETC)*

''जिस समय मैंने इस भवन का निरीक्षण किया ***तो यह पाया कि यह किसी पुराने भवन के खण्डहर पर एक टीले जैसे स्थान पर बना हुआ है।''*** *(पेज 216)*

''On observation of this building ***I found that it is built on a mound-like place on the remains of some old***

***building**." (ETC)*

*''जहां तक मैं समझता हूँ, **मुझे इस अदालत में गवाही के लिए इस विषय पर बुलाया गया है कि जिस भूमि पर विवाद है आया कि वहॉ किसी मन्दिर को तोड़कर मस्जिद बनाई गई थी या नहीं मैंने यह बयान दिया है**'' (पेज 224)*

*''As far as I understand, **I have been summoned in this court to depose whether or not a mosque was constructed by demolishing a temple on the disputed site. I have given this statement,**'' (E.T.C.)*

''मुझे मौके पर सीताकूप विवादित भवन के उत्तर–पूर्वी तरफ मिला था। यह सीताकूप विवादित स्थल की बाउण्ड्री से 10–20 गज की दूरी पर था। मैं इस बात से सहमत नहीं हूँ कि सीताकूप विवादित भवन से दक्षिण की तरफ था।'' (पेज 227)

''On the site, I found Sitakoop towards north-east of the disputed building. This Sitakoop was 10-20 yards away from the boundary of the disputed site. I do not agree to the point that Sitakoop was towards south of the disputed building." (ETC)

''जहां सीता कूप लिखा है उसके थोड़ा दाई तरफ हटकर लोमश भी दिखाया गया है। मेरे हिसाब से नक्शे में यह दिखायी गयी स्थिति बिलकुल गलत है।'' (पेज 232)

''The 'Lomash' is shown a bit right to the place where 'Sita Kup' is written. According to me, this location shown in the map is totally wrong." (ETC)

''मैं 1989 में जब वहां गया तो वहां पर श्री राम लला की प्रतिमा स्थापित थी। लेकिन ऐसा नहीं है कि यह वही मूर्ति थी जो सन् 1966 में भी वहां पर स्थापित रही हो। मैं यह बात निश्चित रूप से कह सकता हूँ कि 1989 में जो श्री राम लला की मूर्ति मैंने वहां पर देखी थी वह 1966 में वहां पर स्थापित नहीं थी। मेरे साथ कुछ लोग गाइड जरूर थे। उन्होंने मुझे यह बात बतलायी थी कि यह मूर्ति 1966 वाली नहीं है।'' (पेज 238)

''When I went there in 1989, the idol of Sri Ramlala was

present there. But it is not so that it was the same idol which was present there in the year 1966. I can say this definitely the idol of Sri Ramlala which I saw in 1989, was not there in 1966. There were few guides with me, who told that this idol was not that of 1966." (E.T.C.)

''मुझे अपने गाइड्स का नाम, पता आदि कुछ मालूम नहीं है।'' (पेज 239)

" I do not know the name, address etc. of my guides."

(E.T.C.)

''वास्तव में वह गाइड भी नहीं थे। ऐसे ही कोई मिल गया था। . . . वास्तव में मेरा कोई गाइड ही नहीं था।'' (पेज 239)

"Actually he was neither a guide. He had just met by chance. . .. . .Actually I had no guide." (E.T.C.)

''मेरे विचार में वह मूर्ति ज्यादा से जयादा एक या दो साल पुरानी थी और क्योंकि उसमें चमक थी इसलिए नयी लग रही थी।'' (पेज 239)

"In my opinion this idol was hardly one or two years old, because it had shine. As such it appeared new."

(E.T.C.)

''हां मैंने अपने अन्वेषण में इस तरीके को भी अपनाया कि जो कोई भी व्यक्ति मुझे मिल जाता था उसी से मैं पूछ–ताछ कर लेता था।'' *(पेज 240)*

"Yes, in my research I even adopted this practice that whosoever I met, I made inquiries from him." *(ETC)*

''बाबरी मस्जिद की तामीर के बाबत बाबरनामा के लिखे जाने के वक्त से लेकर 1989 तक के बीच में लिखी गयी तमाम पुस्तकें मैंने पढ़ी है। मुझे इस वक्त किसी भी किताब का नाम याद नहीं है। मैंने पढ़ी जरूर होगी।'' *(पेज 257)*

*"**I have read many books written from the time of Babarnama to 1989, regarding construction of Babri mosque. I do not remember the name of any book right now. I must have read it**." (E.T.C.)*

''गवाह को पेपर नं0 107 सी 1 पेज नं0 97 आईटम नं0 26 जो कि ***टिफिनथ्रेलर द्वारा रचित पुस्तक का अंग्रेजी अनुवाद दिखाया गया।*** *गवाह ने कहा कि यह अनुवाद मूल पुस्तक का सही अनुवाद नहीं है। यह सही है कि इस संदिग्ध अनुवाद में यह नहीं लिखा गया है कि मंदिर तोड़कर बाबरी मस्जिद बनवायी गयी परन्तु* ***मूल पुस्तक में यह दर्शाया गया है कि यह हिन्दुओं का अन्ध विश्वास है।*** *मुझे फ्रेन्च भाषा तो नहीं आती। लेकिन उसका अनुवाद पढ़ा है। अनुवादक का नाम मुझे याद नहीं है। गवाह ने इस पुस्तक के अनुवाद को कोर्ट में दिखलाया जो कि उसके अनुसार सही अनुवाद है और उसकी फोटों स्टेट कापी रिकार्ड में दाखिल की जिस पर पेपर नं0 सी 2/154 डाला गया।''(पेज 258)*

''The witness was shown item no. 26 at page no. 97 of paper no. 107C-1, ***which is the English translation of the book of Trifenthelar.*** *The witness said that the translation was not the correct translation of the original book. It is true that in this doubtful translation it has not been written that the Babri mosque was built after demolishing a temple, but* ***in the original book it has been written that it is superstition of Hindus.*** *I do not know French language but I have read its translation. I do not remember the name of the translator. The witness produced the translation of said book in Court, which according to him was the correct translation, and filed its photocopy in record, which was numbered as paper no. C-2/154.'' (ETC)*

''मेरे साथ एक विशेषज्ञ था और यह नक्शा मुझे उस विशेषज्ञ ने दिया था लेकिन उस विशेषज्ञ का नाम, पता कुछ मुझे मालूम नहीं है। वह विशेषज्ञ मेरे साथ दिल्ली से चलकर आया था। (फिर कहा वह दिल्ली से अलग आया था लेकिन मुझे मौके पर मिल गया था) '' (पेज 273)

'' An expert was with me and the map had been given to me by that expert, but I do not remember the name & address of that expert. That expert had accompanied me from

Delhi. (then said that he had come separately from Delhi but had met me at the spot)." (E.T.C.)

*''मैंने कुछ कदम उठाये थे विवादित भवन की ऐतिहासिकता को जानने के लिए। **मैंने पाटरी को खोजने की कोशिश की।** उस स्थल पर एक अभिलेख था, जो बाबरी मस्जिद में था, उसको देखा। **मुख्य रूप से यही दो कदम उठाये थे।** मैंने कोई उत्खनन नहीं किया। अभिलेख से मेरा मतलब बाबरी मस्जिद में लगे हुए इन्सक्रिप्सन से है।''*

(पेज 276)

*"I had made some attempts to know the history of the disputed structure. **I had attempted to trace out potteries.** I had seen a record at that place, which was within the Babri mosque. **I had mainly made only these two attempts.** I had not carried out any excavation. By record, I mean the inscription at the Babri mosque." (E.T.C.)*

*''**मैं इस बात को अतिशयोक्ति मानता हूँ कि राम नवमी, सावन झूला आदि पर्वों पर वहाँ लाखों की संख्या में लोग एकत्रित होते हों।**'' (पेज 278)*

*"**I consider it hyperbolic that lacs of people gathered there during the festival of Ramnavami, Sawan Jhula etc."**(ETC)*

3603. About **PW 15, Sushil Srivastava,** we have already dealt in detail while considering the issues about the date of construction of the disputed building. The aforesaid witness has given a new theory that the building in dispute was constructed much earlier from the period when Babar came to India and must have been constructed before commencement of Mughal period. It is clearly against the pleadings of Muslim parties on whose behalf he has appeared as an expert witness. He also admits of teaching "Modern History" and on page 220, he admits that he has a very little knowledge of History. He,

however, admits that there was a possibility of an earlier structure at the place where the disputed building was constructed:

''मैने अपनी पुस्तक के पृष्ठ 113 पर यह लिखा है कि इस प्रकार की ***संभावना से नकार नहीं सकते यानी पूर्ण रूप से नकार नहीं सकते कि यानी बाबरी मस्जिद के स्थान पर अन्य कोई प्राचीन निर्माण न रहा हो।*** *..... मेरा यह निष्कर्ष कनिघम की रिपोर्ट पर आधारित है।'' (पेज 238)*

''At page 113 of my book, I have written that ***this probability cannot be ruled out, i.e, cannot be completely ruled out, i.e, no other ancient construction would have existed at the place of Babri mosque****.....This conclusion of mine is based on Cunningham's report." (ETC)*

''यह सही है कि बाबरी मस्जिद के नीचे स्थित टीले में पत्थर पाये जाते थे। इस टीले में लगे हुए पत्थरों का आकार बहुत बड़ा था यानी वो बड़े–बड़े पत्थर लगे थे।'' (पेज 248)

''It is true that stones were found in the mound below the Babri mosque. The size of the stones in this mound was very big, i.e. very large stones were present.'' (ETC)

''प्रश्नः– आपने जो अभी ऊपर बयान दिया है कि बाबरी मस्जिद के नीचे स्थित टीले में बड़े बड़े पत्थर लगे थे उससे आपका मतलब ''लागं साईजड विकस से है या लांग साईज स्टोनस से है?

उत्तरः– ***मेरा मतलब लांग साईज ब्रिकस से है।''*** *(पेज 249)*

''Q. You have just stated above that in the mound below the Babri mosque large stones were present, did you mean by ''long size bricks'' or ''long size stones?''

''Ans. ***I mean by long size bricks****.'' (ETC)*

3604. He has written a book "An Inquiry on the Disputed Mosque". On page 87 thereof, he has written that in 17th century, the people started claiming that the building in dispute was

constructed by Babar after demolishing a temple but on page 256 of his cross examination, he said that the 17th century mentioned on page 87 of his own Book is wrong and it ought to be 19th century:

*''**इस पुस्तक के पेज 87 पर 17 सेन्चुरी लिखा है गलत है। सही में 19वीं सदी होना चाहिए**। फिर कहा कि यह मान्यता कि बाबर ने मंदिर गिराकर मस्जिद बनवाया है वह 19वी सदी के पहले आधे हिस्से में शुरू हुई। 19वी सदी प्रथम भाग से मेरा मतलब 1801 से 1850 बीच का है। अवध प्रदेश का विलय ईस्ट इण्डिया कंपनी यानी ब्रिटिश राज्य से 13 फरवरी 1856 में हुआ था।'' (पेज 256)*

*''**At page 87 of this book, 17 century is written, which is wrong. In fact, it should be 19th century.** Further said that the supposition that Babar had got constructed the mosque after demolishing the temple, commenced in the first half of 19th century. By first half of 19th century, I mean the period between 1801 to 1850. The amalgamation of Avadh Province in East India Company took place on13th Feburary 1856. i.e. since the British rule." (ETC)*

3605. He has further said:

''मेरी जानकारी में 1526 के पहले सैय्यद सलार मसूदी एवं इब्नबतुता के अलावा अन्य कोई विदेशी मुसलमान यात्री अयोध्या में नहीं आया था।'' (पेज 262)

''To my knowledge, prior to 1526, except Syed Salar Masoodi and Ibne Batuta, no any other foreign Muslim Traveller had come to Ayodhya." (ETC)

*''मतलब यह है कि **इस बात से पूरी तरह नकारा नहीं जा सकता कि जिस जगह पर बाबरी मस्जिद स्थित थी यहां पर पहले कोई पुराना स्ट्क्चर निर्माण अर्थात प्राचीन निर्माण था।''***

(पेज 267)

*''means that **it cannot be wholly ignored that where***

***Babri mosque situated, earlier, there had been any old structure or ancient construction**." (ETC)*

*"यह बाबरी मस्जिद **1853 से 1855 तक मुसलमानों के कब्जे में नहीं रही है।**" (पेज 271)*

*"This Babari mosque **had not been in possession of Muslims during 1853 to 1855**." (ETC)*

3606. All the Muslims parties have denied of any riot or dispute among the two communities in 1855 but this witness gave a different stand and admitted such a clash:

"**1855 के बाद विवादित स्थल पर हिन्दुओं और मुसलमानों के बीच कोई झगड़ा नहीं हुआ।**" *(पेज 271)*

"After 1855, no clash took place at the disputed place between Hindus and Muslims." (ETC)

3607. Moreover, the expertise and authority of PW 15 has been challenged by PW 20, Prof. Shirin Musavi in her statement at page 129 observing that Shshil Srivastava is a Modern Historian and not an authority on Medieval History.

3608. **PW-16 Sri Suraj Bhan**, a Professor in the Ancient Indian Archaeological Department of Kurukshetra University, Rohtak, has deposed that according to his research, no evidence he could find whereupon it could be said that the Babari Mosque was constructed after demolition of a temple. He is co author of document, Exhibit 62 (Suit-4) (also Exhibit 45, Suit 5; Register 32 Page 231) which is a letter said to be prepared by four historians, namely, Dr. R.S. Sharma, M. Athar, Sri D.N. Jha and PW 16. He claims that the archaeological part in the said document was written by him.

3609. **Exhibit 45 (Suit-5) (Register 32 Page 231)** is a photocopy of a booklet claimed to be written by R.S. Sharma, M. Athar Ali, D.N. Jha and Suraj Bhan titled as **"Babari**

Mosque or Rama's Birth Place? Historians Report to the Indian Nation" dated 13th May 1991. This document has been heavily relied by the plaintiffs (Suit-4) in support of the submissions that neither the site in dispute was ever believed to be the birthplace of Lord Rama nor there existed any temple which was demolished to construct building in dispute. Its relevant extract is:

"Introduction

For the last two years a furious agitation has been organised in this country under the aegis of the Vishwa Hindu Parishad and its allies over what has come to be known as the Ram Janambhumi-Baburi Masjid Dispute. Precious lives have been lost, communal riots have broken out, and for the first time since independence the secular nature of our State has come under serious threat, all seemingly over the issue of what is to be done to a 16th-century structure at Ayodhya.

The Vishwa Hindu Parishad demands that this structure, a mosque built in 1528-29 known as the Baburi Masjid, stands on the very site where Lord Rama was born ("Ram Janambhumi" or "Ram Janamsthan"), and at which sacred spot there existed a Rama temple, which was destroyed in order to build the mosque. This historical wrong done to the Hindu community nearly 450 years ago is now sought to be set right, the mosque pulled down or shifted, and a new, magnificent Rama temple built on the same spot. The legalities of the dispute – the entire case is before the Allahabad High Court (Lucknow bench) – are to be brushed aside, in view of the higher verdict of History,

which the VHP has already beclared to be in its favour.

The government of India, under circumstances that are well known, began negotiations [December 1990] with the VHP and the Baburi Masjid Action Committee (BMAC), with a view to examine the historical and legal merits of the case of both the parties. Thus the dispute over the facts of history were now to be decided by the litigants, with the government of India as an umpire, and not by any independent forum of historians: a very unhappy procedure. We therefore approached the Government of India to include impartial historians in the process of forming judgement on historical facts and to let us have access to such evidence, archaeological and textual, as has been presented to it or is in possession of Government organisations, such as the Archeological Survey of India. We regret to say that the Government of India's response to this was largely on of silence. The BMAC declared that it was ready to abide by the findings of a set of independent historians, but this position was not acceptable to the VHP.

However, in spite of these obstacles, we thought that national interest required an unbiased and impartial inquiry, so that people should be clear about what the historical facts are. We scrutinised most carefully the evidence submitted to Government by the VHP and BMAC, and collected historical material on our own. Two of us went to Ayodhya to examine and survey the site and the structure of the Baburi Masjid. We also examined archeological material from Professor A.K.Narian's excavations at Ayodhya, now preserved at the Banaras

Hindu University. To our regret, through no lack of trying on our part, material from B.B.Lal's excavations at Ayodhya was not made available for inspection for us; and we had to depend on published reports only.

Having undertaken this effort, we place in all humility the results of our enquiry before the nation. We will at least have the satisfaction that, within the limits of our capacity, we have done our duty.

The VHP's case rests on the following four major claims:

(1) The Hindus have always, and certainly over a long period before the construction of the Baburi Masjid, believed in there being a very sacred spot at Ayodhya, where Lord Rama was born.

(2) This spot was the very site where the Baburi Masjid now stands.

(3) A temple dedicated to Rama stood at this holy site long before the Baburi Masjid was built.

(4) The temple was pulled down to construct the Baburi Masjid at this spot.

We now proceed to examine these claims, largely in the order as they are listed above.

We have, first, to see what substance there is in claims (1) and (2), namely that Hindus have for a very long time believed in the sanctity of Ram Janamsthan at Ayodhya, and in its existence at the very site of the Baburi Masjid."

"No basis in Hindu scriptures

People will be surprised to find that the VHP has

been unable to cite any ancient Sanskrit text in support of its claim that there has been an ancient Hindu belief in Ram Janamsthan at Ayodhya. Surely if there were such a strong belief, there would have been numerous Vaishbavite texts exhorting worshippers to visit the spot. The absence of any such reference makes it very dubious that the belief in Rama Janamsthan is of such respectable antiquity as is being made out. It is even doubtful if it is earlier than the late 18th century, as we shall see here.

The only Sanskrit text the VHP experts have produced in support of claims (1) and (2) is the Skanda Purana. They refer to the Ayodhya-mahatmya, that is, the merits of visiting Ayodhya given in Skanda Purana. We have used the printed version of the Skanda Purana (Kashemarian edn., Bombay, 1910) and two other versions found in Manuscripts in Vrindavan Reswarch Institute, Vrindaban, and the Bodleian Library, Oxford. These texts are of recent origin and the insertion of interpolations in the Ayodhya mahatmya section of the printed Skanda Purana seems to have continued at least till the 18th century. The internal contents of the Skanda Purana including the mention of Vidyapati, who passed away in the first half of the 16th century, show that the core of this Purana itself was not compiled until earlier than the 16th century. Ayodhya-mahatmya given n the printed version has not been compiled by one hand. For example, the course of the description of the tirathas [pilgrimage] in general is interrupted and all of a sudden the glorification of Ayodhya starts. In the case of Ayodhya itself the virtues

of visiting and bathing in the Sarayu river are not given at one place, but at two places; in between the contexts have nothing to do with the Sarayu. We also find that in the description of the trithas, Visishta replaces Agastya as the narrator, and then again the narration is taken over by Agastya. This shows obvious interpolation. The description of Janamsthan occurs in the last chapter of the Ayodhya-mahamtya (Verses 18-25), and is clearly a later addition. It is easier to make insertions at the end of texts.

In spite of these various inconsistencies, even if we accept the location of the birthplace of Rama as given in Ayodhya-mahatmya, it does not tally with the site of the Baburi Masjid. Two terms are used for the birthplace of Rama, Janamsthan and Janambhumi. Even if we take the two to be identical, the Ayodhya-mahatmya information about the location of the birthplace does not take us to the Baburi Masjid site. Both the Vrindaban and Bodleian versions of the Mahatmya mention the compass directions and distance from a few states. According to verses 21.24 the birthplace is located 500 dhanus (910 meters) westward of Laumash and 1009 dhanus (1835 meters) eastward of Vighneshvara. According to local Hindu belief Laumash or the place of Lomash is identical with the present Rinamochana Ghat. On this basis the Rama Janambhumi should be located somewhere west, in the vicinity of the Bhahmakunda close to the bed of the Sarayu. Further according to the Mahatmya Rinamochana Ghat, or the place of Lomash, lies 700 dhanus (1274 meters) northeast of Brahmakunda. Both the direction and the

distance have been found to be approximately correct by us. It is further stated that the Janamsthana lies northeast of Vighnesh. According to local tradition the place of Vighnesh is marked by a pillar, which lies southwest of Rinamochana Ghat. This again excludes the Baburi Masjid site and places the birthplace somewhere between Rinamochana and Bharmakunda on the bank of the Saraya. Thus, according to Hindu belief as given in the Ayodhya Mahatmya of the Skanda Purana, the birth place of Rama cannot be located on the site where the Baburi Masjid stands. It is argued by experts of the VHP that the location of Rama Janambhumi is given on the basis of solar directions and cannot be determined through the use of campus. But even if we take solar directions into account the Janambhumi of the Skanda Purana cannot be located on the site of the Baburi Masjid.

The various versions of the Ayodhya-Mahatmya seem to have been prepared towards the end of the 18th century and the beginning of the 19th; even as late as that the birthplace was not considered to be important. It is significant that the Janamsthan is not mentioned even one in any itineracy of pilgrimage given in the Mahatmya.

The description of the tirthas in Ayodhya as given in the Ayodhya Mahatmya sow that the Svargadvara tirtha was far more important in the eyes of the compilers of the pilgrimage section than the Janambhumi. Svargadvara is believed to be the place where Rama left for heaven and is considered sacred because of that reason. The Skanda Purana speaks of two Svargadvara tirthas in Ayodhya.

Whatever might be its real location there is no doubt that in Hindu belief it was far more meritorious to visit this place than other local places of pilgrimage. The earliest mention of this tirtha appears in a Gahandavala inscription of the 11th century, which speaks of the land grant made by king at the confluence of Sarayu and Ghaghara. This grant speaks of the worship of Vasudeva at the confluence site but not of any temple (D.C.Sirkar, Select Inscriptions, Volume II,PP.276-77, lines 20-23). It appears that the sanctity attached to the place of Rama's death was of greater importance in earlier times. It is significant that the Ayodhya-Mahtmya of the printed version of the Skanda Purana devotes one hundred verses to the description of the Svargadvara which is made to identical with Gopratara thirtha (b.112-211) and gives only eight verses to the description of the Janamsthana (10.18-25).

No place Ayodhya in associated with Rama's birth either in the 11th century or even six centuries after. When a place is associated with his birth possibly in the late 18th century its location given in the various Mahatmyas does not tally with the present Baburi Masjid. It. Therefore, seems quite erroneous to hold that according to old Hindu belief the Rama Janambhumi temple was situated at the same site as is now occupied by the Baburi Masjid."

"Evidence in recorded History

The VHP has been unable to present any early textual evidence that Rama birth-place in Ayodhya was either spotted as such or recognised as a place. Its archiological evidence for the existing of a temple at the

site of the Baburi Masjid is, to say the least week and dubious; in fact archaeology suggests proximity of a Muslim settlement to the mosque from the 13th century onwards.

What then, of the recorded evidence? What does this tell us about the VHP's claims of temple destruction at the hands of Babur's men?

Within the category of recorded historical evidence, the most primary source for the construction of the Baburi Masjid consists of the inscriptions in Persian that were put on the mosque, immediately upon its construction in A.D. 1528-29. These inscriptions were particularly published (with some inconsequential mistakes) in A.S. Beveridge's translation of Babur's memoirs as an appendix (Banurnama, London 1921, Vol. II, Appendix U, pp. lxxvii-lxxix), comprising six couplets only. But in actual fact, the original inscriptions consisted of as many as fourteen couplets, together with an invocation and the engraver's signature. The entire text has been retrieved and published in the Epigraphia Indica, Arabic & Persian Supplement, 1965, pp. 58-62, an authoritative publication of the Archaeological Survey of India.

In view of the crucial importance of the record for the present enquiry, the full translation, is reproduced below, with a few linguistic corrections.

(a)

(1) By the order of the King Babur whose justice is an edifice, meeting the palace of the sky (i.e., as high as sky)

(2) This descending place of the angels was built by the

fortunate noble Mir Baqi.

(3) *It will remain an everlasting bounty, and (hence) the date of its erection became manifest inmy words: It will remain an everlasting bounty*

(chronogram yielded A.H.935/A.D.1528-29).

(b)

(1) (a) *In accordance with the wishes of the ruler of the world, Babur,*

(b) *A lofty building like the palace of the spheres,*

(2) (a) *(that is to say) this lasting house (of God), was founded*

(b) *By the fortunate noble Mir (and Khan (Baqi).*

(3) (a) *May ever remain such a founder of its edifice,*

(b) *(and) such a kind of the world and age.*

(C)

(Invocation:) In the name of Allah, the Beneficent, the Merciful. And in Him is my trust.

(1) *In the name of One Who is Wise, Great (and) Greater of all universe (and) to spaceless).*

(2) *After His praising, the blessings be upon the chosen (i.e. the Prophet), who is the head of prophets and best in the world.*

(3) *The qalandar – like (i.e. generous) Babur has become celebrated (lit. a story) in the world since (in his time) the world has achieved prosperity.*

(4) *(He is) such (an emperor) as has braced (i.e.conquered) a; the seven climes of the world in the manner of the sky.*

(5) *In his court, there (is) a magnificent noble, named Mir Baqi, the second Asaf,*

(6) *Councillor of his government and administrator of his kingdom, who is the founder of this mosque and fort-wall.*

(7) O' God, may he live for ever in this world, with fortune and life and crown and throne.

(8) The time of the building is this auspicious date, of which the indication is nine hundred and thirty five (A.H. 935 = 1528-29 A.D.)

(Engraver's signature:) Completed was this statement of Unity of God and praise of God, of Prophet and of kind, and the noble. May Allah illumine his proof, Written by the weak writer and humble creature, Fathullah Muhammad Gori.

The contemporaneity of inscriptions is shown by their text and date. Their accuracy is establised by the fact that Mir Baqi finds mention in Babur's memoirs as the governor of Awadh or Ayodhya at exactly this time (A.H. 935): see A.S. Beveridge;s trans., II, PP.684-85, also P.679. Even for the use of the world qalandar for Babur, we have the authority of his daughter Gulbadan Begum tha the sobriquet was popularly given to him (Humayun Nama, London 1904 P.12).

These fairly long inscriptions show that the construction of the Baburi Masjid was completed in 1528-29. But nowhere is any hint given in them that the edifice was built after destroying a temple or upon the site of a temple. If one accepts for the purposes of argument that there was a temple at the site, and the builder of the mosque (Mir Baqi) destroyed it to build a mosque, one has to answer why at all should all references to this fact should be omitted in the foundation inscriptions. Surely had Mir Baqi destroyed the temple, he would have deemed it a

meritorious deed; and what would be more natural than that he should get this act recorded along with that of the building of the mosque to add to his religious reputation. That he did not get any such act recorded surely means that he in fact not destroyed any temple, and so found no reason to record something that had not happened.

Within fifty years or so of the construction of the Baburi Masjid, Tulsidas composed in 1575-76 his celebrated Ramcharitmanas, the most fervent exposition of the Ramayna story in Hindi. Is it possible to believe that Tulsidas would not have given vent to heartrending grief had the very birth site of his Lord been ravaged, its temple razed to the ground and a mosque erected at that place? Surely he could not but have known of the event, had the desecration and temple-destruction taken place in 1528-29, early in his life but long before the composition of his work. Knowing of it would be not have complained in his verses that fate (if anything else) was now preventing Rama's devotees from worshipping the very sacred seat of the Lord's birth? His silence can only mean that he knew of no such scandal; and, given his attachment to Rama and Ayodhya, this must then mean that no such event had infact taken place.

Tulsidas, on the contrary, suggests that it was not Ayodhya but Prayag that was to him the principal place of pilgrimage (tirath Raj); and so no tradition of the veneration of the any spot as that of Rama's birth at Ayodhya had yet taken shape.

In subsequent descriptions of Ayodhya of both the

16th and 17th centuries no indication occurs that the baburi Masjid, or, for that matter, any other mosque, was built at the birth-site of Rama. Abul Fazl in his A'in-i-Akbari, completed in A.D. 1598, includes Ayodhya among the important places of pilgrimage of India. He says that the sacred ground extends "forty kos to the east and twenty from north to south" and thus is not confined to the city itself. It mentions the Ramnavmi festival here (III, Tr. Jarrett, rev. Sarkar, Calcutta, 1948. p.335). The same tradition about the very large area of the holy city is given in his account of Ayodhya in the chapter on the process of Awadh: "In ancient times its populous site covered an extent of 148 kos in length and 36 in breadth, and it it esteemed one of the holiest places of antiquity". Abul Fazl goes on to say that Ayodhya "was the residence of Ramchandra, who in the Treta age combined in his own person both the spiritual supremacy and the kindly office" (II, Jarrett, rev. Sarkar, Calcutta, 1949, p. 182). Clearly, the tradition till then did not confine Rams's place of birth to the existing town of Ayodhya, let alone the site occupied by Baburi Masjid. Had such tradition existed, Abul Fazl would surely have mentioned it, because he does mentioned the tradition that two Jewish prophets lie buried at Ayodhya; "Near the city stand two considerable tombs of six seven yards respectively. The vulgar believe them to be the resting places of Seth and prophet Job, and extraordinary tales are related of them" (Ibid). It can not escape notice that there is not the remotest reference to Rama's birth-site, let alone to any mosque being built on it.

The same is found to be the case with William Finch's fairly extensive description of Ayodhya, which he visited during his stay in India during A.D. 1608-11. He says:

"Heere are also the ruines of Ranichand(s)[2] castle and houses, which the Indians acknowled(g)e for the great God, saying he took flesh upon him to see the tamasha of the world. In these ruines remayne certain Bramenes, who record the names of all such Indians as wash themselves in the river running thereby; which custome, they say, hath continued foure lackes of yeeres (which is three hundred ninetie before the worlds creation). Some two miles on the further side of the river is a cave of his with a narrow entrance, but so spacious and full of turnings within that a man may well loose himself there if he take not better heed; where it is thought his ashes were buried. Hither resort many from all parts of India, which carry from thence in remembrance certain graines of rice as blacka as gun-powder, which they say have been (p)reserved ever since. Out of the ruines of the castle is much gold tried." (Early Travels in India, 1583-1619, ed. W. Foster, reprint, New Delhi, 1968, p.176)

We have thus a reference to where Rama's ashes were buried, which, as we have seen from the Skanda Purana, as deemed of principal importance as svarga duara, but there is no reference to where Rama was born. We are told of "the ruins of the castle" (Ramkot) extensive enough for a search for gold to be undertaken, ***but not of any exact site of special veneration within that castle' – let alone a temple site desecrated by a mosque****.*

In 1695-96, Sujan Raj Bhandari completed his work Khulasatu-t Twarikh. This contained in the first part a geographical account of India, in which the author devoted special attention to the holy places. While describing Mathura, he did not omit to mention that the temple of Keshav Rai here had been destroyed by Aurangzeb who had a mosque built in its place (ed. Zafar Husain, Delhi, 1918, p.40; tr. J. Sarkar, India of Aurangzeb, Calcutta, 1901, p.25). But his account of Ayodhya contains no reference to any destroyed temple here.

"In the Hindu books it is called Ayodhya, the birthplace of Ramchand. His building over the ocean, his going to Lanka (Ceylon) with a countless host of monkeys and bears, his slaying Ravan (the kind of that country), and his recovery of his wife (who was preserved chaste and pure during her captivity under Ravan) are well known. The history of Ramayan, is an account of his strange and wonderful deeds. As this city was the residence of king Ramchand, it is held to be one of the holiest place. One kos from it, the river Ghabar (Gora) having united with the river Saraju, passes by the foot of the fort (of Ayodhya). In the outskirts of the city they sift dust and get gold. In the town are the tombs of Shaish (Seth), the son of Lord Adam, (the peace of God be on him!) and Ayub (Job), the prophet – both places of pilgrimage to the Muhammadans". (text, p.42; Sarkar's tr., p.31)[3]

In A.D. 1759-60, Rai Chaturman completed his work Chahar Gulshan, which contained a geographical account of India. It has not been printed, and Sarkar's translation in

his India of Aurangzeb mainly reproduces its statistics. The unpublished text has this to say of Ayodhya's association with Rama :-

"Ayodhya is deemed one of the select places of worship. It was the birth place (zadqah) of Raja Ramchandar, son of Jasrat, who was one of the ten avtars, that is, one of the ten visible incarnations of God: and he was married to Sita. Ram Chandar engaged himself in wielding worldly sovereignty with exercising spiritual authority". (Account of Suba Awadh: See MS Abdus Salam Coll., Maulana Azad Library, Aligarh, No. 292/62).

Thus until two hundred and twenty years after the construction of the Baburi Masjid, there was no suggestion anywhere, in the long contemporary inscriptions of the mosque or any other description of Ayodhya that there was a precise site of Rama's birth, where the holy structure had been destroyed and the mosque built – whether we take the writings of Hindus or of Muslims or the record left by single European observer."

"Source of Trouble

Religious myths have a tendency to grow despite the clearest evidence to the contrary. Now, where Hindu beliefs about the site of the mosque were clearly vague and contradictory, it was the turn of a section of Muslims to claim with pride that at Ayodhya mosques had, indeed, been built after the destruction of temples on the sites of Hindu holy places. It was this growth of bravado which exacerbated relations between the two communities, and which resulted in a serious clash at Ayodhya under the Awadh Nawabs in 1855. ***Under the shadow of bitterness***

of that clash, a fiery tract was composed by Mirza Jan in A.H. 1272 A.D. 1855-56 under the title Hadiqa-i-Shuhada. This book contains a passage allegedly quoted from a persian work Sahifa-i-Chihal Nasaih-i Bahadur Shahi, said to be written by "a daughter of Bahadur Shah ' Alamgir (Sic)*".*

The other claims of the polytheistic Hindus situated in Mathura, Benaras, Awadh (Ayodhya) etc., which the wretched infidels believe to be the birth place of Kanahya (Krishna), or the rasoi (Kitchen) of Sita or the residence of Hanuman, in which, they say, Ram established on him after the conquest of Lanka, have been destroyed, and for the strengthening of Islam mosques have been established all these sites; let them not leave these mosques without firday prayers and congregation." (printed book, Habibganj Collection, Urdu, 32/115, Maulana Azad Library, P.114).

Since much has been made of this quotation supposedly from the pen of a Mughal princess, it is important to note that the author himself confess that he had read the book forty years before he was writing, and claims that he had then copied the passage. This on the face of it is very implausible. The princess remains unnamed, and her father Bahadur Shah is given the title 'Alamgir', which not he but his father Aurangzeb (d.1707) had borne. ***No work by a daughter of Bahadur Shah or bearing the title Sahifa-i Chihal Nasa-i Bahadur Shah is known to exist in any collection anywhere in the world****. One fails to locate it in C.A. Storey's Persian Leterature-a bio-bibliographical survey, or D.N. Marshall's*

comprehensive Mughals in India – a Bibliographical Survey, Vol I: Manuscripts. It is very likely, therefore, that the work or the passage was a figment of Mirza Jan's imagination.

While in his so called quotation from the Counsels of the Mughal princess Mirza Jan only speaks of a temple at the site of Sita-ki-rasoi being destroyed he goes on himself to say that the Baburi Masjid was built at Rama's birthplace by destroying the temple of Ram Janamsthan, close to Sita-ki-Rasoi, so that the mosque, was then known as Sita-ki-rasoi. ***Thus the legent had grown to Rama's birth site had been added Sita's kitchen****; and Mirza Jan was exulting in the the supposed destruction of a temple here, of which generations of earlier Hindus and Muslims were unaware.*

Subsequent to Mirza Jan's tract – in fact, subsequent to the clash over the Baburi Masjid in 1855 – the myth that the Masjid was built on the site of a destroyed temple became the common possession of the partisans of the two communities*. How the legend could grow, out of a sense of bravado and revenge on both sides, is illustrated by the series of Urdu tracts, which VHP triumphantly lists. Lack of space prevents an analysis of this material; but it is enough to say that no evidence, nor already discussed by us, is presented in this literature. It is only illustrative of the growth of the mentality of modern communalism; its authority for what stood at the site before the Baburi Masjid was built is nil. "*

"Conclusion

The conclusion that we have reached after a careful consideration of the entire available evidence may be summarised as follows:-

1. No evidence exists in the texts that before the 16th century (and indeed before the 18th century), any veneration attached to any spot in Ayodhya for being the birth-site of Rama.

2. There are no grounds for supposing that a Rama temple, or any temple, existed at the site ***where Baburi Masjid was built in 1528-29****. This conclusion rests on an examination of the archeological evidence as well as the contemporary inscriptions on the mosque.*

3. ***The legend that the Baburi Masjid occupied the site of Rama's birth did not arise until late 18th century; that the temple was destroyed to build a mosque was not asserted until the beginning of the 19th century****, when the observer, before whom the assertion was made, disbelieved it.*

4. The full blown legend of the destruction of a temple at the site of Rama's birth and Sita-ki-rasoi, is as late as ***the 1850's. Since then what we get is merely the progressive reconstruction of imagined history based on faith****.*

It is for the people of this country to judge whether on the basis of such dubious evidence as the VHP has presented in support of its case, it is justifiable to mortgage the destiny and good repute of the country.

As historians it is also our duty to point out that in no civilised country of the world is a building of the 16th

century permitted to be destroyed or tempered with.

In 1891 when a Fuhrer drew up his descriptive list of Antiquities and Inscription in the North-West Provinces and Oudh, 1891, he put the Baburi Masjid among the monuments of Class II (P.P. 296-7). On page i, he explained the implications of this classification; it meant that though the monument was "in possession of private bodies and individuals", it was possible or desirable to save (it) from further decay by such minor measures as the eradication of vegetation, the exclusion of water from the wells and the like". Being such a monument, ***the Baburi Masjid became a protected monument under the Ancient Monuments Act, 1904 (re-legislated, 1958)****. Besides being built nearly 450 years ago,* ***it is a significant example of Sharqi architecture****. It is a part of our common national heritage. Under law, Government must save and preserve it as a fully protected monument.*

If then, we have a care for historical facts, if we want to uphold the law, if we have love for our cultural heritage, we must protect Baburi Masjid. A country is surely judged by how it treats its past."

3610. The credentials of the authors are also mentioned as under:

3611. Prof. R.S. Sharma, Retired Professor of Delhi University and First Chairman of Indian of Indian Council of Historical Research; Prof. M. Athar Ali, Retired Professor of History of Aligarh Muslim University and the Former President of Indian History Congress; Prof. D.N. Jha, Professor of History, Delhi University; Prof. Suraj Bhan, Professor of

Archaeology and Dean, Faculty of Social Sciences, Kurukshetra University, Haryana. This document, though claimed to be written by four historians, but as a matter of fact, it was not signed by Sri D.N. Jha, as admitted by Sri Suraj Bhan (PW 16), as expert witness.

3612. **PW 16, Prof. Suraj Bhan** was examined in three phases, namely, from 22.02.2000 to 10.08.2000; thereafter when the book of T.P. Verma and S.P. Gupta, i.e., "Ayodhya Ka Itihas Evam Puratatva-Rigved Kal Se Ab Tak" (Exhibit 3, Suit-5) was published, he deposed statement from 26.08.2002 to 12.09.2002 and lastly after the ASI report he deposed statement to castigate it and his statement was recorded from 20.03.2006 to 28.03.2006.

3613. About his qualification, experience and expertise, if any, he said:

> *"मैंने स्नातक की उपाधि दिल्ली यूनिर्वसिटी से हासिल की थी। स्नातक में मेरे विषय एकनामिक्स और संस्कृत अंग्रेजी और हिन्दी के अलावा थे। स्नातक में हिस्ट्री मेरा विषय नहीं था। . . . देहली से मैंने संस्कृत में एम0ए0 किया बाद में एम0एस0यूनिर्वसटी बडौदा से आर्क्योलोजी एन्ड कल्चर से एम0ए0 किया।" (पेज–3)*
>
> *"I got my graduation degree from Delhi University. In graduation, my subjects were Economics and Sanskrit besides English and Hindi. History was not my subject in B.A. . . . . I did my M.A. in Sanskrit from Delhi and later in archaeology and culture from M.S. University Baroda." (E.T.C.)*
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> *"अपने पढ़ाई करने के बाद अर्थात् एम0ए0 करने के बाद 1 वर्ष के लगभग मैंने कुछ नहीं किया उसके बाद बड़ौदा जाकर मैंने आर्क्यालाजिकल सर्वे आफ इण्डिया में पद ग्रहण कर लिया। आर्क्यालाजी में एम0ए0 मैंने सन् 1960 के आसपास बड़ौदा से किया था। यह डिग्री मैंने अपनी नौकरी*

के कार्यकाल में प्राप्त की थी। इसके बाद मैंने पी0एच0डी0 किया था। नौकरी मैंने 1956 में शुरू की थी और 1960 में मैंने एम0ए0 की डिग्री लिया था। . . . . पी0एच0डी0 की डिग्री मुझे 1975 में मिली थी। पी0एच0डी0 में मेरा टापिक ''प्रि हिस्टारिक आर्क्यालाजी आफ सरस्वती एण्ड दृशदवती वैलीज'' था। '' (पेज–11)

"After completion of my studies up to M.A. I did nothing for one year. Thereafter I went to Baroda and joined a post in the Archaeological Survey of India. I did my M.A. in archaeology in and around 1960. I had obtained my degree while being in service there. Thereafter I got my Ph.D. I had started service in 1956 and I got my M.A. in 1960. I was conferred Ph.D. Degree in 1975. My topic in Ph.D. was 'Historic Archaeology of Saraswati and Drishdavati Valleys'." (E.T.C.)

''मेरी पी0एच0डी0 की थीसिस प्रकाशित नहीं हुयी है।'' (पेज–13): ''मैंने अपनी थीसिस के लिखने के समय सरस्वती वैली में कोई उत्खनन कार्य नहीं किया था पर यह खनन कार्य मैंने सरस्वती वैली में अपनी थीसिस लिखने के पहले किया था। . . . . उत्खनन करने का मेरा पहले से भी अनुभव था क्योंकि मैंने गुजरात में लोथल, भगतराव में उत्खनन कार्य किया था।'' (पेज–14)

"My Ph.D. Thesis is not published." (pages 13); "I had not undertaken any excavation work in Saraswati Valley at the time of writing my thesis. This excavation work in Saraswati Valley, however, was done by me before proceeding with the thesis.. . . . . I had a prior experience of excavation work because I had undertaken such work at Lothal and Bhagatrao in Gujarat." (E.T.C.)

''मैंने हरियाणा में सरस्वती क्षेत्र में उत्खनन के समय आर्क्यालाजिकल खनन किया। मैंने एरिया एक्सवेशन और वर्टिकल एक्सकवेशन दोनों ही किया।'' (पेज–20)

"At the time of excavation in the Saraswati region of Haryana, I undertook archaeological excavation. I did both the area and vertical excavation." (E.T.C.)

"जिस समय मैंने अपनी सर्विस ज्वाइन किया था, उस समय मैं एम0ए0 संस्कृत था। मेरी नियुक्ति टेक्निकल अस्सिटेण्ट के पद पर हुई थी। मेरी नियुक्ति सन् 56 या 57 में हुई थी। लोथल में 56–57 से 59–60 तक उत्खनन कार्य किया था। उस समय मैं दफ्तर में एक टेक्निकल अस्सिटेण्ट के रूप में कार्यरत था। इसी हैसियत से मैं उस उत्खनन कार्य में लगा हुआ था।" (पेज–80–81)

"When I joined my service, I was an M.A. in Sanskrit. I was appointed to the post of technical assistant. I was appointed in 1956 or 1957. I undertook excavation work at Lothal from 1956-57 to 1959-60. At that time I was working as a technical assistant in the office. In that very capacity I was then engaged in the excavation work." (E.T.C.)

"मैं संस्कृत भाषा में एम0ए0 हूँ। मैं संस्कृत बोल नहीं सकता और क्योंकि उसका काफी दिनो से प्रयोग नहीं किया है अतएव उसे पढ़ने व समझने में भी दिक्कत आती है।" (पेज–143); "मैंने बी0ए0 1953 में पास किया था। मेरे पास बी0ए0 मे संस्कृत व अर्थशास्त्र विषय थे। मेरे पास अंग्रेजी साहितय भी था। . . . . . मैंने बी0ए0 तक इतिहास व पुरातात्विक विषय का अध्ययन नहीं किया है। मैंने एम0ए0 की परीक्षा संस्कृत के अलावा आर्कियोलोजी एण्ड कल्चर में भी पास की थी। . . . . . इतना याद है कि ऐन्सिंयट हिस्ट्री एण्ड अर्ली मेडिवियल हिस्ट्री मेरे कोर्स में थीं उक्त दोनों हिस्ट्री केवल भारतवर्ष की थीं।" (पेज–168)

"I am an M.A. in Sanskrit language. I can not speak Sanskrit, and since I have not used it for quite some time, I face difficulty in reading as also in following it."; "I did my B.A. in 1953. Sanskrit and Economics were my subjects in B.A.. English literature, too, was my subject.. . . . I did not study history and archaeology as subjects up to B.A.. I

passed the M.A.Examination with Sanskrit and also with Archaeology and Culture.. . . . I only remember that ancient history and early medieval history were not in my course. The said two parts of history was of India only." (E.T.C.)

''मैं आर्कियोलाजी का एक विद्यार्थी हूं। आर्कियोलाजी के अनेक क्षेत्र में कई विशेषज्ञ हैं। आर्कियोलाजी के क्षेत्र में मेरा विषय सतलज यमुना बेसिन की प्रोटो हिस्टोरी आर्कियोलाजी है, इस विषय पर मेरी विशेष स्टडी है और मैं फील्ड आर्कियोलाजिस्ट हूं। मैं फील्ड आर्कियोलाजी के नाते किसी भी आर्कियोलाजी के क्षेत्र में जहॉ उसका उपयोग हो सकता है वहॉ इस्तेमाल कर सकता हूॅ। . . . . . ''फील्ड आर्कियोलाजी का एक बेसिक मैथड है, ... और में उस विधा का अच्छा जानकार हूॅ।'' (पेज 73)

"I am a scholar of archaeology. There are many specialists in several areas of archaeology. My subject in the realm of archaeology is proto-historic archaeology of Satluj-Yamuna basin. I have a special study on this subject. I am a field archaeologist and as such can use field archaeology wherever it can be used in any sphere of archaeology.. . . ." Field archaeology has a basic method . . . . . and I am well conversant with that field."

(E.T.C.)

3614. In respect to certain dispute and aspects PW 16 clearly admitted his lack of expertise, studies etc. as under:

''मैंने वेदों का अध्ययन पूरी तरह से नहीं किया है बल्कि उतना ही अध्ययन किया है जितना कि मेरी पढ़ाई के कोर्स में था।'' (पेज–4); ''पुराण के बारे में मैं थोड़ा जानता हूॅ।'' (पेज–7); ''विष्णु पुराण मैंने नहीं पढ़ा है।'' (पेज–8); ''बाल्मीकि की रामायण के कुछ अंश मैंने पढ़े हैं।'' (पेज–15); ''मैंने इस विषय पर कोई शोध नहीं किया है कि बाल्मीकि के रामायण की लंका मध्यप्रदेश में हो सकती है या नहीं।'' (पेज–16); ''सोलर सिस्टम से दिशाओं के ज्ञान के बारे में मुझे कोई खास ज्ञान नहीं है। मैंने इस विषय पर कोई विशेष अध्ययन नहीं किया। . . . . विष्णु पुराण मैंने

नहीं पढ़ा है।'' (पेज–18); ''राजशेखर की बाल रामायण मैंने नहीं पढ़ी है। . . . . . मैंने इतिहास वेत्ता होने के नाते भी यह जानने की कोशिश नहीं की कि तुलसीदास की रामायण में क्या लिख गया है।'' (पेज–19); ''मैंने तर्क शास्त्र नहीं पढ़ा है।'' (पेज–20); ''मैं यह नहीं बता सकता कि सिन्धु वैली की खोज कब हुयी। यह जुग्राफी का विषय है।'' (पेज–33)

"I have not studied Vedas wholly; rather, I have studied them only to the extent they were included in the curriculum of my study." (page 4); "I know a little about Puranas." (page 7); "I have not read Vishnu Purana." (page 8); "I have read some portions of Valmiki's Ramayana." (page 15); "I have not done any research on whether Lanka of Valmiki's Ramayana may or may not be in Madhya Pradesh." (page 16); "I do not have any specific knowledge of directions on the basis of the solar system. I did not make any special study on this subject. . . . .I have not read Vishnu Purana." (page 18); "I have not read Rajshekhar's 'Balramayana'.. . . .As a historian too, I did not try to know what is written in the Ramayana by Tulsi Das." (page 19); "I have not read logic." (page 20); " I cannot tell when Indus valley was discovered. It is a subject of Geography." (page 33) (E.T.C.)

''मैंने इस बात का कोई अध्ययन नहीं किया कि रामायण या महाभारत में कौन पहले रचा गया लेकिन विद्वानों का ऐसा मत है कि महाभारत के कुछ अंश रामायण से पहले लिखे गए थे। . . . . . कौटिल्य के अर्थशास्त्र के सम्बन्ध में मेरा कोई विशेष ज्ञान नहीं है क्योंकि वह मेरा विषय नहीं है और न ही मेरा शोध इस पर था।'' (पेज–36); ''मैंने राजतंरगीणी पुस्तक पढ़ी नहीं।'' (पेज–38); ''कुतुबद्दीन के बाद का मुस्लिम इतिहास के सम्बन्ध में मैं मोटे मोटे तौर पर जानकारी रखता हूं मेरा इस पर कोई अध्ययन नहीं है।'' (पेज–42); ''मैंने यह नहीं पढ़ा कि मस्जिद में क्या–क्या चीजें नहीं हो

सकती हैं।'' (पेज–75); ''एपीग्राफी, न्यूमिसमैटिक का मैं स्पेशलिस्ट नहीं हूँ।'' (पेज–82)

"I did not make any study regarding which of the two- Ramayana or Mahabharata was composed earlier, but scholars opine that some portions of Mahabharata were written prior to Ramayana.. . . . I do not have any special knowledge of Kautilya's Arthshastra, because it was not my subject nor was it a theme of my research." (page 36); "I did not read the book titled Rajtaringini." (page 38); "I have knowledge of post-Qutbuddin muslim history but not in its minute details; I do not have any study on it." (page 42); "I did not read what features a mosque may not have." (page 75); "I am not a specialist in epigraphy and numismatics." (page 82) (E.T.C.)

''मैं जियोलाजिस्ट नहीं हूँ।'' (पेज–95); ''मैं ज्योलोजी का विद्यार्थी नहीं हूँ। . . . . . ''यह ठीक है पैलियों लाजी का विषय मैंने नहीं पढ़ा है ना ही इसका मुझे ज्ञान है।'' (पेज–110); ''चूंकि मंदिर को तोड़कर मस्जिद बनाना मेरे शोध का सब्जेक्ट नहीं है इसलिए मैंने उपरोक्त स्थानों का अध्ययन करने की कोशिश नहीं की वैसे भी मैं मध्यकाल का इतिहासकार नहीं हूँ ।'' (पेज–127) ; ''मैंने स्कन्द पुराण को नहीं पढ़ा। . . . . मैंने अन्य पुराणों को भी पढ़ने की आवश्यकता नहीं समझी चूंकि उनका अध्ययन मेरा विषय नहीं था।''(पेज–133)

" I am not a geologist." (page 95); "I am not a student of Geology. . . . . .It is correct that I have not studied paleology as a subject, nor do I have its knowledge." (page 110); "Since construction of mosques after demolishing temples is not the subject of my research, so I did not make an endeavour to make study of those places. Otherwise also, I am not a historian with regard to medieval period." (page 127); " I did not read Skandha

Purana.. . . . I did not think it to be necessary to read other Puranas also as their study was not my subject"

(page 133)

"मैंने पूरे पुराण नहीं पढ़े हैं लेकिन वह अंश पढ़े हैं जो वी0एच0पी0 के डाकमेंट में थे। इसी तरह पूरे वेद भी नहीं पढ़े लेकिन कुछ अंश पढ़े हैं। इसी तरह तुलसी दास का राम चरित मानस व बाल्मीकी रामायण पूरी नहीं पढ़ी। मैंने कालीदास की रचना के कुछ अंश पढ़े है पूरा नहीं पढ़ा। .... मुझे एपीग्राफी नियोसमैटिक का पूरा ज्ञान नहीं है और न ही मैं उक्त दोनों विषयों का विशेषज्ञ हूं मुझे जियोलाजी का ज्ञान नहीं है।" (पेज–137); "बाबरनामा मैंने नहीं पढ़ा" (पेज–138); "मध्यकालीन इतिहास मेरा अध्ययन एवं अध्याय का विषय नहीं था।" (पेज–139)

"I have not read the Puranas completely; rather, I have read only those portions which were contained in the document of the VHP. Similarly, I have not read the whole of the Vedas but I have read some portions of them. Likewise, I did not read Tulsidas's Ramacharit Manas and Valmiki's Ramayana in entirety. I have read some parts of Kalidas's composition but I have not read it in whole.... I do not have full knowledge of epigraphy and numismatics, nor am I a specialist in the said two subjects. I do not have knowledge of geology too." (page 137); "I did not read Baburnama." (page 138); "Medieval history was not a subject of my study and teaching." (page 139)(E.T.C.)

"परन्तु यह सही है कि मैं इतिहास का विशेषज्ञ नहीं हूँ।" (पेज–169); "उत्तर प्रदेश में मैंने खुदाई करके कोई शोध कार्य नहीं किया। मैंने बिहार में कोई खुदाई का कार्य नहीं किया।" (पेज–170); "मैंने प्राचीन पुरातात्विक इमारतों अर्थात भवनों से संबंधित कोई शोधकार्य नहीं किया और न पुस्तक लिखी।" (पेज–179)

"But it is true that I am not a specialist in history." (page 169); "I did not do any research work after making

excavations in Uttar Pradesh. I did not make any excavation in Bihar." (page 170); "I did not do any research work with respect to ancient archaeological buildings, nor did I write a book in this respect." (page 179)

''मैं जियोलाजिस्ट नहीं हूँ . . . . मैं इतिहास का विद्यार्थी नहीं हूँ।'' (पेज 26); ''मैं वास्तुकला का विशेषज्ञ नहीं हूँ। मुझे उसका साधारण ज्ञान है।'' (पेज 36);''मैं मूर्ति विज्ञान का विशेषज्ञ नहीं हूँ।'' (पेज 51); ''ऐपीग्राफी मेरा क्षेत्र भी नहीं है। '' (पेज 57); ''मेरा विशेष क्षेत्र फील्ड आर्कियोलोजी था, एथनोग्राफी नहीं।'' (पेज 71);''मैं हिस्ट्री आफ टेम्पिल आर्किटेक्चर का कोई विशेषज्ञ नहीं हूँ।'' (पेज 122) (Volume 2)

"I am not a geologist. . . . . I am not a student of History." (page 26); "I am not a specialist in architecture. I have an ordinary knowledge of it." (page 36); "I am not a specialist in sculpture." (page 51); "Epigraphy, too, is not my field." (page 57); "My speciality was field archaeology, not ethnography." (page 71): "I am not a specialist in history of temple architecture." (page 122) (E.T.C.)

3615. The following part of his statement is relevant to ascertain sincerity, genuineness and correctness in the alleged research of the witness and his statement:

''अयोध्या शोध के समय अयोध्या मैं एवं शर्मा ही गये थे।'' (पेज 23)

"Only Sharma and myself had gone to Ayodhya at time of Ayodhya research." (ETC)

''यह रिपोर्ट मैंने मई में दी है। अयोध्या मैं फरवरी–मार्च में गया होऊँगा।'' (पेज–62)

"I gave this report in May. I might have gone to Ayodhya in February-March." (ETC)

''हो सकता है कि मेरे पहले बयान में यह आया हो कि मैं विवादित स्थल

पर पहले–पहल जून 1991 के पहले गया था।'' (पेज–65)

'' In my first deposition, I may have stated that I had gone to the disputed site before June 1991 for the first time.'' (ETC)

''बाबरी मस्जिद की तरफ से मेरे द्वारा आर0ए0शर्मा, डी0एन0 झा, अतहर अली द्वारा तैयार लेख व अन्य साक्ष्य बाबरी मस्जिद ने 13.5.91 की मीटिंग में दाखिल किये था। फिर कहा कि शायद हम लोगों द्वारा तैयार रिपोर्ट बाबरी मस्जिद कमेटी की तरफ से नही दी गई थी, बल्कि हमारे विचारों को अपने तर्क में उद्धृत किया था।'' (पेज–65)

''Article(s) written by me, R.A. Sharma, D.N.Jha and Atahar Ali and other evidences were produced in the 13-05-1991 meeting by Babri Masjid Committee on behalf of Babri Masjid. Further stated, our report had not possibly been prepared on behalf of Babri Masjid Committee. Rather our opinion was quoted in their arguments.'' (ETC)

''हम चार निष्पक्ष इतिहासकारों में से दो इतिहासकार अयोध्या व बनारस हमारे साथ नहीं गए। मुझे नहीं पता कि वह अलग से अयोध्या या बनारस गए या नहीं।'' (पेज–88)

'' Out of the four impartial historians, two of us had not gone to Ayodhya and Banaras with us. I do not know whether they had gone to Ayodhya or Banaras separately or not." (ETC)

*''इस सारी स्टडी के लिए हमें सिर्फ 6 ही हफ्ते दिए गए थे। **बार–बार दबाव डाला जा रहा था इसलिए हमने अपनी रिपोर्ट बिना बी0बी0लाल की खुदायी का रिकार्ड देखे अपनी रिपोर्ट दे दी।**'' (पेज–103)*

*''we were given only six weeks' time for the entire study. **Pressure was being repeatedly exerted; so, we submitted our report without going through the record of the excavation work by B.B.Lal**." (ETC)*

*'यह सही है कि जिस समय निर्माण हो रहा हो उस समय की संबंधित परिस्थितियों का प्रभाव निर्माण पर पड़ता है। **मैंने इतिहासकार की हैसियत से बनारस में एक ऐसी मस्जिद देखी है जो आधी मंदिर तोड़कर बनायी गयी है।**'' (पेज–126)*

Note: This part of the statement is in contradiction to what has been said by PW 13 at page 199.

*''It is true that constructions going on a particular time are influenced by the circumstances prevailing at that time. **As a historian I have seen a mosque in Benares which is built by demolishing a temple to half its size.**"(ETC)*

''श्री डी0एन0झा ऐशियंट इंडियन हिस्ट्री के इतिहासकार हैं। प्रो0 आर0एस0शर्मा का ज्ञान काफी विस्तृत है। वे सोशियो एकनामिक हिस्ट्री के विशेषज्ञ हैं।'' (पेज 132)

"Sri D.N.Jha is a scholar in regard to ancient Indian history. The knowledge of Prof.R.S. Sharma is fairly extensive. He is a specialist in socio-economic history."

(ETC)

*''**मैंने विवादित विषय से सम्बन्धित किसी रिकार्डेड हिस्ट्री का अध्ययन नहीं किया।**'' (पेज 134)*

***"I did not make any study of any recorded history with regard to the disputed subject"** (ETC)*

*''**मैंने मौके पर कोई एक्सविकिशन नहीं किया** और न यह करना मेरे अनवेषण का हिस्सा था।'' (पेज 137)*

*"**I did not make any excavation at the site,** nor was it a part of my investigation." (ETC)*

*''**रिकार्डेड हिस्ट्री भी मेरा विषय नहीं था और न ही मैं इसका विशेषज्ञ हूं।** आर्ट हिस्ट्री का भी मैं विशेषज्ञ नहीं हूँ लेकिन मुझे उसका सामान्य ज्ञान है।'' (पेज–137)*

"Recorded history, too, was not my subject, nor am I its

specialist. *I am also not a specialist in art history but I have general understanding of it." (ETC)*

3616. Later on, the witness could not tell as to in which category of specialist he is appearing:

"यह सही है कि ***मैं इतिहास का विशेषज्ञ नहीं हूँ। ..... मुझे नहीं पता कि इस मुकदमें में मेरी गवाही बतौर पुरातात्विक के हो रही हो।"*** *(पेज–169)*

"it is true that I am not a specialist in history. I do not know that my testimony in this litigation has been only as an archaeologist." (ETC)

3617. The expertise and authority of PW 16 has been challenged by PW 20, Prof. Shirin Musavi in her statement at page 129 observing that Suraj Bhan is an Archaeologist and not an authority on Medieval History.

3618. **PW-18 Suvira Jaiswal,** an ex Professor of Jawahar Lal Nehru University, New Delhi has deposed that according to her studies and research, there is no evidence that Babri Masjid was constructed after demolition of a temple of Lord Rama or that there existed any temple whatsoever where the Babari Masjid was situated. She also stated of not finding any evidence which may prove that the place in dispute was birth place of lord Rama. In her cross-examination, she said:

"इस तरह का भी कोई प्रमाण मेरी जानकारी में नहीं मिलता है, जिससे यह विदित हो कि बाबरी मस्जिद का निर्माण राम–मन्दिर को तोड़कर किया गया हो।"

"In my knowledge, no such evidence is found which may indicate that Babari mosque was constructed after demolishing Sri Ram's temple." (E.T.C.)

"यह ठीक है कि ***मैं प्राचीन इतिहास की विशेषज्ञ हूं।*** *यह भी ठीक है कि मैं इस अदालत में प्राचीन इतिहास के विशेषज्ञ के रूप में*

गवाही देने आई हूं। . . . मेरी विशेषता लिखित श्रोतों में खोज पर आधारित है।'' (पेज 122)

''This is correct that ***I am expert in Ancient History.*** *It is also correct that I have come to this Court to tender evidence as specialist in Ancient History. . . . My specialization is based on investigation into written sources.'' (E.T.C.)*

''मैंने इस विषय पर कि मुसलमान शासकों ने मंदिर को तोड़कर मस्जिद बनायी, ***इस बात का न कोई अध्ययन किया और न ही मैने कोई इस सम्बन्ध में पुस्तकों का कोई संकलन किया। . . . न ही मैंने इस सम्बन्ध में कोई रिपोर्ट पढ़ी।''*** *(पेज 29)*

''On the topic that Muslim rulers constructed mosques after destroying temples, ***neither I conducted any study nor made any compilation of books in this respect. . nor I have read any report in this respect.''*** *(E.T.C.)*

''मेरा उपरोक्त बयान कि जहॉ बाबरी मस्जिद स्थित थी, वहॉ पर पहले मन्दिर नहीं था, यह मेरी स्वयं की राय है। यह कहना सही है कि बाबरी मस्जिद के बारे में किसी प्रकार की खोज किये बगैर मैं शपथ पर मैं अपने ज्ञान के आधार पर नहीं, बल्कि राय के आधार पर बयान दे रही हूँ।'' *(पेज 82)*

''My aforesaid statement that at the place where Babari Mosque was situated, earlier no temple existed there, is my own opinion. It is correct to say that I am giving statement on oath regarding Babari Mosque without any probe and not on the basis of my knowledge, rather I am giving the statement on the basis of my opinion.'' *(E.T.C.)*

''मेरी खोज के अनुसार ***अयोध्या में कई स्थान ऐसे हैं जो श्री राम के जन्म स्थान होने का दावा करते हैं। मैं यह नहीं***

बता सकती कि उन स्थानों का जहां राम जन्म स्थान का दावा किया जाता है, कौन–कोन से हैं, या कहां–कहां हैं। मैंने इस बात की खोज करने की आवश्यकता नहीं समझी। . . . मैंने बाबरी मस्जिद के इतिहास के बारे में अध्ययन नहीं किया।''

(पेज 86–87)

"As per my research, ***there are such several places in Ayodhya, which claim to be the birthplace of Sri Rama. I cannot point out specifically as to the places which are claimed to be the birthplace of Rama. I did not consider it necessary to research on this point.*** *. . . I did not study the history of Babari Mosque." (E.T.C.)*

*''**मैंने 12वी शताब्दी के बाद के इतिहास का अध्ययन नहीं किया**। लेकिन बतौर इतिहासकार मैं बता सकती हूँ कि 16वीं शताब्दी में बाबर ने अयोध्या में बाबरी मस्जिद बनवाई।'' (पेज 103)*

*"**I have not studied history of the period after 12th century** but as a historian I can tell that in 16th century Babar got constructed Babari Mosque in Ayodhya."(E.T.C.)*

*''**विवादित स्थल के बारे में जो भी जानकारी मुझे हुई वह अखबारों के आधार पर या जैसा दूसरे लोगेां ने बताया अर्थात इतिहासकारों की रिपोर्ट से ज्ञात हुई, वही है**।*

*इतिहासकारों की रिपोर्ट से मेरा मतलब हिस्टोरियन रिपोर्ट टू नेशन से है। यह रिपोर्ट वही रिपोर्ट है जो सूरजभान डा0 आर0एस0 शर्मा द्वारा बनायी गयी थी इस रिपोर्ट में डी0एन0झा इतिहासकार और अतहर अली इतिहासकार भी शामिल थे। मैंने भी अपने कुछ साथियों के साथ इतिहास का राजनैतिक दुरूपयोग बाबरी मस्जिद रामजन्मभूमि विवाद नामक पर्चा छापा था। . . . **यह पर्चा मैंने अखबारों मे छपी समाचार एवं अपने विभाग में मध्यकालीन विशेषज्ञ से चर्चा करके तैयार किया था**।'' (पेज 104–105)*

*"**Whatever knowledge I gained with respect to disputed site, was on the basis of newspaper or what the***

others told, i.e., from the report of historians.

By historians' report I mean "Historian Report to Nation". This is the same report which was prepared by Surajbhan and Dr. R.S. Sharma. In this report, historians D.N. Jha and Athar Ali were also included. I alongwith my companions also published a pamphlet entitled "Rajnaitik Durupayog Babari Masjid Ram Janmabhumi Vivad" (Political Misuse, Babari Mosque-Rama Birthplace Dispute"). . ***I had prepared this Pamphlet from the news published in newspapers and after having a discussion with Medieval Expert of my Department****." (E.T.C.)*

*"**मैने बाबरी मस्जिद के बारे में कुछ नहीं पढ़ा** विशेष रूप से नहीं पढ़ा इसलिए मैं नहीं बता सकती कि बाबरी मस्जिद कब अस्तित्व में आयी। **मैं यह भी नहीं बता सकती कि बाबरी मस्जिद के अस्तित्व में आने के पहले उस स्थान पर क्या था।**" (पेज 105)*

*"**I have read nothing about Babari Mosque**, I did not study thoroughly, therefore, I cannot say as to when Babari Mosque came into existence. **I cannot say as to what was there at the site before coming into existence of Babari Mosque**."(Page 105)*

"अर्थात मैं आर्क्यालाजिस्ट, न्यूमिसमैटिक्स और एपीग्रैफिक्स नहीं हूँ। . . . यह सही है कि भारत के मध्यकालीन इतिहास का ज्ञान भी मुझे बहुत अल्प है।" (पेज 54)

". . & means that I am not an Archaeologist, Numismatics or Epigraphist. . . . . It is true that my knowledge about medieval history of India is very little." (E.T.C.)

*". . **मैं इस पुस्तक में डा0 अजीज इतिहासकार ने जो अपना मत दिया है उससे मैं सहमत नहीं हूं** . .*

*. . . **मैंने डा0 अजीज अहमद की किताब नहीं पढ़ी है।** परन्तु इसकी चर्चा विभाग में हुई थी। . . . . उस समय हमारे विभाग में मध्ययुग के विशेषज्ञयों ने इसकी चर्चा की थी। **यह ठीक है कि उन्हीं चर्चा को मैंने सही मान लिया, पर उस विषय पर कोई किताब पढ़ी नहीं, न ही लिखा है।**'' (पेज 64–65)*

*''**I do not agree with the opinion recorded in the book by the historian Dr. Aziz**. . .*

*. . . **I have not read the book of Dr. Aziz Ahmad**. But discussion about it was held in the Department. . . . this discussion was held amongst experts in medieval age in my department. **This is correct that I regarded the said discussion as true, but on that subject, I have neither read nor wrote any book.**'' (E.T.C.)*

''. . . पर मैं, उन लेखों से सहमत नहीं हूँ। . . प्रो0 बी0बी0लाल ने उन खम्बों को किसी मन्दिर का आधार स्तम्भ बताया था, उससे मैं सहमत नहीं हूँ।'' (पेज 116)

''. . But I do not agree with those articles. . . . Prof. B.B.Lal had stated those pillars to be foundation pillars of a temple, with which, I do not agree."(E.T.C.)

*''**प्रो0 लाल ने खम्बों के बारे में जो अपनी राय व्यक्त की थी, उससे असहमति का मेरा आधार, दूसरे आर्कियोलाजिस्ट, की राय एवं रिपोर्ट्स पर है।** इस विषय पर मैंने डी0 मण्डल की, जो एक आर्कियोलाजिस्ट हैं, पुस्तक पढ़ा है। इस सम्बन्ध में मेरे सहयोगी प्रो0 रत्नाकर से मेरी बातचीत हुई थी और प्रो0 सूरजभान के लेख भी पढ़े थे।'' (पेज 116–117)*

*''**The basis of my disagreement with the opinion expressed by Prof. Lal about the pillars, is the opinion and reports of other archaeologists.** On this subject, I have read the book of D.Mandal, who is an archaeologist. In this connection I had discussed with my colleague Prof.*

Ratnakar and also read the articles of Surajbhan." (E.T.C.)

3619. The above extracts of her statement are self speaking. It is really surprising that a witness, claiming to be an Expert Historian, can make such serious statements on historical facts and that too without any study or adequate enquiry into the matter. Newspaper reports or what was told by some others or otherwise cannot be equated with the research work expected from an expert on the subject. She could admit her disagreement with a historian author of a book not after reading it but merely on the basis of some discussion made in her department.

3620. Moreover, the expertise and authority of PW-18 has been challenged by PW-20 Professor Shirin Musavi in her statement at page 129 saying that Suvira Jaiswal is an Ancient Indian Historian and not an authority on Medieval History.

3621. In fact, what appears from her statement from pages 116-117 that she has deposed to support the statement of PW-16, 20 and 24. The reason is also apparent. She admits to have obtained her Ph.D. under the guidance of Dr. (Prof.) R.S.Sharma, who was at Patna University and later on came to Delhi University. He is a co-author of the article **"Historian Report to Nation"** along with Suraj Bhan- PW-16 and two others.

3622. We may mention here that though the said report claims to have been written by four persons but in fact it was not signed by Sri D.N.Jha. The opinion of an alleged expert, which is not based on her own study and research work but reflection of other's opinion, in our view, shall not qualify to be considered relevant under Section 45 of the Evidence Act as well as the law laid down by the Apex Court in **State of Himachal Pradesh Vs.**

Jai Lal (supra).

3623. Normally, the Court do not make adverse comments on the deposition of witness and suffice it to consider whether it is credible or not but we find it difficult to resist ourselves in this particular case considering the sensitivity and the nature of dispute and also the reckless and irresponsible kind of statements, and the material got published by the persons claiming to be Expert Historian, Archaeologist etc. without making any proper investigation, research or study in the subject.

3624. This is really startling. It not only surprises us but we are puzzled. Such kind of statements to public at large causes more confusion than clear the things. Instead of helping in making a cordial atmosphere it tend to create more complications, conflict and controversy. Such people should refrain from making such statements or written work. They must be extremely careful and cautious before making any statement in public on such issues.

3625. The people believe that something, which has been said by a learned, well studied person, would not be without any basis. Normally they accept it as a correct statement of fact and affairs. Normally, these persons do not find a stage where their statement can be scrutinized by other experts like a cross-examination in a Court of law. In legal terminology, we can say that these statements are normally ex parte and unilateral. But that does not give a license to such persons to make statements whatsoever without shouldering responsible and accountable for its authenticity. One cannot say that though I had made a statement but I am not responsible for its authenticity since it is

not based on my study or research but what I have learnt from others that I have uttered. No one, particularly when he claims to be an expert on the subject, a proclaimed or self styled expert in a History etc. or the facts or events can express some opinion unless he/she is fully satisfied after his/her own research and study that he/she is also of the same view and intend to make the same statement with reasons.

3626. We do not know how much damage such kind of statements have already caused, but, if any, that has already been done. At this stage we can only hope and trust that the intelligentsia of this country particularly those who are experts in any discipline, shall live more responsible life, and before expressing any opinion or statement of fact particularly when that involves an extra ordinary sensitive matter, due care and caution shall be practised.

3627. **PW-20 Prof. Shirin Musavi** Professor in the History Department, Aligarh Muslim University Aligarh also deposed that she did not find any evidence or material to show that Babri Masjid was constructed after demolishing any temple or that any temple ever existed at the disputed site. She also said that the place in dispute was never known as Ram Janam Bhumi or Ram Janam Asthan. Some of the extracts from her cross-examination are reproduced hereunder to throw light as to how much opinion of the above witness is creditworthy and honest, and is relevant under Section 45 of the Evidence Act:

> *''मेरे ज्ञान के अनुसार बाबर ने कोई मंदिर तोड़कर अपने कार्यकाल में मस्जिद बनाई हो इसका कोई रेफरेंस एतिहासिक तौर पर नहीं मिलता।* ***यह हो सकता है कि किसी मंदिर का मैटीरियल किसी मस्जिद को बनाने में इस्तेमाल किया गया हो क्योंकि उस जमाने में यह कामन प्रैक्टिस थी।*** *'' (पेज 79)*

"As per my knowledge, reference of the fact that during his period after demolishing any temple Babar got constructed a mosque, is not historically found. ***It may be that material of any temple could have been used for construction of any mosque, as it was a common practice prevalent those days.*** *" (E.T.C.)*

"जहां तक मेरी नालेज है विवादित ढांचा 19वीं सदी में 2 हिस्सें में बंटा था। ***वहां कोई डिस्प्यूट था कि सीता की रसोई है इसलिए शायद एक हिस्सा विवादित ढांचे का अलग कर दिया गया था, पूजा के लिए।''*** *(पेज 86)*

"As per my knowledge, disputed structed was divided in two parts in 19th century. ***There was some dispute that there is Sita Rasoi, so, perhaps one portion of disputed structure was separated for worship****."(E.T.C.)*

"यह ठीक है कि जयपुर में सवाई मान सिंह के नाम पर एक म्यूजियम बना है जो आज भी मौजूद है। यह भी ठीक है कि म्यूजियम में एक से ज्यादा अर्थात कई अयोध्या के नक्शे कपड़े पर बने हुए मौजूद हैं। इतिहासकार उस पूरे कलेक्शन को कपड़ द्वार कलेक्शन कहते हैं। यह ठीक है कि उस कपड़द्वार कलेक्शन में एक पेंटिंग है जो मैप के साथ है। ***जिसमें तीन कपोलास का मंदिर दिखाया गया।*** *(स्वयं कहा) कि कपड़द्वार का जो आफिशियल कैटलाग है उसमें जहां तक हमें याद है यह 176 नम्बर पर मेंशन है और लिखा है कि यह एक स्वामी से 5/– रू0 में खरीदा गया।* ***यह कपड़द्वार कलेक्शन 1717 ए0डी0 का नहीं है बल्कि लेट 18वीं सदी का है। लेट 18वीं सदी का मतलब है 1750 के बाद।''*** *(पेज 87)*

"This is true that there is museum in Jaipur built on the name of Sawai Man Singh which exists today also. It is also true that in that museum, there are more than one map of Ayodhya drawn on cloth. The historians say the entire collection as Kapad Dwar Collection. It is true that in that

Kapad Dwar Collection there is a painting annexed with the map ***wherein temple of three Kapolas is indicated.*** *(of her own said) It is mentioned in Kapad dwar, which is an official catalogue, so far as I remember, at no.176 it is written that it had been purchased from a saint in Rs.5/-.* ***This Kapad Dwar collection is not of 1717 AD but of late 18th century. Late 18th century means after 1750.*** *"*

(E.T.C.)

"मेरे विचार से ***मेरे लिए विवादित स्थल को देखना आवश्यक नहीं था*** *यह जानने के लिए कि वह मन्दिर है या मस्जिद मेरे पास हिस्टारिकल लिटरेरी इवीडेंस थी, जिसे पढ़ने के बाद मैं इस नतीजे पर पहुॅची कि यह विवादित ढांचा मस्जिद था या मन्दिर तोड़कर मस्जिद नहीं बनाई गई थी। मैंने जो साक्ष्य पढ़े थे, वह समकालीन साक्ष्य या समकालीन के पास के साक्ष्य थे तथा इस संबंध में लेट इवीडेंस का भी अध्ययन किया था।" (पेज 107)*

"In my view, to ascertain whether it is temple or mosque, ***it was not necessary to see the disputed site.*** *I had historical literary evidence, on going through which, I reached the conclusion that this disputed structure was mosque or mosque was not constructed after demolishing temple. Whatever evidence I read, that were either contemporary evidence or nearing the contemporary and also studided late evidence in this connection." (E.T.C.)*

"बल्कि असलियत यह है कि मैंने किसी स्रोत में ऐसा नहीं पढ़ा कि किसी मन्दिर को तोड़कर यहॉ पर यह मस्जिद बनाई गई थी। यह बात कि कोई खाली जमीन पढ़ थी, वहॉ पर मस्जिद बनी, यह स्पेसेफिकली शब्दों में लिखा कहीं नहीं मिला।" (पेज 111)

" However, as a matter of fact, I did not read in any source that this mosque was built here after demolishing any temple. It is not specifically written anywhere that any

vacant land was lying on which a mosque was built." (E.T.C.)

"मेरे पठन पाठन में डिसपुटेड स्ट्रक्चर कोर्स का भाग नहीं था बल्कि मैंने स्वयं पढ़ा था अर्थात अध्ययन आया है। मैंने इस विषय पर 1986 से पढ़ना शुरू किया था।" (पेज 120)

"The disputed structure was not a part of the course of my study, but I had myself studied about it. I started study on this topic from 1986." (Page 120)

*"**गजेटियर को हिस्ट्री में सोर्स नहीं माना जाता है इसलिए उसे मैंने सीरयसली कभी नहीं पढ़ा।**" (पेज 127)*

*"**The Gazetteer is not treated as a source of history; so, I never read it seriously**." (E.T.C.)*

"1854 के गजेटियर को 16वी सेन्चुरी के इतिहास के लिए मैं रेलेवंट नहीं समझती इसलिए मैने उसकी जानकारी नहीं की।"(पेज 127)

"I do not consider 1854 Gazetteer to be relevant to the study of history of 16th Century." (E.T.C.)

*"1986 के बाद मैंने यह जानने की कोशिश की थी कि बाबरी मस्जिद जिस जमीन पर बनी थी उसका नेचर क्या था लेकिन चूंकि **किसी भी सोर्सेज में इसका उल्लेख नहीं मिलता है कि यह जमीन बाई फोर्स एक्वायर की गयी हो या किसी मन्दिर को तोड़कर उस पर मस्जिद बनायी गयी हो।**" (पेज 128)*

*"After 1986 I tried to know the nature of the land over which Babri Mosque was built but **since there was no mention in any of the sources that this land was acquired by force or was constructed after demolishing any temple**." (E.T.C.)*

*"**अयोध्या में राम जन्म स्थान होने का लीजेण्ड 17वीं शताब्दी से मिलता है** उससे पहले मध्यकालीन इतिहास में राम जन्म स्थान का कोई लीजेण्ड उपलब्ध नहीं है। " (पेज–136)*

*"**The legend of Ayodhya being the birth place of***

Rama is found from 17th century *prior to which there is no legend about Rama's birth place in the medieval History. ” (E.T.C.)*

*“**आर्कियोलाजिकल सर्वे और एक्सप्लोरेशन और एक्सक्वेशन सर्वे से यह पता लगाया जा सकता है कि उस स्थान पर मंदिर था या नहीं**।”(पेज–137)*

*“**Through gynaecological survey and exploration and excavation survey, it can be discovered whether a temple existed or not at that place**.” (E.T.C.)*

*“**विवादित स्थल पर विवादित ढांचे के पहले कोई भवन था या नहीं इसकी साक्ष्य आर्कियोलोजिकल एक्सप्लोरेशन से ही मिल सकती है।**” (पेज–138)*

*“**Evidence of the fact whether any building prior to the disputed structure existed or not on the disputed site, can be had only through archaeological exploration.**” (E.T.C.)*

“यह सही है कि विवादित स्थल पर विवादित ढांचे पर कोई इमारत थी या नहीं इसका कोई इतिहासिक साक्ष्य मेरे पास नहीं है अजखुद कहा कि परन्तु इस बात की निगेटिव इवीडेंस मौजूद है।

निगेटिव इवीडेंस इस प्रकार हैः–

1.यदि कोई खड़ी इमारत तोड़ी गई होती तो इन्सक्रिप्शन पर स्वाभाविक तौर पर लिखा जाता कि किसी इमारत या मंदिर को तोडकर यह मस्जिद बनायी गयी ।

2,निकट समकालीन इतिहासकार अपने अपने लेखों में इस बात का उल्लेख करते।” (पेज–138)

“ It is true that I do not possess any historical evidence whether any building existed on the disputed structure on disputed site. On her own, said that negative evidence in this regard is available.

Negative evidence is as follows:

1. *Had any building been demolished , naturally, it would have been written in inscription that this mosque was built after demolition of any building or temple.*
2. *Recent contemporary historians would have made reference of this fact in their articles." (E.T.C.)*

'यह ठीक है कि सिक्ख साहित्य में यह एक ट्रेडीशन है कि गुरुनानक अयोध्या गये थे श्रीराम जन्म स्थान का दर्शन किया और सरजू में स्नान किया।'' (पेज–138)

"It is correct that in Sikh literature this is a tradition that Guru Nanak had visited Ayodhya, had Darshan of Sri Ram Janam Sthan and had bathed in the river Saryu." (E.T.C.)

''अयोध्या के इतिहास पर मैंने कोई अलग से किताब नहीं पढ़ी सिर्फ एस0पी0गुप्ता साहब की पुस्तक अयोध्या जो इवीडेंस में पेश है उसका अध्ययन किया है।'' *(पेज–143)*

"I have not studied any book on the History of Ayodhya separately. I have only studied S.P.Gupta's book 'Ayodhya' which is adduced in evidence."*(E.T.C.)*

3628. PW-24 Prof. D Mandal retired from the Department of Ancient History and Archaeology, Allahabad University, who was appointed on adhoc basis as Lecturer in 1972 but prior thereto he claimed to have worked as exploration assistant since 1960. Initially he appeared as an expert to depose that there is no archaeological evidence to show either existence of any temple at the disputed site or that a temple was demolished before construction of the disputed structure. The statements made by him in cross examination shows the shallowness of his knowledge in the subject:

''मैं अयोध्या कभी नहीं गया'' (पेज 25)

"I never visited Ayodhya" (E.T.C.)

''मुझे बाबर के शासनकाल के इतिहास के बारे में विशेष जानकारी नहीं है।'' (पेज 26)

''I do not have any specific knowledge of history of Babur's reign.'' (E.T.C.)

''मुझे बाबर के बारे में जो साधारण जानकारी हासिल है, वह केवल इतनी है कि बाबर 16वीं सदी का शासक था, इसके अलावा मुझे बाबर के बारे में कोई जानकारी नहीं है।

मेरी पुस्तक प्रदर्श–63 में लिखे एडिटोरियल प्रिफेस बाई रोमिला थापर में दूसरे पैरा में लिखी यह बात कि विश्व हिन्दू परिषद, भाजपा और राष्ट्रीय स्वयं सेवक संघ ने पहली बार यह विवाद उठाया कि बाबरी मस्जिद उसी जगह खड़ी हे, जहॉ पहले राम का जन्म स्थान था, की मुझे जानकारी नहीं है। मुझे इस बात की भी जानकारी नहीं है कि उपरोक्त प्रिफेस में पेज 10 पर लिखी यह बात सही है या नहीं कि अयोध्या रामानन्दीय मत की तीर्थस्थली है।'' (पेज 26)

'' Whatsoever little knowledge I have about Babur is only that Babur was the ruler of the 16th century. Except for this, I do not have any knowledge of Babur.

I do not have knowledge of anything in 2nd para of editorial preface to my book (exhibit 63) in which Romila Thapar has written that Vishwa Hindu Parishad, BJP and Rashtriya Swayam Sevak Shangh for the first time raised the issue of the Babri Masjid being located on the place which was earlier Rama's birth place. I also do not know whether or not it is correctly written on page 10 of the afore-said preface that Ayodhya is a site of pilgrimage for adherents of Ramanand school.'' (E.T.C.)

''कम्युनिस्ट पार्टी का रेड कार्ड होता है और मैं उसका धारक हूॅ। यह ठीक है कि धर्म में मेरा विश्वास नहीं है। मेरे द्वारा लिखी गयी पुस्तक एक्जिबिट–63 सिरीज में लिखी नहीं गयी है पर वह सिरीज में प्रकाशित हुयी है और इस सिरीज का नाम है ''ट्रैक्स फार द टाइम्स''। मुझे इस बात का ज्ञान नहीं है कि ''ट्रैक्स फार द टाइम्स सिरीज'' के अर्न्तगत

कोई प्रकाशन सिर्फ धार्मिक संगठनों की आलोचना के लिए होता है। यह ठीक है कि इस सरीज के अन्तर्गत एक पुस्तक ''खाकी शार्ट्स एण्ड सैफरन फ्लैग्स'' छपी है पर इस पुस्तक को मैंने नहीं पढ़ा है।'' (पेज 30)

''The Communist Party issues a red card, and I am its holder. It is true that I have no faith in religion. A book written by me (exhibit 63) was not written in series; instead, it was published in series. This series is called 'Tracks for the Times Series'. I do not know whether there is any publication, under 'Tracks for the Times Series', which is only for the criticism of religious organizations. It is true that a book titled 'Khaki Shorts and Saffron Flags' has been published under this series, but I have not read this book.'' (E.T.C.)

''फ़ेथ का हिन्दी अनुवाद आस्था है। मुझे इसी सिरीज की पुस्तक ''द क्वेश्चन आफ फेथ'' का कोई ज्ञान नही है और न ही मैंने उसे पढ़ा है। मुझे मालूम है कि किस सिरीज के अन्तर्गत उपरोक्त पुस्तक छपी है। फेथ का कोई सम्बन्ध आक्र्यालाजिकल हिस्ट्री से नहीं है। मुझे ठीक से याद नहीं है कि इसी सिरीज के एडोटोरियल बोर्ड के दो सदस्यों का नाम मुझे याद है पहली– प्रो0 रोमिला थापर, और दूसरे श्री नीलाद्रि भट्टाचार्य हैं। बाकी सदस्यों का नाम मुझे याद नहीं है। यह ठीक है कि इस सिरीज के एडीटोरियल बोर्ड के एक सदस्य सर्वपल्ली गोपाल जी भी हैं।''(पेज 31)

''Hindi translation of faith is 'Aastha'. I have no knowledge of a book 'The Question of Faith' under this very series, nor have I read it. I know under which series the aforesaid book was published. Faith has nothing to do with archaeological history. I do not properly remember that 'Kashmir Towards Emergency' is published or not. I remember names of two members comprising the editorial board of this series, first of them being Prof. Romila Thapar and the other being Sri Niladri Bhattacharya. I do

not remember names of the rest of members. It is true that Sarvapalli Gopal ji is also a member of the editorial board of this series." (E.T.C.)

"श्री एस0गोपाल कम्यूनिस्ट विचार धारा के हैं या नहीं मुझे नहीं मालूम पर प्रो0 रोमिला थापर मार्क्स वाद से प्रभावित हैं।" (पेज 31)

"I do not know whether Sri S. Gopal is of Communistic thought or not. But Prof. Romila Thapar is influenced by Marxism." (E.T.C.)

"यह ठीक है कि मेरी पुस्तक एक्जिबिट–63 का एडीटोरियल प्रोफेस प्रो0 रोमिला थापर ने लिखा है। प्रो0 रोमिला थापर जवाहर लाल नेहरू विश्वविद्यालय में प्रोफेसर थीं। इसी विश्वविद्यालय में शिरीं रत्नाकर भी थीं। जो एक अध्यापक थीं।" (पेज 31)

"It is true that Prof.Romila Thapar has written editorial preface to my book (exhibit 63). Prof. Romila Thapar was a professor at Jawahar Lal Nehru University. In this very University was Shereen Ratnagar also, who was a teacher." (E.T.C.)

"प्रो0 सूरजभान का नाम एक पुरातत्व वेत्ता के रूप में मैं जानता हूँ।" (पेज 33)

"I know Prof. Suraj Bhan to be an archaeologist."(E.T.C.)

"यह ठीक है कि ***आज तक मैंने विवादित भवन को देखा नहीं।*** *विवादित भवन में जो शिलालेख की शिलायें लगी थी उनका मैंने भौतिक परीक्षण नहीं किया और इसी प्रकार बैसाल्ट स्टोन का भी भौतिक परीक्षण मैंने नहीं किया।" (पेज 36)*

"It is true that ***I have not seen the disputed building as yet****. I did not make any physical investigation of stone used in inscriptions carved out in the disputed building. Likewise, I also did not make physical investigation of basalt stone." (E.T.C.)*

''मेरा निष्कर्ष मेरी पुस्तक एक्जीबिट 63 में किसी आर्टिकल पर ही आधारित नहीं हैं। मेरा निष्कर्ष इस सम्बन्ध में लिखी गयी वाद सं0 5/89 में दाखिल पुस्तक पेपर सं0 118 सी–1/35 में दी गयी सामग्री और मूल रूप से उसमें दिये गये वह फोटोग्राम (पेपर सं0 118 सी–1/36), जो प्रो0 बी0बी0लाल के बाबरी मस्जिद के पास किये गये उत्खनन का है, पर आधारित है। . . . यह कहना ठीक है कि ***मैंने अपना निष्कर्ष पेपर सं0 118 सी–1/35 (राम जन्म भूमिः अयोध्या) में दिये गये बी0बी0लाल की संक्षिप्त रिपोर्ट तथा उनके द्वारा ली गयी फोटो की पुनःप्रस्तुति को वेद वाक्य मानकर निष्कर्ष निकाला।*** *'' (पेज 38)*

''My finding in my book (exhibit 63) is not based only on any article. My finding is based on materials written in this connection and given in the book(paper no.118C-1/35) filed in Suit No.5/89, and chiefly on the photograph (paper no.118C-1/36) depicting the excavation undertaken by Prof.B.B.Lal near the Babri Mosque. . . . It is also correct to say that ***I drew findings, taking the brief report of B.B.Lal as given in paper no.118C-1/35 (Ram Janm Bhumi: Ayodhya) and the reproduction of the photograph taken by him to be sacrosanct.*** *'' (E.T.C.)*

''पुस्तक प्रदर्श 63 को लिखने के लिए मुझे बहुत सारे सहयोगियों ने प्रेरणा दी थी।'' (पेज 39)

''Many of my colleagues inspired me to write the book (exhibit 63).'' (E.T.C.)

''यह भी सही है कि उनमें से एक से मैंने निवेदन किया कि मेरी पुस्तक का इण्ट्रोडक्शन लिखने को कहा और वह सहयोगी सुश्री शिरीं रत्नाकर हैं।'' (पेज 39)

'' It is also true that I had requested one of them to write an introduction to my book, and the colleague thus requested was Miss Shereen Ratnagar.'' (E.T.C.)

''लक्ष्मी कान्त तिवारी जिन्होंने मेरे लिए मेरी पुस्तक में फिगर्स की

ड्राइंग बनाई थी, . .. यह कहना सही है कि उन्होंने मेरे कहने के मुताबिक ड्रापटिंग बना दिया। लक्ष्मी कान्त तिवारी एक कुशल ड्रफ्टसमैन थे।

मैं कभी अयोध्या गया ही नहीं।'' (पेज 40–41)

"It is correct to say that Laxmi Kant Tiwari, who drew figures for me in my book, went ahead with the drafting as I wished. Laxmi Kant Tiwari was a skilled draftsman.

***I never even visited Ayodhya**." (E.T.C.)*

''मेरे अनुसंधान का मुख्य उद्देश्य यह था कि बाबरी मस्जिद के नीचे मंदिर था या नहीं।'' (पेज 48–49)

"The main objective of my research was to see whether there was a temple below the Babri Mosque or not." (E.T.C.)

''मेरे अनुसंधान के मुताबिक अयोध्या में प्रारम्भिक आबादी मिलने के प्रमाण छठी – सातवीं शताब्दी ई0पू0 से मिलते हैं।'' (पेज 54)

"As per my research, initial signs of human population in Ayodhya are found from the 6th -7th century BC." (E.T.C.)

''इस्लामिक आबादी 13वीं शताब्दी ई0 से लेकर 15वीं –16वीं शताब्दी तक रही, मुझे इस बात का ज्ञान है।'' (पेज 55)

"I know that there was Islamic population from the 13th century to the 15th - 16th century." (E.T.C.)

''मैंने श्रोत सामग्री जिसका अपने अनुसंधान के दौरान का प्रयोग व अध्ययन किया, के आधार पर कहता हूँ कि विवादित ढाँचा बाबरी मस्जिद थी। **मैंने इस बात पर कोई अनुसंधान नहीं किया,** कि वह बाबरी मस्जिद थी चूंकि वह मेरा शोध का विषय नहीं था। यह कहना सही है कि मैंने उसी श्रोत सामग्री के आधार पर विवादित ढाँचे को बाबरी मस्जिद मान लिया।'' (पेज 57)

"On the basis of the source material which I used and studied in course of my research, I speak of the disputed structure as Babri Masjid. I did not make any

research to see whether it was Babri Mosque inasmuch as it was not a subject of my research. It is correct to say that I took the disputed structure to be Babri Masjid on the basis of that very source material." (E.T.C.)

"यह कहना सही है कि जिस श्रोत सामग्री के आधार पर दूसरे लोग विवादित ढॉचे को बाबरी मस्जिद कहें हैं, उसी आधार पर मैं भी इसे बाबरी मस्जिद कहता हूँ। उसी वजह से मैं इसको बाबरी मस्जिद कहता हूँ, अन्यथा बाबरी मस्जिद का होना मेरे शोध का विषय नहीं है।" (पेज 57)

"It is correct to say that I term the disputed structure as Babri Mosque on that very source material on which others term it as such. For this very reason I term it as Babri Mosque, otherwise its being Babri Mosque is not a subject of my research." (E.T.C.)

"यह कहना सही है कि जिन लोगों ने विवादित ढॉचे को रामजन्म भूमि कहा, मैं उन पर विश्वास नहीं करता और इसी कारणवश मैंने उसी रामजन्म भूमि नहीं कहा है और वैसे भी यह मेरे शोध का विषय नहीं था।"(पेज 57)

"It is correct to say that I do not believe those persons who termed the disputed sructure as Rama Janm Bhumi; for this very reason I have not described it as such, and as a matter of fact it was not a subject of my research."(E.T.C.)

"चूँकि मेरे अनुसंधान का मुद्दा यह नहीं था कि ये पत्थर मस्जिद के अंग हो सकते हैं इसलिए इस कारण मैंने यह अनुसंधान नहीं किया। और इसी कारण से मैंने यह भी अनुसंधान नहीं किया कि ये मन्दिर के हो सकते हैं। . . . यह ठीक है कि ***पेपर संख्या–118सी0–1/44 और 46 में दिखाए हुए पत्थरों पर मानव आकृतियां बनी हुयी हैं।*** *" (पेज 60–61)*

" Since it was not the issue of my research to see whether these stones can be a part of the Mosque, I did not

make any research on them, and for this very reason I did not make any research to see whether they may be of the temple. . . . It is true that human figures are engraved on the stones shown in paper nos. 118C-1/44&46." (E.T.C.)

"मेरे ज्ञान का विषय पुरातत्व है और इसमें हमारी विशेष्ज्ञता फील्ड आर्कियोलाजी है और फील्ड आर्कियोलाजी के अन्तर्गत स्तर विन्यास (स्ट्रैटीफिकेशन) विधि में है।" (पेज 62)

"The subject of my knowledge is archaeology and my speciality is in field archaeology under it and in stratification method under field archaeology." (E.T.C.)

"प्रो0 सूरजभान को पुरातत्व वेत्ता के रूप में जानता हूं। इस मुकदमें में उनकी भी गवाही हुई है इस बात की भी मुझे जानकारी है।"(पेज 65)

"I know Prof. Surajbhan to be an archaeologist. He has also deposed in this litigation. I have knowledge of it also." (E.T.C.)

*"**डा0 सुवीरा जायसवाल को भी मैं जानता हूं।** उनसे भी हमारी बातचीत होती है। . . . **उनके लेखों से ऐसा प्रतीत होता है कि उन पर मार्क्सवाद का प्रभाव है।**" (पेज 65)*

*" **I know Dr. Suvira Jaiswal too**. I have talks with her also. . . . . **From her articles it appears that she is influenced by Marxism**." (E.T.C.)*

"प्रो0 रोमिला थापर को भी मैं जानता हूं। वह भी मार्क्सवाद से प्रभावित हैं। .मैं श्री आर0एस0शर्मा, बी0एन0एस0यादव, डी0पी0अग्रवाल, एस0सी0भट्टाचार्य, एन0सी0घोष और नीलाद्रि भट्टाचार्य को जानता हूँ। और इनसे हमारी बातचीत भी हुई है।" (पेज 65)

"I know Prof. Romila Thapar too. She is also influenced by Marxism. . . . . .I know Sri R.S.Sharma, B.N.S. Yadav, D.P. Agarwal, S.C. Bhattacharya, N.C. Ghosh and Niladri Bhattacharya and also have talks with

them." (E.T.C.)

"हमारा उद्देश्य यह अध्ययन अर्थात खोज करने का था कि बाबरी मस्जिद के नीचे मंदिर था या नहीं। जमीन के ऊपर के ढांचे से मेरे उद्देश्य का कोई संबंध नहीं था।

उस समयतक जितनी सामग्री प्राप्त हो चुकी थी हमारे विचार से यह निष्कर्ष निकालने के लिए पर्याप्त थी कि ढांचे के नीचे कोई मंदिर था या नही।" (पेज 69)

"Our objective was to study or discover whether there was a temple below the Babri Mosque or not. My objective did not have any relation to the structure above the ground.

Whatsoever materials had been discovered by that time was, in my opinion, sufficient to derive a conclusion as to whether there was any temple below the structure or not." (E.T.C.)

*"**यह ठीक है कि उत्खनन से प्राप्त मैटीरियल को देखकर मैं यह नहीं बता पाऊँगा कि यह मंदिर का है या मस्जिद का है।**" (पेज 71)*

*"**It is true that by observing materials discovered through excavation I will not be in a position to tell whether there was a temple or a mosque**." (E.T.C.)*

*"यह सही है कि **मैं साम्यवादी विचारधारा का हूँ**।"(पेज 77)*

*"It is true that **I am of communistic thought**."(E.T.C.)*

*"मैंने पुरातत्व विषय पर ज्ञान प्राप्त किया है। **मैंने पुरातत्व विषय पर कोई डिग्री या डिप्लोमा की उपाधि हासिल नहीं की।**" (पेज 78)*

*" I have acquired knowledge of archaeology. **I did not get any degree or diploma in archaeology.**" (E.T.C.)*

"मेरे अध्ययन व जानकारी के अनुसार विवादित ढॉचा 12वीं शताब्दी ईसवी के बाद का था।" (पेज 78)

"As per my study and knowledge, the disputed structure was subsequent to the 12th century AD."(Page 78)

''मेरे मुताबिक सप्लीमेट में दिया गया नक्शा प्राथमिक श्रोत हैं। मैंने इस बात की कोई छानबीन नही की कि सप्लीमेंट में दिया गया नक्शा सही है अथवा नहीं।'' (पेज 91)

"The map given in the supplement is, in my opinion, a primary source. I did not enquire as to whether the map given in the supplement is correct or not." (E.T.C.)

''जहॉ तक मुझे ख्याल है पुस्तक सं0118सी1/35 मुझे जुलाई या अगस्त 1992 में उपलब्ध हुई थी'' (पेज 91)

"As far as I recall, the book 118C-1/35 was made available to me in July or August 1992." (E.T.C.)

''मेरी पुस्तक का प्राथमिक श्रोत पेपर सं0 118सी1/36 है।'' (पेज 94)

"Primary source of my book is paper no.118C1/36."(E.T.C.)

3629. A bare perusal of the above makes it clear that he virtually made a critical analysis of the book that is Paper No.118C1/36, a small booklet published by Prof. B.B.Lal and beyond that made no further or other study/research etc.. Only on that basis, he wrote a book, and analyzed the belief of the people whether the disputed structure was constructed after demolishing a temple or that there existed any temple of 11th or 12th century which was demolished before its construction. The own admissions and clarification this witness has given, we find that the entire opinion of this witness is short of the requirement under Section 45 of the Evidence Act, 1872 to qualify as an opinion of an Expert which may be considered relevant on a fact in issue, by this Court.

3630. **OPW 9 Thakur Prasad Verma** was Reader in Kashi Hindu Vishwavidyalaya Varanasi and retired in 1993. He had

worked in the Department of Ancient Indian History, Culture and Archaeology. He is graduate in Ancient Indian History Culture and Archaeology, Doctorate in Indian Ancient Paleography (Bhartiya Puralipi Shastra); Post Graduate Diploma in Numismatic. He was plaintiff no.3 in Suit 5 having been impleaded after the death of Sri B.N.Agarwal and was pursuing the aforesaid suit as next friend of plaintiffs no.1 and 2 but recently on his own request, has been replaced. He came to depose about the faith of Hindu public that Lord Rama was born at the disputed place at Ayodhya where a mosque was constructed after demolishing a temple. However, the disputed place has continuously been worshiped by Hindus having a special and peculiar importance. According to him Ram Janam Bhumi temple was initially constructed by Vikramaditya of Ujjain and thereafter it used to be renovated as and when it was required. In 1032-33 AD Salar Masood demolished the temple and thereafter was killed on 14th June, 1933 AD in the battle at Baharaich. A new temple was constructed during the reign of Govind Chandra of Garhwal Dynesty in 12th Century but the same was also damaged after about 17/18 years. It was again constructed by King Anaychand of Garhwal Dynasty but then demolished by Mir Baqi, Commander of Babar in 1528 AD. These facts he has written in **"Ayodhya ka Itihas Avam Puratatva Rigved Se Abtak" Exhibit No.3 (Suit 5)** wherein last chapter 11 has been written by Dr.S.P.Gupta and rest by him. The said book and some of the facts stated therein, we have already discussed while considering the issues relating to date of construction of the disputed structure. OPW 9 admitted that Salar Masood never came to Ayodhya and he mistook the place

'Ajudhan' with 'Ayodhya' though 'Ajudhan' is in the State of Punjab. That being so, his statement that demolition was made by Salar Masood at Ayodhya in 1032-33 has proved wrong.

3631. In cross-examination, he admits of teaching Numismatic, Epigraphy, Paleography and Scriptology. Sometimes he also taught history since the department is of Indian History. He admits that the period of Ancient History was only upto 1206 AD. Some relevant extract from his statements in his cross examination need be refer herein to consider the reliability of the opinion of this expert (Historian):

''मैंने अति प्राचीनकाल से लेकर 12वीं सदी तक का इतिहास मैंने पढ़ा है।'' (पेज 17)

"I have read history from very ancient times up to 12th century."(E.T.C.)

*''**मैं मुख्य रूप से इतिहासकार हूं।** मुझे प्राचीन लिपियों का भी ज्ञान है। . . . अशोक के काल की जो लिपि समस्त भारत में प्रचलित थी उसका नामकरण जार्ज ब्यूलर ने ब्राह्मी किया है। . . . अशोक कालीन ब्राह्मी लिपि को मैं बहुत अच्छी तरह से पढ़ सकता हूं। अशोक कालीन ब्राह्मी लिपि यूनानी लिपि से बिल्कुल मेल नहीं खाती है।'' (पेज 33–34)*

*"**I am mainly a historian.** I have the knowledge of ancient scripts too. . . . . George Beular has named as 'Brahmi' the script which was in prevalence in the time of Ashoka. . . . . I can read the 'Brahmi' script of the Ashokan time very well. The 'Brahmi' script of the Ashokan period does not at all correspond with the Greek script.'. ''(E.T.C.)*

*''**मैंने अपने हलफनामें के पैरा–13 में लिखी हुई बातों का संदर्भ मार्टिन द्वारा लिखी हुई इस बात से लिया है** कि काले पत्थर के खम्भे संभवतः विक्रमादित्य द्वारा बनाये किसी मंदिर से लिये गये हों।'' (पेज 103–104)*

*"**What is written in para 13 of my affidavit originates from the view of Martin** that the pillars of black stone have been taken from any temple perhaps built by Vikramaditya."(E.T.C.)*

*"**जब मैने बयान हलफी दाखिल किया तब तक मुझे यह नहीं मालूम था कि मार्टिन कौन था और उसकी पुस्तक जिससे उपरोक्त दो पृष्ठ उद्धरित किये गये, कब, कहां और किस भाषा में छपी थी।**" (पेज 105)*

"By the time I had filed my sworn statement I did not know who Martin was and when, where and in which language his book, from which the aforesaid two pages were extracted, was published."(E.T.C.)

"मेरा दावा सिर्फ विवादित परिसर के लिए है। विवादित परिसर से मेरा तात्पर्य भवन और उसके बाहरी चहारदीवारी के अंदर की सारी भूमि से है।" (पेज 115)

"My claim is only for the disputed premises. By the disputed premises I mean 'the building and the whole land lying inside its outer boundary wall."(E.T.C.)

*"मैंने जो दस बार की लड़ाइयों का हवाला दिया है, उसे आंशिक रूप से सही मानते हुए वर्णित किया है। . . . . .**मैंने इस विषय पर अलग से कोई शोध नहीं किया कि इसमें कितनी सत्यता है।** . .**टाइफेंथेलर की पुस्तक फ्रांसीसी भाषा में है,** जिसको मैं नहीं जानता परन्तु **उसका अंग्रेजी अनुवाद मैंने पढ़ा है।** उनकी किताब का **अंग्रेजी अनुवाद कहीं छपा है या नहीं, मुझे इस बारे में मालूम नहीं है,** परन्तु मैंने उस पुस्तक के अयोध्या प्रकरण से संबंधित पृष्ठों का अंग्रेजी अनुवाद पढ़ा है।" (पेज 122–126)*

*". I have cited the battles having taken place on 10 occasions; I have made mention of them taking them to be partially correct. . . . . **On this point I have not separately carried out any research to ascertain how***

much truth was there. . . . ***The book of Typhen Thaler is in French language,*** *about which book I do not know.* ***But I have read its English translation. I do not know whether English translation of his book was published anywhere or not,*** *but I have gone through the English translation of the pages related to the Ayodhya matter in that book."(E.T.C.)*

"वाद पत्र की धारा 23 दिखाई गई, जिसे देखकर गवाह ने कहा कि इस पैराग्राफ की प्रथम 6 लाइनों में जो बाते कही गई हैं, वे आंशिक रूप से सत्य हैं और आंशिक रूप से गलत हैं। . . . . .इस वाद पत्र के पैराग्राफ – 23 में जो यह बात लिखी गई है कि – "विक्रमादित्य द्वारा बनवाए गए मन्दिर को मीर बाकी ने तोड़ा था", यह बात सही नहीं है।" (पेज 147)

"Para 23 of the plaint was shown following which the witness stated – What is contained in first six lines of this paragraph is partially correct and partially incorrect. The submission in para 23 of this plaint saying that 'Mir Baqi demolished the temple built by Vikramaditya', is not correct."(E.T.C.)

"भगवान श्री राम ने अपने को विष्णु के अवतार के रूप में मानव शरीर में प्रकट किया। इसका अर्थ यही होता है कि दशरथ के पुत्र के रूप में कौशिल्या माता के गर्भ से रामचन्द्र जी ने जन्म लिया।" (पेज 154)

" that Lord Sri Rama embodied himself as an incarnation of Vishnu. It certainly means that as son of Dashrath Rama took birth from the womb of Mother Kaushalya."(E.T.C.)

"पेलियोग्राफी अर्थात लिपि शास्त्र मेरा विशेष विषय रहा है। . . . . . मैं केवल ब्राह्मी लिपि का ज्ञाता हूँ।" (पेज 190–191)

"Palaeography has been my speciality. . . . . I am an expert only in Brahmi script."(E.T.C.)

''विवादित भवन के बीच वाले गुम्बद के नीचे के स्थान को परम्परागत राम जन्म स्थली माना जाता था और यह परम्परा कभी बदली नहीं थी, बल्कि एक समझौते के तहत राम चबूतरे को राम जन्म स्थली मानकर लोग पूजा–अर्चना करने लगे थे और इस तरह मेरे अनुसार बीच वाले गुम्बद के नीचे राम जन्म स्थली होने की परम्परा बरकरार रही।''

(पेज 211–212)

*''**The place beneath the central dome of the disputed building, is traditionally recognised to be Ram Janmsthali, and this tradition never changed. But under an agreement people began to perform 'Pooja-Archana'(worship & prayer), treating Ram Chabutra as Ram Janmsthali and in this way, I think that the tradition believing Ram Janmsthali to be beneath the central dome continued**.'' (E.T.C.)*

''मैं यह भी जानता हूँ कि उसे एक मन्दिर को तोड़कर बनाया गया था।''(पेज 255)

*''**I also know that it had been built after demolishing a temple**.'' (E.T.C)*

*''यह कहना गलत होगा कि मीरबाकी ने उस विवादित स्थल पर बिना कोई मन्दिर तोड़े एक मस्जिद की स्थापना की थी, क्योंकि जिस किसी भी इतिहास लेखक ने बाबरी मस्जिद या अयोध्या के बारे में उल्लेख किया है, उन सभी ने एक स्वर से इस बात को दोहराया है कि मीर बाकी ने उस स्थल पर जन्मभूमि नामक मन्दिर को तोड़कर एक मस्जिद की स्थापना की थी। **जहाँ तक उस मन्दिर की लम्बाई–चौड़ाई और आकार–प्रकार व क्षेत्रफल के विषय की बात है, उस पर कोई शोध कार्य इसलिए नहीं किया जा सका है, क्योंकि इसके लिए विवादित स्थल के आस–पास की पुरातात्विक खुदाई अत्यन्त आवश्यक थी।**'' (पेज 257)*

''It would be wrong to say that Mir Baqi built a mosque at the disputed site without demolishing any temple

because all the historians, who have mentioned about Babri mosque or Ayodhya, have unequivocally mentioned that Mir Baqi had built a mosque over there after demolishing a temple named Janmbhumi. ***So far as the length-breadth, shape-form and area of that temple is concerned, no research work was possible on the same because it made archaeological excavation extremely necessary in the vicinity of the disputed site.*** *" (E.T.C)*

''मैं मध्य कालीन इतिहास का विद्यार्थी नहीं हूँ।'' (पेज 300)

"I am not a student of medieval history." (E.T.C)

*''**वैसे अयोध्या का इतिहास नामक यह पुस्तक मैंने शोध ग्रन्थ के रूप में नहीं लिखा है** वरन् एक लोकप्रिय पुस्तक के रूप में लिखा है और कुछ संदर्भो को संदर्भित किया है जिससे पढ़ने वालों को उसका (क्रास चेक) प्रति निरीक्षण करने का अवसर मिल सके।''*

(पेज 336–337)

*"**I have not written the book 'Ayodhya Ka Itihas' as a research paper an instead as a popular book** and have quoted certain references so that the readers may get the opportunity to cross check them." (E.T.C)*

*''**17 वीं – 18वीं शताब्दी में रामकोट के एक हिस्से पर किला बनाकर वहां से अवध प्रान्त का प्रशासन चलाया जाता था** और नवाबों –वजीरों के काल में इसे ''किला मुबारक'' कहा जाता था।'' (पेज 346)*

*"**The administration of the Awadh province in the 17th -18th century was carried out from a fort built over a part of Ramkot** and in the period of Nawabs-Wazirs, it was called 'Qila Mubarak'." (E.T.C)*

*''**मुझे कहीं पर भी बाबर के अयोध्या शहर जाने एवं मंदिर गिराने का कोई उल्लेख नहीं मिलता है।**'' (पेज 389)*

*"**I have nowhere found any reference of Babar***

***visiting Ayodhya and demolishing the temple**." (E.T.C)*

"मेरे विचार से राम की पूजा का प्रारंभ ईस्वी सन् की पहली, दूसरी शताब्दी अर्थात् कुषाण काल में भी होने के प्रमाण मिलते हैं क्योंकि कौशाम्बी से मिले खण्डित अभिलेख में "राम नारायण की प्रतिमा" को स्थापित करने का उललेख आता है, इसके अतिरिक्त गुप्त काल में प्रभावती गुप्ता नामक वकाटक वंश की रानी काल पॉचवी शताब्दी ईस्वी में नागपुर के समीप रामटेकक में राम की पूजा का उललेख मिलता है। . . . . मेरा यह निश्चित मत है कि भारत में विष्णु के अवतार के रूप में रामचन्द्र जी की पूजा ईसा के पहली शताब्दी के पहले से ही आम जनता में प्रचलन में थी।" (पेज 208)

"In my view, evidences of worship of Rama are found in 1st, 2nd century AD i.e. in the Kushana period as well, because a broken record, found at Kaushambi, contains reference of installation of 'deity of Ram Narayan'. Besides this, reference is found of Rama's worship by Prabhawati Gupta, queen of Vakatak dynasty, at Ramtekak near Nagpur in 5th century AD in the Gupta period. . . . It is my firm belief that the worship of Ramchandra as an incarnation of Vishnu, was prevalent in the general public much before 1 BC." (E.T.C)

*"मैंने अपनी मुख्य परीक्षा के शपथ–पत्र के उपरोक्त पैराग्राफ में जो मार्टिन को संदर्भित किया है, वह केवल इस संदर्भ में किया गया है कि बाबर ने इस मंदिर को तोड़कर उसके स्थान पर एक मस्जिद का निर्माण किया था, जिसका मार्टिन ने उल्लेख किया है। . .मेरी मुख्य परीक्षा के शपथ–पत्र की धारा–15 में जो यह लिखा है कि सालार मसूद 1032–33 में अयोध्या आया था और जन्मस्थल मंदिर को क्षतिग्रस्त किया, इस बात को मैं अब गलत मानता हूँ ..गवाह ने अपने शपथ–पत्र के पैरा–16 को देखकर कहा कि इसमें लिखी बात कि "इसके निर्माण की आवश्यकता इसलिए पड़ी कि वह लगभग 7.–80 वर्ष पहले क्षतिग्रस्त कर दिया गया था", यह बात भी अब निरस्त हो जाती है, जैसा कि सालार मसूद के बारे में मैं पहले कह चुका हूँ। . .. . **सन् 1528 में मंदिर के तोड़ने की बात कहीं भी***

नहीं लिखी है, यह मेरा अपना अनुमान है।'' (पेज 424–425)

"The reference of Martin made by me in the said paragraph of the affidavit of my examination-in-chief, is limited to the extent of Babar demolishing this temple and raising a mosque in its place, which had been mentioned by Martin . . . . . The fact mentioned as 'Salar Masood had come to Ayodhya in 1032-33 and had destroyed the Janmsthal temple' in para-15 of affidavit of my examination-in-chief , is now considered wrong by me . . . . . After looking at para-16 of his affidavit, the witness stated that the fact mentioned in it as 'the need for its construction arose because it had been destroyed 70-80 years ago', also stands nullified, as already stated by me about Salar Masood. . . . . . ***The destruction of temple in the year 1528, is not written anywhere, and it is only my presumption.*** *" (E.T.C)*

3632. Dr. Satish Chandra Mittal OPW-11 Retired Professor since 1997 had specialization in "Modern Indian History". In para 2 of his affidavit, he says that his studies and teaching was in the subject of 'Modern History'. On the basis of various Gazetteers etc., details whereof are given in para 8 of his affidavit, he gave opinion that Ram Janam Bhumi temple was demolished by Babar, using its material, the mosque was constructed. This opinion is solely based not on his research but on the basis of the studies of various Gazetteers:

''मैंने जितने भी गजेटियर का अध्ययन किया, उससे मैं इस निष्कर्ष पर पहुँचा हूँ कि, विवादित स्थल पर हिन्दुओं द्वारा बराबर पूजा की जाती रही है।'' (पेज 12)

*"**From all the gazetteers read by me, I have arrived at the conclusion that Hindus have been regularly***

***offering worship at the disputed site**." (E.T.C)*

He further said:

"मैंने जिन पुस्तकों एवं गजेटियर को देखा एवं पढ़ा उनमें इस बात का उल्लेख है कि विवादित स्थल पर हिन्दुओं द्वारा एक चबूतरा बनाया गया था, जिस पर पूजा होती थी।" (पेज 13)

"In the books and gazetteers read & seen by me, it is mentioned that a platform was built by the Hindus at the disputed site, over which worship used to take place."(E.T.C)

***"मैं आधुनिक भारतीय इतिहास का विशेषज्ञ हूँ।** मोटे रूप से भारतीय आधुनिक इतिहास ब्रिटिश शासन काल का है यह काल सन् 1757 से 1947 तक का था। . . . 16वीं शताब्दी इतिहास के बारे में मेरा कोई विशेष अध्ययन नहीं है।" (पेज 20)*

*"**I am an expert of modern Indian history.** Broadly the modern Indian history concerns the British empire. This period falls between the year 1757 to 1947. . . . I have no special study about the history of 16th century." (E.T.C)*

3633. In view of his own statement that he has no expertise with respect to the period during which he alleged that the said disputed building was constructed, in our view, his statement in this respect cannot be considered to be opinion of an Expert, which can be treated to be relevant under Section 45 of the Evidence Act.

3634. DW 13/1-3 Dr. Bishan Bahadur was working as Reader and incharge Head of the Department of History in Varshneya College, Aligarh. He is M.A. (History) and in English Literature and Ph.D. on the subject of "Hindu Resistance during Saltanat Period" awarded in 1975 from Agra University. His statement was also similar to OPW-9 and in para 13 and 14 in the affidavit dated 8th April, 2005 he has stated that according to

his studies and knowledge, the then existing temple at Ram Janam Bhoomi was demolished and thereafter Mir Baqi got a construction made using the material of the temple. He also said that traditionally and as per the belief of Hindu, since time immemorial the place in dispute is being worshiped as birthplace of lord Rama. In his cross-examination, he said:

*''हिन्दू रेसिस्टेंस डयूरिंग सल्तनत पीरियड'' **सन् 1206 से लेकर 1526 तक का मध्यकालीन इतिहास का काल, मेरे शोध का विषय था।''** (पेज 8)*

*"Hindu Resistance During Sultanate Period" **the medieval history period from the year 1206 to 1526, was the topic of my research**." (E.T.C.)*

''भगवान राम का जन्मस्थान होने तथा हिन्दू होने के कारण मेरी आस्था अयोध्या में है।'' (पेज 8–10)

"I have faith in Ayodhya on account of being Hindu and it being the birthplace of Lord Rama." (E.T.C.)

''धारा 7 में पहली पंक्ति में गहडवाल वंश का उल्लेख किया है। इस वंश की उत्पत्ति प्रथम शासक राजा यशोविग्रह के समय में हुई थी इनके शासन काल के शुरु होने के वर्ष के संबंध में कोई सकारात्मक साक्ष्य नहीं है। गहड़वाल वंश के लोग कन्नौज के थे। . . . इसके प्रथम शासक चन्द्रदेव थे। जिनका शासन सन् 1085 से शुरू हुआ था। चन्द्रदेव, महिचन्द्र के पुत्र थे . . .गहडवाल वंश के राजाओं में गोविन्द्रचन्द्र का संबंध अयोध्या से था। चन्द्र देव प्रथम का संबंध भी अयोध्या से था। गोविन्द्रचन्द्र का शासनकाल सन् 1110 से सन् 1156 तक था। . . . . . चन्द्र देव की दो राजधानी क्रमशः क़न्नौज तथा काशी में थी। क़न्नौज में राजधानी इसलिए थी क्योंकि चन्द्रदेव ने क़न्नौज को जीता था, काशी उनकी द्वितीय राजधानी थी। मध्यकालीन शासक प्रायः दो राजधानी रखते थे।'' (पेज 14–15)

"In the first line of para 7 of the affidavit of my examination-in-chief, I have mentioned Gahadwal dynasty. This dynasty was established in the period of its first ruler King Yashovigrah. There is no affirmative evidence

regarding the year of beginning of his reign. The Gahadwal dynasty people were of Kannauj. . . . . Its first ruler was Chandradev, whose reign began from the year 1085. Chandradev was son of Mahichandra . . . . Out of the kings of Gahadwal dynasty, Govindchandra was related to Ayodhya. Chandradev-I was also related to Ayodhya. Govindchandra's reign extended from 1110 to 1156. . . . . Chandradev had two capitals at Kannauj and Kashi respectively. Kannauj was the capital because Chandradev had conquered it, and Kashi was his second capital. The medieval rulers usually had two capitals." (E.T.C.)

''गहड़वाल वंश के लोगों ने राष्ट्कूटों से सत्ता प्राप्त की, ...ऐसा कहा जाता है कि गोविन्द्र चन्द्र देव ने अयोध्या में जन्मभूमि मंदिर का जीर्णोद्धार कराया था, यही ऐतिहासिक तथ्य है। ***यह गोविन्द्र देव वहीं हैं, जो गहड़वाल वंश के राजा थे। इसके संबंध में प्रमाणिक साक्ष्य के रुप में एक अधूरा शिलालेख प्राप्त हुआ हैं . . . . . यह शिलालेख अयोध्या में जन्म भूमि के स्थान पर प्राप्त हुआ है।*** *. . यह शिलालेख अभी हाल में प्राप्त हुआ है। इस शिलालेख की प्राप्त विवादित भवन के ध्वस्त होने के बाद हुई है। यह शिलालेख सन् 2003 में हुए उत्खनन में प्राप्त हुआ है। यह शिलालेख लाल पत्थर पर है। . . . . डा0 रोमा नियोगी द्वारा अपनी पुस्तक में जो उद्धरण दिये गये हैं, उनमें जिन शिलालेखों का उल्लेख है, उससे स्पष्ट है कि गहड़वाल शासकों के संरक्षण में शिवमंदिर, विष्णु के मंदिर तथा बौद्धों के मंदिरों का निर्माण हुआ। . . . . . गहड़वाल के अंतिम शासक, साक्ष्यों के अनुसार, जयचन्द्र के पुत्र हरिशचन्द्र थे। जय चन्द्र के पराजित होने व परास्त होने पर भी हरिशचन्द्र का शासन काफी बड़े क्षेत्र में सन् 1194 से सन् 1236 तक रहा। यह जय चन्द्र वहीं है जो गौरी तथा पृथ्वीराज चौहान के समय में थे।'' (पेज 15–17)*

"The Gahadwal dynasty people obtained the legacy from Rashtrakutas, ... It is so said that Govindchandra

Dev had renovated the Janmbhumi temple at Ayodhya, this is the historical fact. ***This Govindchandra Dev is the same, who was a king of Gahadwal dynasty. As an authentic evidence in this behalf, an incomplete inscription has been found, ... This inscription has been found in Ayodhya at the site of Janmbhumi.*** *. . . This inscription is over red stone. . . . . From the inscriptions mentioned in the citations given by Dr. Roma Niyogi in her book, it is clear that Shiva temple, Vishnu temple and Buddhist temples were built under the patronage of Gahadwal rulers. . . . . As per evidences, the last ruler of Gahdwals was Harishchandra son of Jaichandra. Despite defeat of Jaichandra, the rule of Harishchandra extended over a quite big area from the year 1194 to 1236. This Jaichandra is the same, who existed in the period of Gauri and Prithviraj Chauhan." (E.T.C.)*

''जो भी मंदिर थे, उन्हें ध्वस्त कर दिया गया और नया निर्माण किया गया। वह निर्माण मस्जिद के रुप में था। स्वयं कहा कि उसका स्वरुप मस्जिद का था। गोविन्द चन्द्र देव ने मंदिर का जीर्णोद्धार उसी स्थान पर कराया था।'' (पेज 18)

"Whatever temples were there, they were destroyed and new construction was carried out. This construction was in form of mosque. Stated on his own that its form was of mosque. Govindchandra Dev had renovated the temple at that very place."(E.T.C.)

''भारतवर्ष में सन् 1206 से मध्यकालीन भारतीय इतिहास का प्रशासनिक स्वरुप प्रारंभ होता है। यह क्रम प्लासी के युद्ध के साथ समाप्त होता है। इस धारा में दिये गये तथ्यों का अयोध्या के संबंध में यह महत्व है कि इससे काल क्रम सुनिश्चित होता है।'' (पेज 18)

"The administrative form of medieval Indian history commences from the year 1206 in India. This came to an end with the Battle of Plassey. The facts mentioned in this paragraph are relevant for the purposes of Ayodhya, in the manner that they determine the chronology."(E.T.C.)

*''**शर्की वंश का उदय सन् 1393 में हुआ था।** दिल्ली में जब तुगलक वंश का पराभव हुआ तब मलिक सरवर को इस स्थान की व्यवस्था देखने के लिए भेजा गया तो उन्होंने अपने को जौनपुर नामक स्थान पर स्वतंत्र शासक घोषित कर लिया। इस प्रकार शर्की साम्राज्य की स्थापना हुई। शर्की वंश में बहुत से शासक हुए। शर्की वंश के राजाओं के नाम का मुझे स्मरण नहीं है। अन्तिम शासक महमूद थे, जो सन् 1480 में बंगाल की ओर चले गये थे। सन् 1480 में महमूद के बंगाल पलायित होने का कारण यह था कि शर्की वंश के शासन का अन्त हो चुका था। बहलोल लोदी तथा सिकन्दर लोदी से पराजित होने पर इस वंश की समाप्ति हो गयी थी। शर्की वंश के राज्य के क्षेत्र में बंगाल की सीमा तक का क्षेत्र था। अवध का सम्पूर्ण क्षेत्र तथा कन्नौज इसके अन्तर्गत था। इसके अन्तर्गत अयोध्या भी था तथा जौनपुर का पूरा परिक्षेत्र आता था। शर्की वंश द्वारा निर्मित भवनों के स्थापत्यकला का अवशेष जौनपुर में प्राप्त है, ऐसा इस कारण से है क्योंकि जौनपुर में शर्की वंश की राजधानी थी।'' (पेज 18–19)*

***"The Sharqi dynasty advented in the year 1393**. When the Tuglaq dynasty in Delhi underwent downfall, Mallik Sarwar was sent to look after the management of this place, and there he declared himself an independent ruler at the place called Jaunpur. This is how Sharqi dynasty was established. The Sharqi dynasty saw many rulers. I do not remember the names of kings of Sharqi dynasty. The last ruler was Mahmud, who went towards Bengal in the year 1480. The reason for fleeing of Mahmud to Bengal in the year 1480, was that the rule of Sharqi dynasty had come to an end. This dynasty had come to an*

end on being defeated by Bahlol Lodi and Sikandar Lodi. The limits of Sharqi dynasty empire extended up to the limits of Bengal. The entire area of Awadh and Kannauj fell under it. It included Ayodhya as well besides the entire zone of Jaunpur. The architectural remains of buildings built by Sharqi dynasty are found in Jaunpur, it is so because the capital of Sharqi dynasty was at Jaunpur."(E.T.C.)

''वाल्मीकि रामायण के रचना काल को बताना बहुत जटिल प्रश्न है। . . . .कुछ लोग इसका रचनाकाल ईसा से 5000 वर्ष पूर्व और कुछ 3000 वर्ष पूर्व मानते हैं।'' (पेज 22–23)

''It is a very difficult proposition to determine the time of composition of the Valmiki Ramayana. . . . . Some people attribute it to 5000 BC and some others to 3000 BC.'' (E.T.C)

*''जिस समय बाबर समरकंद तथा फ़रगना से पराजित होने के बाद बहुत कठिन परिस्थितियों से जूझ रहा था उस समय ईरान के शाह सफ़वी ने उन्हें शर्तों के साथ मदद देने की बात कही थी, जिसे बाबर ने स्वीकार किया था।.. . . .**बाबर ने परिस्थितियों के अनुसार शिया सेक्ट को स्वीकार किया। बाद में बाबर ने पुनः सुन्नी सेक्ट को स्वीकार कर लिया।**'' (पेज 24–25)*

''At a time when Babar was grappling with very tough circumstances after being defeated at Samarkand and Phargana, Shah Safavi of Iran had promised help to him with certain conditions, to which Bahar had agreed. . . . . . ***Babar embraced Shia sect due to the pressure of circumstances. Babar later embraced the Sunni sect.*** *'' (E.T.C)*

''भारत में बाबर का आगमन बाबर की आत्म–कथा तुजुके बाबरी के अनुसार सन् 1519 में पंजाब में हुआ। उन्होंने सन् 1525 तक पांच बार

सैनिक अभियान किया। छठे अभियान में उन्होंने पंजाब के दौलतखॉ लोदी को पराजित किया और उनके क्षेत्र पर अधिकार किया। . . . . . पहले के पांचों आक्रमण अलग–अलग क़िले पर किये गये। स्थानीय जातियों ने उनका मुकाबला किया थां उपर्युक्त जिस पंजाब क्षेत्र का मैंने उल्लेख किया है, वह इस समय पाकिस्तान स्थित पंजाब है। ***बाबर का भारत में आगमन मुख्य रूप से दो कारणों से था, पहला कारण पैतृक राज्यों में विजय प्राप्त न होना, काबुल में नवीन साम्राज्य की स्थापना, जिसकी सुरक्षा के लिए दक्षिण पूर्व अर्थात् पंजाब की ओर बढ़ना आवश्यक था। दूसरा कारण बाबर ने अपनी आत्मकथा में यह बताया है कि दिल्ली पर उनके पूर्वजों का अर्थात तैमूर का कभी शासन था, इसलिए वह भी उनका अधिकार से पैतृक राज्य है।*** *'' (पेज 25–26)*

"As per Tuzuk-e-Babari, autobiography of Babar, his advent in India took place in Punjab in 1519. He carried out military expedition five times till 1525. In the sixth expedition, he defeated Daulat Khan Lodi of Punjab and captured his region. . . . . Different forts were the targets of the first five attacks. Local tribes offered challenge to him. The Punjab region about which I have mentioned, is presently situated in Pakistan-occupied Punjab. ***The invasion of Babar upon India was mainly due to two reasons. The first reason was his failure to conquer his parental states and the establishment of a new empire in Kabul for the safety of which it was necessary to march towards south east, that is, Punjab. As regards the second reason Babar has stated in his autobiography that Delhi was at a time under the rule of his forefathers, that is, of Taimur and because of this it was as a matter of right his parental state.*** *" (E.T.C)*

''28 मार्च सन् 1528 से 2 अप्रैल 1528 की अवधि में अयोध्या में

कोई किला न होने के कारण बाबर ने अयोध्या नगर के बाहर कैम्प मे निवास किया था।. . बाबर ने आक्रमणकारी के रुप में दिल्ली की सत्ता इब्राहिम लोदी से प्राप्त की और वहॉ से राजस्थान के क्षेत्र में आगे नहीं बढ़ सका और ***अयोध्या के क्षेत्र में अफ़गान विद्रोहियों को शान्त करने के लिए इस दिशा में वह आक्रमणकारी की हैसियत से आया, यहॉ भी कोई सत्ता स्थापित नहीं हो सकी। उनके प्रतिनिधि मीरबाक़ी ताशकंदी तात्कालिक संदर्भों के आधार पर एक वर्ष कुछ माह के बाद यहॉ से चले गये।*** *'' (पेज 26–27)*

"Because of there being no fort at Ayodhya Babar resided in a camp outside the city of Ayodhya between 28th March 1528 and 2nd April 1528. . . . As an invader Babar took over the reigns of Delhi from Ibrahim Lodi and could not go forward in the region of Rajasthan from there, and ***with a view to subjugate the Afghan rebels in the region of Ayodhya he came as an invader, and no rule could be established here too. Contemporary references suggest that his representative Mir Baqi went away from here a year and some months later.*** *" (E.T.C)*

''मुख्य परीक्षा के शपथ–पत्र की धारा 13 पर आकृष्ट किया तथा साक्षी ने इसको पढ़ने के बाद बताया कि इसमें अयोध्या स्थिति श्री रामजन्मभूमि पर स्थित मंदिर को बाबर के सेनापति मीरबाकी द्वारा निर्माण किये जाने का उललेख है, इसके संबंध में डा0 राधेश्याम ने अपनी पुस्तक ''बाबर'' में लिखा है। डा0 राधेश्याम मान्यता प्राप्त लेखक हैं। वे इलाहाबाद विश्वविद्यालय में इतिहास विभाग में प्रोफ़ेसर रहे हैं। आलमगीरनामा में इस आशय का संदर्भ आया है कि श्री रामजन्मभूमि के स्थान पर चबूतरा ध्वस्त किया गया और ध्वस्त किये गये मलबे से, मस्जिद का निर्माण किया गया। . . . इस कृत्य को करने का उद्देश्य मुख्य रुप से मंदिर के स्थान को ध्वस्त करके एक ऐसी इमारत का निर्माण करने से था, जिसका उपयोग अपने लिए किया जा सके। नवीन निर्माण में जिस सामग्री का प्रयोग किया गया, उससे ऐसा लगता है कि पहले का भवन गहड़वाल वंशी गोविन्द चन्द्र

के समय का था। . . .मुस्लिम शासनकाल जो सन् 1206 से लेकर सन् 1526 तक था को कई वंशों में विभक्त किया गया है। इन वंशों में सन् 1206 से लेकर 1290 तक तथाकथित गुलाम वंश का शासन था जबकि यह गुलामवंश (स्लेव डायनेस्टी) नहीं था क्योंकि इसमें तीन अलग शाखायें थी, मामलूक, इलबारी, तथा शमसी शाखाओं का शासन था। इस काल के राजाओं में, कुतुबुद्दीन ऐबक, सुल्तान आरामशाह, इल्तुतमिश, रुकुनुद्दीन फ़िरोज, रजिया सुल्तान, मुईजुद्दीन बहरामशाह, अलाउद्दीन मसूदशाह, नासिरउद्दीन महमूद, बलबन, कैकबाद और फिर कैमूर थे। सन् 1290 से सन् 1320 तक खिलजी वंश का शासन था, इन शासकों में जलालुद्दीन फ़िरोज खिलजी, अलाउद्दीन खिलजी, कुतुबुद्दीन मुबारक थे। सन् 1320 से सन् 1414 तक तुगलक वंश का शासन था। इन शासकों में गयासुद्दीन तुगलक मोहम्मद बिन तुगलक, फिरोजशाह तुगलक और उसके बाद तीन कमजोर शासन जिसमें अन्तिम शासक मोहम्मद शाह तुगलक हुए क्योंकि 1414 में सैयद वंश की स्थापना हो गयी। खिज्रखॉ सैयद इस वंश के संस्थापक थे। सैयद वंश सन् 1414 से सन् 1450 तक था। सन् 1450 से लोदी वंश की शुरूआत हुई, जिसके शासकों में बहलोल लोदी, सिकंदर लोदी तथा इब्राहिम लोदी शासक हुए। इसके बाद मुगद्वल शासन का प्रारंभ हुआ, इसका प्रारम्भ सन् 1526 से माना गया है।'' (पेज 27–28)

''The attention of the witness was drawn to para-13 of the affidavit filed in the Examination-in-Chief and on going through it he stated- It mentions of a construction having been raised by Mir Baqi, Commander of Babar at the temple situate at Sri Ramjanam Bhumi located in Ayodhya; in this respect Dr. Radhey Shyam has written in his book titiled Babar. Dr. Radhey Shyam is an acknowledged author. He has been a Professor in the History Department at the University of Allahabad. Alamgirnama contains a reference to the effect that a Chabutra situate at a place called Sri Ramjanam Bhumi was demolished and after the said demolition a mosque was constructed from its debris. . . . The aim of this act was

mainly to demolish the place of the temple and to construct such a building thereat as could be utilized for personal use. From the materials used in the new construction, it appears that the earlier building belonged to the time of Govind Chandra of the Gahadwal dynasty. . . . . The Muslim period, which spanned between 1206 AD to 1526 AD, is divided into many dynasty. Out of these dynasty, the reign of the so-called Slave dynasty was from 1206 AD to 1290 AD. As a matte of fact, there was no dynasty with the name of Slave dynasty, because it had three different branches. Reigns of Mamulak, Ilbari and Shamsi branches were seen. Among the rulers of this period were included Qutub-ud-din Aibak, Sultan Aram Shah, Iltutmish, Rukun-ud-din Firoz, Razia Sultan, Muij-ud-din Bahram Shah, Alla-ud-din, Masood Shah, Nasir-ud-din Mahmud, Balban, Kaikbad and Kaimur. The period from 1219 AD to 1320 AD witnessed the reign of the Khilji dyansty. Among the ruler were included Jalal-ud-din Firoz Khilji, Alla-ud-din Khilji and Qutub-ud-din Mubaarak. The period from 1328 AD to 1414 AD witnessed the reign of Tughlaq dynasty. Among these rulers were included Gayas-ud-din Tughlaq, Muhammad Bin Tughlaq and Firoz Shah Tughlaq and after him came three weaklings among whom the last one was Muhammad Shah Tughlak, because 1440 AD saw the emergence of the Syed dynasty. Khijra Khan Syed was the founder of this dynasty. The Syed dynasty spanned between 1414 AD and 1450 AD. 1450 AD marked the beginning of the Lodi dynasty, whose rulers included Bahlol Lodi, Sikandar Lodi and Ibrahim Lodi. After that came the

Mughal rule, the beginning of which is attributed to 1526 AD." (E.T.C)

"मैंने सतरख को अयोध्या अपने बयान के पृष्ठ –17 पर बताया था, ऐसा मैंने कनिंघम के सन्दर्भ से कहा था। यह कहना सही है कि सतरिख नामक स्थान बाराबंकी जनपद में इस समय स्थित है ***"सतरख" तथा "सतरिख" एक ही स्थान के नाम हैं।*** *" (पेज 29–32)*

"I had stated Satrakh to be Ayodhya on page-17 of my statement; I had stated so in reference to Cunningham. It is true to say that a place called Satrikh is presently situated in Barabanki district. ***'Satrakh' and 'Satrikh' are the names of one and the same place.*** *" (E.T.C)*

"बाबर द्वारा पुनः सुन्नी सेक्ट को स्वीकार करने का कारण यह था कि बाबर की राजनैतिक तथा प्रशासनिक स्थिति काबुल में बहुत मजबूत हो चुकी थी और सन् 1514 से 1525 तक उस इलाके में वह स्वतंत्र शासक की हैसियत से स्थापित हो चुका था, इसलिए ईरान के शासक के अन्तर्गत रहने का कोई औचित्य नहीं था।" (पेज 32)

"The reason of Babur's embracing the Sunni sect again was that his political and administrative position had got consolidated a great deal in Kabul and he had established himself as an independent ruler in that region; hence, there was no justification for him to have been under the ruler of Iran." (E.T.C)

"धारा–13 . . . . की अन्तिम दो पंक्तियों में "मंदिर के मलबे का इस्तेमाल किया गया" शब्दों का प्रयोग किया गया है। इससे मेरा तात्पर्य यह है कि ***कसौटी के पत्थरों का इस्तेमाल किया गया है। उन पर शक्लें अंकित हैं।*** *खम्भे ज्यों के त्यों हैं, जिनका भी इस्तेमाल किया गया है। इस आधार पर मैंने यह बात कही है। मेरी इस जानकारी का आधार बहुत सी किताबों में इसका संदर्भ होता है।" (पेज 34)*

"The words 'the debris of the temple' have been used in the last two lines of. . . . . Para 13. By the said words I mean that ***Kasauti stones have been used. Images***

are engraved on them. *Whichever pillars have been used, are as they were. I have stated this thing on this basis. This information of mine is based on references to them in many books." (E.T.C)*

*"**विवादित स्थान पर स्थित जिस भवन को मीरबाकी द्वारा तोड़ा गया था, उस भवन के पूर्व वहाँ पर गहड़वाल वंश के गोविन्द चन्द द्वारा जीर्णोद्धार किया गया मन्दिर स्थित था**।" (पेज 36)*

*"**On the disputed site, prior to the building demolished by Mir Baqi, there was a temple renovated by Govind Chandra of the Gahadwal dynasty.**" (E.T.C)*

"सिन्ध पर पहला आक्रमण मोहम्मद बिन क़ासिम ने सन् 711–712 ईस्वी में किया था। इस आक्रमण में सिन्ध के शासक दाहिर पराजित हुए थे और "ब्राह्मणवाद" नामक स्थान पर मोहम्मद बिन कासिम का अधिकार हुआ था।

*गजनी ने पंजाब होते हुए सभी हमले हिन्दुस्तान पर किए। जिस समय महमूद ग़जनी ने हिन्दुस्तान पर आक्रमण किया, उस समय दिल्ली में चौहानों का शासन था। यह आक्रमण सन् 1023 से 1027 तक लगातार हुआ। . . . . . .इन हमलों के बाद गज़नी का नियंत्रण पंजाब तक फैल गया, परन्तु दिल्ली उनके कब्जे में नहीं आया। ये हमले अलग–अलग हमले थे। इन हमलों में विध्वंस किया गया, लूटमार की गई तथा आक्रमणकारी वापस चले गये। . . . . . महमूद गज़नी ने कन्नौज तक आक्रमण किया। उन्होंने मथुरा, सोमनाथ पर आक्रमण किया था। जिस समय महमूद गज़नी ने कन्नौज पर आक्रमण किया, उस समय कन्नौज पर राष्ट्कूटों का शासन था। राष्ट्कूट एक प्रकार का क्षेत्रीय नाम है, जिनका कन्नौज के क्षेत्र पर अधिकार था। उनका सम्बन्ध दक्षिण से भी था। . . . . राष्ट्कूट लोग उत्तर क़न्नौज के रहने वाले नहीं थे। . . . . .ये लोग दक्षिणी राज्यों की सरहद से आए थे . . गहडवालों का शासन लगभग 100 वर्षों तक था। यह शासन लगभग सन् 1085 से लगभग सन् 1100 ईस्वी तक था। सन् 1100 के बाद एक राजा का शासन समाप्त हो गया, परन्तु **गहड़वाल वंश का शासन सन् 1225–1226 तक कायम रहा। . . गहड़वालों के***

शासन की समाप्ति पर दिल्ली के शासकों ने अवध के क्षेत्र में इल्तुतमिश ने अपने बेटे नासिरउद्दीन को अवध का गवर्नर नियुक्त किया।'' (पेज 37–39)

''Mohammad Bin Qasim made his first attack on Sind in 711-712 AD. In this attack, Dahir, ruler of Sind, was defeated and a place called Brahmanwad came under the reigns of Mohammad Bin Qasim.

. . . . . Mahmud of Ghazni made all his attacks wading through Punjab. Delhi was ruled by Chauhans at the time when Mahmud of Ghazni attacked Hindustan. These attacks took place constantly between 1023 and 1027. . . . . After these attacks, the control of Mahmud of Ghazni extended up to Punjab but Delhi did not come under him. These attacks were separate ones. These attacks were marked by devastation, plunder and the ultimate return of the invader. . . . . Mahmud of Ghazni attacked Kannauj. He attacked Mathura and Somnath. When Mahmud of Ghazni attacked Kannauj, it was under the rule of Rashtakutas. Rashtrakuta is a type of regional name and they had control over the Kannauj region. They also had relations with Deccan as well. . . . . Rashtrakutas were not the inhabitants of north Kannauj. . . . . They came from the bordering areas of the southern states. . . . The reign of Gahadwals spanned nearly 100 years. This rule was from circa 1085AD to circa 1100 AD. After 1100 AD the rule of a particular king came to an end but ***that of the Gahadwal dynasty continued till 1225-1226 AD. . . . . At the end of the rule of Gahadwals, the ruler at Delhi, Iltutmish, appointed his son governor of Awadh for the Awadh***

region. *" (E.T.C)*

"मैं इतिहास का प्रवक्ता हूँ। ***मै मध्यकालीन भारतीय इतिहास पढ़ाता हूँ। . . . अब तक 22 छात्र मेरे निर्देशन में पीएच0डी0 की उपाधि प्राप्त कर चुके हैं।''*** *(पेज 43–44)*

"I am a lecturer in history. ***I teach Medieval Indian History. . . . . 22 students have so far attained Ph.D. degrees under my guidance****." (E.T.C)*

*"****मध्य कालीन भारतीय इतिहास मेरे अध्ययन का विषय रहा है।***

मध्य कालीन भारतीय इतिहास के अन्तर्गत मुगलों का शासन भी आता है।'' (पेज 47)

*"****Medieval Indian History has been a subject of my study.***

Medieval Ancient History also comprises the reign of Mughals." (E.T.C)

*"****मुगलों के समय में अवध बाबर के अधिकार में नहीं था। यहां पर मीरबाकी को उन्होंने इस क्षेत्र पर अधिकृत करके यहां की स्थिति को देखने के लिए नियुक्त किया था।*** *वह यहॉ पर जो तात्कालिक सन्दर्भ प्राप्त होते हैं, उसके अनुसार लगभग एक वर्ष तीन माह तक रहे तथा उसके बाद वापस चले गये। हुमायूँ के काल में मुगलो का अधिकार इस क्षेत्र पर नहीं था। अकबर के समय में इस पूरे क्षेत्र पर एक सूबे के रुप में मुगलों का नियन्त्रण था।"(पेज 47–48)*

*"****In the time of Mughals, Awadh was not under the control of Babur. Babur had authorised Mir Baqi for this region and had appointed him to handle its situation.*** *As per contemporary references obtained from here, that he stayed here for about one year three months and after that he went back. In the time of Humayun too, this region was not under the control of Mughals. In the time of Akbar this region in its entirety was under the*

control of Mughals as a province." (E.T.C)

*''**सन् 1206 से लेकर 1757 तक मध्यकालीन इतिहास के सम्बन्ध में मेरा विशेष अध्ययन है।**'' (पेज 51)*

*"**I have a special study on the Medieval History from 1206 AD to 1757 AD."** (E.T.C)*

''सन् 1206 से लेकर सन् 1757 तक दिल्ली में मुसलमान राजाओं का ही शासन रहा है।'' (पेज 52)

"From 1206 to 1757, Delhi has been under the reign of Muslim rulers themselves." (E.T.C)

*''चंदेरी के युद्ध के बाद बाबर ने अपना रुख वर्तमान उत्तर प्रदेश के क्षेत्र में किया जहॉ पर बायजीद और बब्बन अफ़गान सरदार थे जिन्होंने स्वयं का स्वतंत्र घोषित कर दिया था। बायजीद उस समय कन्नौज और अवध क्षेत्र का स्वतंत्र शासक था। . . . . . .बाबर क़न्नौज से लखनऊ होते हुए अयोध्या गया था। बाबर ने अपना पड़ाव अयोध्या से दो से चार मील की दूरी पर सरयू के उस पार किया। . . . . . **मीरबाकी के अयोध्या में आने के पूर्व अयोध्या में बायजीद का नियंत्रण था।** मीरबाकी बाबर के सिपहसलार थे, उनको अयोध्या के प्रशासकीय तंत्र तथा सैनिक नियंत्रण में रखने के लिए बाबर ने भेजा था।'' (पेज 54–55)*

*"After the battle of Chanderi, Babur proceeded towards the present day Uttar Pradesh region, where Baizid and Babban were Afgan chieftains who had declared themselves independent. At that time Baizid was the independent ruler of Kannauj and Awash regions. . . . . Babur came to Lucknow via Kannauj. In a way, he conquered Kannuaj. Across the Saryu river, Babur camped 2-4 miles away from Ayodhya. . . . .**Before the arrival of Mir Baqi Ayodhya had been under the control of Baizid.** Mir Baqi was the commander of Babur; Babur had sent him to exercise administrative and military control over Ayodhya." (E.T.C)*

"किसी पुस्तक में ऐसा उल्लेख नहीं मिलता है कि ***मीरबाकी का अयोध्या में नियंत्रण करने के लिए किसी से कोई संघर्ष हुआ हो। . . . . .मीरबाकी की कोई लड़ाई हिन्दू राजाओं के साथ नहीं हुई।*** *" (पेज 56)*

"There in nothing in any book suggesting that ***Mir Baqi was ever engaged in any struggle with anybody with a view to to have control over Ayodhya. . . .Mir Baqi was not locked in any battle with the Hindu kings****."(E.T.C)*

"मीरबाकी सन् 1529 में बाबर से मिले थे, उसके बाद वह अयोध्या में लौटकर नहीं आये। बाबर व मीरबाकी की जो मुलाकात सन् 1529 में हुई वह मेरी जानकारी के अनुसार संभल में हुई थी।" (पेज 56)

"Mir Baqi had met Babur in 1529; after that he did not come back to Ayodhya. As per my knowledge, the 1529 meeting between Babur and Mir Baqi had taken place at Sambhal." (E.T.C)

"प्रोफेसर इरफान हबीब, प्रोफेसर अतहर अली और प्रोफ़ेसर शीरीं मुसवी द्वारा जो कुछ लिखा गया है अथवा जो कुछ उन्होंने शोध किया है, उसको शैक्षणिक जगत आसानी से नजरअंदाज नहीं कर सकता।"(पेज 61–62)

"Whatever is written by Prof. Irfan, Prof. Athar Ali and Prof. Shirin Musvi and about whatever they have researched, cannot be easily ignored in the academic circles."(E.T.C)

"मैंने केवल कनिंघम के लिखने के ही आधार पर सतरिख तथा अयोध्या को एक होना कहा है। . . . . . .कनिंघम द्वारा लिखित किसी किताब को मैंने नहीं पढ़ा है।" (पेज 83–84)

"Only on the basis of Cunningham's write-up I have stated Satrikh and Ayodhya to be one and the same place. . . . . I have not read any book written by

Cunningham."(E.T.C)

"कनिंघम की रिपोर्ट मैंने नहीं पढ़ी है। केवल उसके रेफरेंस, इलियट एण्ड डाउसन की पुस्तक में देखे हैं।" (पेज 85)

"I have not read the report of Cunningham. I have just seen his references in Elliot and Dowson's book."(E.T.C)

"कनिंघम की रिपोर्ट के आधार पर ***यह प्रतीत होता है कि सतरिख और अयोध्या एक स्थान के नाम नहीं हैं।"*** *(पेज 86)*

"From the report of Cunningham ***it appears that Satrikh and Ayodhya are not names of one and the same place."*** *(E.T.C)*

"सन् 1528 में विवादित भवन के बनने के बाद बाबर के काल से लेकर औरंगजेब के काल तक यह भवन बराबर मुसलमानों के कब्जे में रहा है। औरंगजेब के काल के बाद तथा सन् 1857 के पूर्व विवादित भवन पर बराबर मुसलमानों का कब्जा रहा है या नहीं, इसके बारे में मुझे जानकारी नहीं है। *अंग्रेजों के काल तक विवादित भवन पर कभी हिन्दुओं ने कब्ज़ा कर लिया हो, ऐसा मैंने इतिहास की पुस्तकों में कहीं नहीं पढ़ा है।* ***सन् 1528 से लेकर 22/23 दिसम्बर सन् 1949 तक विवादित भवन की इमारत मुसलमानों के क़ब्जे में रही है, परन्तु इसका प्रयोग मस्जिद के रूप में हुआ या नहीं हुआ है, यह नहीं कहा जा सकता है।"*** *(पेज 93)*

*"**After its construction in 1528 AD, this structure has constantly been in the possession of Muslims from the time of Babur to that of Aurangzeb. I do not have the knowledge as to whether or not the disputed structure has constantly been in possession of Muslims after the time of Aurangzeb and prior to 1857 AD.** I have nowhere read in the history books, about whether Hindus have ever been in possession of the disputed structure up to the English period.* ***The building of the disputed structure***

has been in possession of Muslims between 1528 AD and 22nd / 23rd December, 1949 but nothing can be said about whether it has been used as mosque or not. *" (E.T.C)*

''सन् 1528 में विवादित भवन के बनने के बाद से सन् 1855 तक ऐतिहासिक पुस्तकों में विवादित भवन के बाहरी सहन में बने चबूतरे का उल्लेख नहीं है। . . . ***नमाज़ पढ़े जाने अथवा पूजा किये जाने का कोई साक्ष्य इतिहास में प्राप्त नहीं होता है।*** *'' (पेज 94)*

"The historical books from 1528 AD, that is, the year of construction of the disputed building up to 1855, have no mention of the chabutra constructed in the outer courtyard of the disputed building. . . . . . ***No evidence is available in history about the offering of namaz or about performing pooja.*** *" (E.T.C)*

''मेरा ऊपर दिया गया यह बयान गलत है कि शहाबुद्दीन ग़ौरी पंजाब से क़न्नौज गया था, बल्कि सही यह है कि पंजाब से वापस अपने देश ग़ौर चला गया था। शहाबुद्दीन ग़ौरी दोबारा फिर हिन्दुस्तान वापस नहीं आया। शहाबुद्दीन ग़ौरी का क़न्नौज पर कभी आक्रमण नहीं हुआ। शहाबुद्दीन ग़ौरी द्वारा क़न्नौज पर आक्रमण करने और वहॉ की फ़ौज को पराजित करने संबंधी ऊपर दिया गया मेरा बयान गलत है, क्योंकि शहाबुद्दीन ग़ौरी कन्नौज गया ही नहीं तथा वह पंजाब से वापस अपने देश चला गया।'' (पेज 105–106)

"My above-mentioned statement to the effect that Shahabuddin Ghori came to Kannauj from Punjab is incorrect; rather, it is true that he returned to his country Ghor from Punjab. Shahabuddin Ghori did not come back to Hindustan again. Shahabuddin Ghori never attacked Kannauj. My above statement about Kannauj having been attacked by Shahabuddin Ghori and the army of that place having been defeated by him, is incorrect because Shahabuddin Ghori did not even got to Kannuaj and he

returned to his country from Punjab." (E.T.C)

"मोहम्मद ग़ौरी तथा शहाबुद्दीन ग़ौरी दोनों एक ही व्यक्ति हैं।"(पेज 113–114)

"Both Muhammad Ghori and Shahabuddin Ghori are one and the same person."(E.T.C)

"यह सब विवरण 934 हिजरी का है। अंग्रेज़ी सन् के अनुसार यह विवरण सन् 1529 का होना चाहिए। . .13 जून की घटनओं में बाक़ी ताशकन्दी के अवध की सेना के साथ बाबर के समक्ष उपस्थित होने का उल्लेख है। . .इसका तात्पर्य यह है कि जब बाबर "डलमउ" पहुॅचा, तब उस समय तक बाक़ी ताशक़न्दी अयोध्या में रह रहा था क्योंकि बाक़ी अयोध्या में एक साल तीन–चार महीने के करीब रहा था।" (पेज 133–134)

"All this description is of 934 hizri. According to the Gregorian calender, this should be of the year 1529. . . . . .In the incidents of 13th June, there is mention about presence of Baqi of Tashkand before Babar along with army of Awadh. . . . . It implies that when Babar reached Dalmau, Baqi of Tashkand was left behind in Ayodhya because Baqi remained in Ayodhya for about one year three four months." (E.T.C)

"अतहर अब्बास रिज़वी की पुस्तक में उपरोक्त शिलालेख के अतिरिक्त अयोध्या के किसी मंदिर को तोड़ने का कोई वर्णन नहीं है।"

(पेज 137)

"Besides the above inscription, there is no other reference in the book of Athar Abbas Rizvi regarding demolition of any temple in Ayodhya." (E.T.C)

"प्रो0 एस0आर0 शर्मा ने इस सम्बन्ध में अपना मत, शिलालेख, जो काग़ज संख्या 282सी–1/2 तथा 282सी–1/3 है, के आधार पर प्रगट किया है।" (पेज 138)

"डा0 आर0नाथ की पुस्तक में यह लिखा है कि बाबरी मस्जिद का स्थान बिना सन्देह के स्पष्ट रूप से वह स्थान है, जहां पर हिन्दू मंदिर स्थापित कर जो मौलिक रुप से सरयू के किनारे रामकोट पर स्थापित है

और हिन्दू मंदिर की सामग्री इसके निर्माण में इस्तेमाल की गई। इसमें यह भी लिखा है कि ***यह दृढ़ विश्वास के साथ कहा जा सकता है कि इसका निर्माण खाली ज़मीन (वर्जिन लैण्ड) पर नहीं किया गया।''*** *(पेज 138–139)*

"Prof. S.R. Sharma has expressed his opinion in this behalf on basis of the inscription, which is paper no. 282C-1/2 and 282C-1/3.

"It is written in the book of Dr. R. Nath that the site of Babri Masjid is undoubtedly and clearly the place where Hindu temple was built, which was originally built on the banks of Saryu in Ramkot, and where articles of Hindu temples had been used in building the same. ***It has also been mentioned in it that it can be said with firm conviction that it was not built over virgin land."*** *(E.T.C)*

''अयोध्या एक तीर्थ स्थान है, राम की जनमस्थली है और विवादित स्थल जनमस्थान है और इसको मैं परम्परा के आधार पर मानता हूँ।

रामचन्द्र जी के निश्चित जन्मस्थान को मेरे द्वारा चिन्हित किया जाना इस समय स्मृति द्वारा संभव नहीं है।''(पेज 145)

"Ayodhya is a pilgrimage, is the birthplace of Rama and the disputed site is Janmsthan and I accept this on basis of customs.

At present, it not possible for me to point out the exact birthplace of Ramchandra on basis of my memory."*(E.T.C)*

''रामचन्द्र जी का जन्म आज से छह हज़ार वर्ष पूर्व हिन्दू धर्म की मान्यता के अनुसार ''विष्णु'' के अवतार के रूप में राजा दशरथ के पुत्र के रूप में हुआ था। अयोध्या में छह हज़ार वर्ष पूर्व के भवन या उन भवनों के अवशेष हैं या नहीं, इसके संबंध में पुरातात्विक ही बता सकते हैं।'' (पेज 146–147)

"According to the belief of Hindu religion, Ramchandra was born six thousand ago as son of king Dashrath, as an incarnation of 'Vishnu'. *Whether the remains of six thousand years old building or buildings are present in Ayodhya or not, can be told only by archaeologists." (E.T.C)*

''विवादित स्थल इस समय अयोध्या में स्थित है। . . ..यह स्थल एक टीले (माउण्ड) पर स्थित है। . . . विवादित स्थल का क्षेत्रफल वृहद है।'' (पेज 150)

"At present the disputed site is situated in Ayodhya. . . . . This site is situated over a mound . . . . . The area of the disputed site is extensive." (E.T.C)

*''. . .**कुछ इतिहासकारों के अनुसार भारत का मध्यकालीन इतिहास 1206 ईस्वी से शुरू होकर 1757 ईस्वी तक जाता है**, अर्थात् 1757 के प्लासी के युद्ध तक। मैंने भारत के मध्य कालीन इतिहास का 1707 ईस्वी तक की अवधि का ही गहन अध्ययन किया है।'' (पेज 161)*

*". . . . **According to few historians, the medieval history of India commences from 1206 AD and goes upto 1757 AD,** i.e. till the battle of Plassey of 1757. I have deeply studied the medieval history of India only upto 1707 AD." (E.T.C)*

*''**गहड़वाल वंश का शासन सन् 1226 तक रहा।** यह कहना सही नहीं होगा कि यह गहड़वाल वंश सन् 1193 में समाप्त हो गया क्योंकि सन् 1194 में जयचंद की मृत्यु हुई।'' (पेज 162)*

***"The rule of Gahadwal dynasty continued till the year 1226**. It will not be correct to say that the Gahadwal dynasty came to an end in the year 1193 because Jaichand had died in the year 1194." (E.T.C)*

*''**जौनपुर के शर्क़ी राज्य की समाप्ति सन् 1479 भी***

मानी जा सकती है, *जब उसका शासक ''हुसैन शाह शर्की'' बंगाल भाग गया था।'' (पेज 169)*

"The end of Jaunpur's Shirky dynasty can be considered as the year 1479, *when its ruler 'Hussain Shah Shirky' fled to Bengal." (E.T.C)*

''बाबर ने अयोध्या, बायजीद को पराजित करके, अपने आधिपत्य में ली। . . . . .श्री एस0आर0शर्मा को मैं तथा अन्य लोग भी प्रामाणिक इतिहासकार मानते हैं। . . . से मैं सहमत हूॅ कि ऐसा साक्ष्य नहीं मिलता कि बाबर ने कभी भी हिन्दू मन्दिरों को नष्ट किया हो या अन्यथा हिन्दुओं का मात्र धर्म के आधार पर दमन किया हो।'' (पेज 176–178)

"Babar took Ayodhya in his possession after defeating Baizid. . . . . I and other persons also, consider Sri S.R. Sharma to be a recognized historian. . . . . I agree that no evidence is found that Babar had ever demolished Hindu temples or had suppressed Hindus only on basis of religion." (E.T.C)

''श्री अतहर अब्बास रिजवी द्वारा शिलालेख का जो उक्त हिन्दी अनुवाद किया गया है, उसी के आधार पर मेरी यह धारणा बनती है कि मीरबाकी द्वारा बनायी गई इमारत के पहले वहां पर मंदिर था। उक्त शिलालेख के हिन्दी अनुवाद की प्रथम तीन पंक्तियों को, जैसा कि श्री रिज़वी ने अपने अनुवाद में दिया है, को ही यह बात करने के लिए आधार मानता हूॅ कि उस शिलालेख में मीरबाक़ी द्वारा बनायी गई इमारत के पहले मंदिर होने का उल्लेख है। उस इमारत के अन्य किसी इंसक्रिप्शन को उक्त बात कहने के लिए मैं आधार नहीं बना रहा हूॅ और ***इसी शिलालेख को अन्य इतिहासकारों, जैसे डा0 आर0 नाथ, डा0 राधेश्याम, प्रो0 एस0आर0शर्मा ने भी यह कहने का आधार बनाया है कि मीरबाक़ी द्वारा खाली जमीन पर विवादित इमारत नहीं बनाई गई।*** *'' (पेज 179–180)*

"Mr. Syed Athar Abbas Rizvi has only given translation of the said inscription, but has not given any comment. It is on the basis of the said Hindi translation of

the inscription by Mr. Athar Abbas Rizvi, that my opinion has been formed that a temple existed over there prior to the building built by Mir Baqi. It is the first three lines of the Hindi translation of the above inscription, as given by Mr. Rizvi in his translation, which form the basis for me saying that the said inscription mentions about existence of temple prior to the structure built by Mir Baqi. I am not making any other inscription of that building, the basis of me saying so, and ***this very inscription has been made the basis by other historians such as Dr. R. Nath, Dr. Radheyshyam, Prof. S.R. Sharma, to say that the disputed structure was not built by Mir Baqi over virgin land****." (E.T.C)*

*''**जन्मभूमि से मेरा आशय उसी स्थल से है जो विवादित भूमि है, न कि सड़क के पार उत्तर मे स्थित रामजन्मस्थान मंदिर सीता रसोई से। .....मान्यता के अनुसार जन्मभूमि पर विष्णु के अवतार के रूप में श्रीराम का जन्म हुआ था।** जन्म ही अवतरण का पर्यायवाची है। ऐसा नहीं है कि जन्म यहां हुआ हो और अवतरण दूसरी जगह पर हुआ हो। मेरी जानकारी के अनुसार विवादित ढॉचे में बने तीन डोम के नीचे ही श्रीराम का जन्म हुआ था, उसी को रामजन्मभूमि मानते हैं। . . . . . मैं तीन डोम वाले भवन के नीचे की भूमि को रामजन्मभूमि मान्यता, आस्था और परम्परा के आधार पर मानता हूॅ। मेरा बयान मान्यता, आस्था और परम्पराओं के बारे में पूर्व में हो चुका है।*

.रामजन्मभूमि का महत्व ज़्यादा है क्योंकि राम को विष्णु का अवतार माना गया है और वह महत्व अनादिकाल से चला आ रहा है।'' (पेज 190)

"By Janmbhumi, I mean the place which is the disputed land, and not the Ramjanmsthan temple, Sita Rasoi situated in north across the road. . . . . According to belief, Sri Rama was born at the Janmbhumi as an

incarnation of Vishnu. *Birth is synonymous to incarnation. It is not that birth took place here and incarnation at another place. According to my knowledge, Sri Rama was born beneath the three domes of the disputed structure, and the same is considered to be Ramjanmbhumi. . . . . On basis of belief, faith and tradition, I consider the land beneath the three dome structure to be Ramjanmbhumi. My statement regarding belief, faith and tradition, has already been recorded.*

. . . . Ramjanmbhumi has more importance because Rama has been considered as incarnation of Vishnu and this importance has been continuing since time immemorial." (E.T.C)

3635. A perusal of the above statements and in particular that of PW 16, 20, OPW 9 and 6, the Court finds opinion of the Expert Historians so varying that no definite conclusion can be drawn therefrom. However, on one aspect, some of the experts of both the sides were unanimous that if an excavation is made at Ayodhya, at the disputed site or near it, more relevant facts may be available which would help this Court to arrive at a just conclusion. This became more important in view of the fact that a stone inscription, sought to be relied by the plaintiffs (Suit-5), was claimed to have found on 6/7 December, 1992 from the debris of the demolished disputed structure. It is a stone inscription of 115 cm. X 55 cm. size having several lines engraved in a language which is not decipherable atleast by this Court. The experts say that it is written in Sanskrit but the script is slightly different or at least a little difficult being much older. Under the orders of the Apex Court, ink estampage (Paper

No.203 C1/1) was prepared. This estampage was deciphered by Dr. K.V.Ramesh, a renowned Epigraphists, whose competence, in fact remained undisputed by all the parties. This translation/text is **Exhibit 2 Suit 5 (Register 29, Page 5-25)**. In first two pages, the epigraphist has made his comments and observation and then there is sanskrit and English text and English translation.

3636. Dr. T.P.Verma and Dr. S.P.Gupta substantially relied on the translation of the contents of the said stone inscription asserting that there was a huge Vishnu Hari Temple at the site in dispute which was demolished and thereafter disputed building was constructed in 1528 AD. Some dispute arose about the correct translation made by Sri Dr. T.P.Verma and Dr. S.P.Gupta. Ultimately expert's translation was obtained by plaintiffs (Suit-5) from **Dr. Koluvyl Vyassrayasastri Ramesh-O.P.W.10 (Exhibit No.2, Suit 5) (Reg. 29, Page 5-25).** The said transliteration and English translation is as under:

> *"1. ..nama: siva[ya] (there is space enough in the erased portion for accommodating a verse in a lengthy metre like Sardulavikriditam).- - -U U – s – Trivkrama – tanor – a – U - - U - pramsutvena nikharva-so-*
>
> *2. dasa-samuddesam-dadhanas-tanum samvartta-pramad-oddhata:-kulagiri-grava-prahara-kvanad-bra hmandam kara-samputena vivu(bu)dhan-madhyo ha - - U – [II 2*] [srimad]-Bharggava vi U – U U U – dvamso (so') vatamso bhuva: I yasmin-ra*
>
> *3. U U – la-sanklimir-iva sthayiny-udancad-bhuja - - s-c-opacite parartha-ghatana vandhy-ananam jajnire II[3*] te Candipati-canda-tandava-calac-cuda U - - U -*

brahmand-occa-kapala-randhra-sarani-prasthayi-satkirttaya: । viras-tatra kule janim jagrhi-

4. re ye Bharggaviy-ahava-ksina-ksatriya-sesa-raksana-vidhau-(ba)ddho' bhiyogagraha:। । [4] vamsyan-tad-eva-kulam-akulata-nivrtti-nirvyudham-apratima-[vikrama]-janmabhumi:l yatr-atisahasa-sahasra(sra)-samiddha-dhama Mame'janista jagad-istatam-otta-*

5.masri: II[5] ma me dayastu vapusi dravinesu trsna nisnatir-apy-avirasa sarasendriy-arthe I ity-udgrnann-anudinam sa Dinesavatso ma me pa – U jagade jagadeka[vira:] II [6*] tad- uddha-keli-dalit-akhila-Meda-Bhilla-palli-sahasra-vanitasu nikunjagasu।utkanta-*

6. ka vitapino vita-vistitani te sva-stanesu jaghanesumuhur-likhanta: । । [7] pura kirtya nyastan-tadanu tanun-adhyasitumana manasvi svarlokamparinatim-upe[ty-ati]sayinim sa sarvvasvam ksatram ka iva bhuvi Sallaksana-sute sriya s-arddhan-dadhre Hutabhuji viva-*

7. sva(sva)n-iva maha: । । [8] tad-dhama-nissimam-amahyam-anyai-any-aiva sa kacana dana-sakte: I amanusam paurusama-avirasit-Sallaksane visva-vilaksanan-tat । । [9*] khadga: srikara [valat-a]dhikam(ka)ranam va(ba)hur-mahavahini kirti: sambhrta-[su]pakara-vidhaye pacyam sada dam-*

8. sanam । rajyen-api vina nijopakaranany-etani ni:kantakam yat-samrajya-paricchadam viracire cinta-vitan-ojjhitam(tam) ।। [10] samar=ajira-bhajo'sya cirum nistrimsa eva sa:।[khadgas-c-a]pi dhrto mudhna yo jahar-asu(su) jivitam(tam)।।[11*] [Malaya]-valayasy-ante sante*

9. Viyattatini tate Himagiri-guha-geha-dvare darim-adhinaisadhim | prathama-likhitam siddhai-yasya prasasti-padavalim pathati nipunam strainam modan-nabhasthalacarinam(nam) || [12] Kaliasacala-mekhalasu Malaya-svacchesu mero:sirobhage svargga-tarangini-tatabhuvi-*

10. sthanesu c-anyesv-api l krtva tarppana-silpajam pratikrtim vrddh-opadesat-pati-praptyai khecarakanyakabhir-anisam yad-bahur-abhyarcyate | | [13] ejya-gva sa: pesalair-istasiddhi-pra- - -pahnaram svam jagadbhi: i gehe yasya sri-vilas-abhirame vya-*

11. gad-vai tam giyate caran-aughai: | | [14] Amarapura-purandhri-vandhutamavyalikam bhajati sukrtarasau tatra sallaksanakhye I prativapuriya tasya prapya sadyo'navadyam sutamuditavivekam lokakautuhalam tat | | [15*] Alhana: pranaya-pesala: satam garjjatam krakaca-*

12. kotirytkata:l aninaya nayaninhavena ya: prahrtam prakrticancalam sriyam (yam) || [16] lokottara: sa khalu ko'pi yadabhimukhye'hankararasiragalaccirasambhrto'pi I samsaripasabhudu – udrsaiva yasya jataslatha:sukrta du:krta kancukasca || [17*]*

13. paurusapratirandhriti purandhriti ca bibhyatam I yena lokanuruddhapi pratisiddha nagonnati: | | [18] tadbhratrjo jagati meghasuta: srutadhya: srimanabhudanayacandrapadabhilanghya: I govindcandra dharanindra guruprasadatsaketamandalapatitvama-*

14. lambhi yena | | [19] sasvatsangararanganartitaripuskandhena yuddhohhjura*

virastena na kevalam balavata ye durmmada mocita: I apyuddamacamupradananiratasvanena caikantato durarudhasvayasyatamadamasau kalpadrumasyajita: | | [20] tankotkhatavi-*

15. salasailadikharasrenisilasamhativyuhairvisnyharerhiranya kalasa ri sundaram mandiram I purvvairapyakrtam krtam nrpatibhiryenedamityadbhutam samasararnava-sighra-langhana-laghupayan-dhiya dhyayata | | [21] govindacandra-kstipala-rajya-*

16. sthairyaya-nistandra-bhujargalasya I atha prapede'sya padam kaniyan-Ayusyacandro'lhana-sunur-eva || [22] na Sahasankena na Sudrakena tasy-opamanam vidadhu: kavindra:I krtam bhiya yasya puro na kamad anyena manye dhanur-atataiyam (m)|| [23*]*

17. uddama-saudha-vibudh-alayanim-Ayodhyam-adhyasya tena naya-ninhuta-vaisayena I Saketa-mandalam-akhandam-akri kupa- vapi-pratisraya-tagada-sahasra(sra)-misram(sram) || [24] nidra-nirodha-vidhaye nija-vallabhanam Hemacala-amala-silatala-talpa-*

18. lina-kasturik-ena-aruni-sravan-opabhogya-yogyam jagu: sarasa-magna-raso yaso'sya | | [25] avimukta-visalaksi lalit-anandita sada I kasiva yasya dehasri: satam nirvvana-karanam(nam) | | [26*] asthibhyo vitaran-Hiranyaka-*

19. sipum samyamya Va(Ba)nam rane kurvvano Va(Ba)liraja-va(ba)hu-dalanam krtva va(ba)hun-vikraman I kurvvan-dusta-Dasananasya hanana- - U - - U ka: ko'py-anya: sa das-adhiko U U U - - - U punyo tata|| [27] ady-*

eha – U nrpate U U

20. to nihanti pascatya-bhiti-api bhisana-bahu-dandam: (m) I teja: prabhava-mahatam mahas-iyam-eva purvv-apara U U U - U U - U - - [28] [punyai]: prajanam prainamavadbhi: khyate ksitau raja . . . . .sri Ayusyaca . . . .*

English Translation

Line1 . . . . . Obeisance to [Lord] Siva. . . . . .*

Lines 1-2, verse 1. [This line is nearly totally erased. But there is enough space for a verse in a lengthy metre such as Sardulavikriditam]

Lines 1-2, verse 2. . . . . of the physique of [Lord] Trivikrama. . . . . by His height containing within His body the sixteen doctrines(or maha-vidyas) . . . . . in Whose palm He holds the universe like (holding) the Moon, whose kalugiri (in the case of Bharata-varsa, one of the seven great mountain ranges, viz., Mahendra, Malaya, Sahya, Suktimat, Rksa, Vindhya and Pariyatra) whose falling rocks(,while striking one another,) create noise had, out of wanton arrogance. . . . . .

Lines 2-3 verse3. The illustrious Bhargava (i.e., Parasurama) . . . an ornament of the earth . . . like insects . . . . with firm hands upraised . . . . . having increased, events brought into existence, barren faces. . . . . .

Lines 3-4, verse4. during the violent dance of the Lord of (the goddess) Candi (i.e., Lord Siva), from thr rocking head jewel. . . . . .

genuine reputations which emanated from the opening in the skull-shaped spherical half of the universe. . . In that family heroestook their birth, who were determined to

resurrect the warrior clan which had been rendered weak by the wars waged by Bhargava (Parasurama) (against them).

Lines 4-5, verse5. Noble was that very family which was the birth-place of valour which had successfully removed the sufferings of the other (Ksatriya clans) in which Mame, the abode of thousands of perfect and extremely valorous deeds and who was the utmost favourite of the world.

Lines 5, verse 6. That very Son of the Sun (i.e., Karna), Mame, the unequalled hero of the world, uttered everyday the words "may I have no mercy on (my) body, may I not hanker for material wealth, may I be diligently disinterested in sensual temptations . . . . . .

Lines 5-6, verse 7. The thorny trees, like the sensuous villains, repeatedly wrote (i.e., scratched) on the skins of the breasts and hips and loins of the womenfolk of the tribal villages of the plains and hills who had taken refuge in the thickets as a result of the destruction of their abodes in sportive wars waged by him.

Lines 6-7, verse 8. His fame alone having pervaded till then the heavens, the high-minded [Mame], wishing to go to the heavens in person and reside there in that wonderful world, he bequeathed his entire realm along with all the wealth to his son Sallaksana just as the Sun-god had bequathed all his lustre to the Fire-god.

Line 7, verse 9. As a result of some unknown power of the gift of that realm, which had no bounds and was other-worldly, a super-human valour manifested itself in Sallaksana; it was indeed an earthly exception.

Lines 7 – 8, verse 10. The sword was at the tip of his fingers, his hand was verily the great army, his fame, like sumptuously cooked delicacies, were ever palatable; even without a kingdom to rule, these personal instruments enabled him to spread extensively an empire sans worries.

Line 8, verse 11. He who was for long intervals enjoying himself on battle-fields, bore on his head his ruthless sword, which was quick to end the lives (of his enemies).

Lines 8-9, verse 12. Within the serene surroundings of the Malaya mountain, on the banks of the heavenly Ganges, at the entrances of the cave-dwellings of the Himalayas, in the caverns in which the hunter-tribes dwell, the accomplished womenfolk gaily sing (literally, read) the strings of his eulogy composed for the first time by the semi-divine beings moving about in the skies.

Lines 10-11, verse 13. On the advice tendered by the elders, in the terrains of the Himalayas, in the pristine pure regions of the Malaya (Mountains), in the lands along the banks of the heavenly Ganges as well as in other regions the semi-divine unmarried girls, with intent to gain husbands, ever offer worship to the hands of the satiating images sculpted in his (i.e., Sallaksana's) likeness.

Lines 10-11, verse 14. He who is to be offered oblations by the beautiful for the realization of their desires . . . . himself by the worlds . . . .in whose abode, which is pleasing with wealth and happiness, hi is sung about by multitudes of celestial singers.

Lines 11-12, verse 15. The people look upon as a phenomenon the fact that, Sallaksana, who was, through

good fortune, enjoying the genuine company of the damsels of the heavens, had happily begotten a son who, by appearance, was no different from his father.

Lines 11- 12, verse 16. [That son] Alhana, who was the beloved of the good people, is like a pointed saw to the war-mongers. He retrieved the splendour of the habitually fickle-minded Goddess of wealth by means of fair and persuasive means.

Line 12, verse 17. He was indeed extraordinary and whenever he confronted (his foes the heap of their) arrogance, accumulated over a protracted period, melted away. The garb of good deeds and bad deeds (worn by them) slipped away by his mere looks.

Line 13, verse 18. He was the destroyer of (his enemies' manliness, and made those who were afraid effeminate; as against the belief among the people, his eminence far dwarfed that of the lofty mountains.

Lines 13-14, verse 19. His nephew (literally brother's son), the widely celebrated Meghasuta, the illustrious one, who superceded Anayacandra; he earned the lordship of Saketa-mandala through the grace of his elder, the Lord of the earth, Govindacandra.

Line 14, verse 20. Not only did he, who was powerful, put an end to the arrogant warriors who were dancing in unrestrained frenzy in the battles constantly fought by him, but he also gave (to his people) an excellent army which was replete with (soldiers comparable to) the wish-fulfilling trees.

Lines 14-15, verse 21. By him, who was meditating in his

mind on the easiest means of quickly jumping across the ocean of worldly attachments, was erected this beautiful temple of [The god] Visnu-Hari, [on a scale] never before done by the preceding kings, compactly formed [i.e. built] with rows of large and lofty stones which had been sculpted out.

Lines 15-16, verse 22. The position of Alhana, whose tireless shoulders were like safety latches for the stability of the king Govindacandra's empire, was subsequently occupied by his younger (son?) Ayusyacandra.

Line 16, verse 23. Great poets dared not compare him with Sahasanka and Sudraka; out of sheer fear none save the God of Love dared draw the bow-sting in his presence.

Line 17, verse 24. By him, who was of good conduct, and abhorred strife, while residing at Ayodhya, which had towering abodes, intellectuals and temples, Saketa-Mandala was endowed with thousands of wells, reservoirs, alms-houses, tanks.

Line 17-18, verse 25. the young damsels, who were as attractive as the female musk-deer and does, while they rested on the cool surfaces of the Himalayan rocks, sang about his (i.e., Ayusyacandra's) fame.

Line 18, verse 26. Whose bodily splendour, which was ever characterised by glowing eyes, was at all times pleasant with gentle feelings, was a source of salvation for the good just as (the holy pilgrimage centre) Kasi is.

Lines 18-19, verse 27. Separating [the flesh and blood of the demon] Hiranyakasipu from his skeleton, subduing [the demon] Bana in battle, tearing asunder the arms of the

[demon-] king Bali, and performing many valorous deeds, having killed the evil Ten-headed [demon Ravana], ...

Lines 19-20, verse 28. And now, the fierce arms of the ruler . . . annihilates even the fear caused by the westerns (i.e., the Islamic invaders from the west). The brilliance of the mighty great ones . . . . east and west . . . . . .

Line 20, verse 29. Because of the subjects' effective acts of merit, the king being famous in the world . . . . . the illustrious Ayusyacandra . . . . . ."

3637. Sri K.V. Ramesh, O.P.W. 10, has also submitted a report about the said inscription , which says:

"The subjoined stone inscription is engeaved on a rectangular stone slab, the written area roughly covering an area of 115 cms X 55 cms. The slab as at present extant is diagonally broken in two leading to the loss of a couple of letters in almost every line. Besides, the first and last two lines have suffered heavy damage resulting in the loss of many letters. All in all, the loss of letters have proved a handicap to epigraphists and Sanskritists in the matter of fully interpreting the contents of the text. Nevertheless, the overall purport and the crux of its import are clear beyond doubt. In the first instance a hurriedly prepared estampage, and in recent times, a high quality estampage as well as some photographs were all provided by Dr. S.P. Gupta Chairman, Archaeological Society of India, New Delhi for which I am highly thankful to him.

The text of the inscription is written in fairly chaste Sanskrit, the orthographical features being regular for the

period to which the inscription belongs, namely the middle of the 12th Century A.D. The inscription is not in any way dated, but may be assigned, with confidence, to the middle of the 12th Century on palaeographical grounds as well as the internal evidence provided by the inscriptional text in question.

But for the opening salutation to Siva at the very beginning, the entire text of the inscription is composed in Sanskrit verse of fairly high literary excellence. As has been stated above, the palaeographical and orthographical features are normal for the period to which the inscription belongs, viz, the middle of the 12th century A.D. This was an important period of transition from classical Sanskrit to the North Indian vernaculars. This can be easily identified in contemporaneous inscriptions, including the present one, in the confusion in the use of class nasals and anusvara, and in the employment of the sibilants and palatals.

As for the contents of the text, it is fully reflective of medieval vanity as far as the eulogies of the heroes mentioned in the inscription are concerned. The most important internal historical information we get from this epigraph is the mention of Govindachandra, obviously of the Gahadavala dynasty, who ruled over a fairly vast empire from 1114 to 1155 A.D.

Verse 1 is entirely lost. Verse 2, which is badly mutilated, refers to Trivikrama and, hence, may have been composed in praise of Lord Visnu. Verse 3, which is also badly damaged, seems to allude to the near-total

decimation of the warrior clans by Bhargava-Parasurama. Verse 4 refers to the emergence of a Ksatriya family, heroes born in which successfully resurrected the decadent warrior clans. According to Verse 5, in that noble family was born the beloved of the people, Mame. Verse 7 speaks of his detachment from mundane things while Verse 8 informs us that he bequeathed his realm and wealth to his son Sallaksana. Verse 9 to 14 contain conventional praises showered on this Sallaksana in which the poet has displayed a high level of poetic imagination. Verse 15 refers to the birth of his son whose stunning resemblance to his father was the talk among the people. Verse 16 refers to this son as Alhana and credits him with retrieving the past power and glory of his family. While the next two verses (17 and 18) contain his conventional praise, verse 19 gives the information that his nephew, Meghasula by name, as superseding a certain Anayacandra and obtaining the Lordship of Saketa-mandala through the grace of the senior Lord of the earth, Govindacandra, While verse 20 lauds the military might of this hero, verse 21 gives the important information that, in order to ensure his easy passage into the heavens, Meghasuta built a lofty stone temple for the god Visnu-Hari. From verse 22 we learn that he, who was responsible for the stability of Govindacandra's empire, was succeeded by the younger Ayusyacandra as the Lord of Saketa-mandala. Verse 23 contains his conventional praise. According to verse 24, he set up residence in the city of Ayodhya, which was adorned with lofty abodes, intellectuals and temples, and added to

the entire Saketa-mandala thousands of small and big water reservoirs. Verse 25 and 26 contain more conventional praises of Ayusyacandra. Verse 27, which is partly damaged, alludes to the well-known episodes of Visnu's incarnations as Narasimha, Krsna, Vamana and Rama. The badly damaged verse 28 refers to a King (probably Ayusyacandra) as warding off the danger of invasion from the west (i.e. from the invading Muslim forces). Verse 29, which is incomplete, mentions the king Ayusyacandra.

The reference to Saketa-mandala is interesting. It is well known that North India. Just as in the case of the South, was divided into administrate divisions called mandalas (see the word mandala in the indices to H.C. Ray's monumental two-volume work 'The Dynastic History of Northern India', II edn.' 1973, Delhi)"

3638. The expertise of Dr. Koluvyl Vyassrayasastri Ramesh-OPW 10 as an Epigraphist could not be disputed by any of the parties. In fact some of the witnesses of both the sides admitted that he is the best authority so far as the translation of Sanskrit inscription is concerned. PW-16 Dr. Suraj Bhan in Part II page 6 has said about Dr. Koluvyl Vyassrayasastri Ramesh:

''मैं डा0 के0 बी0 रमेश को जानता हूँ, वह एपीग्राफिस्ट हैं और मान्यता प्राप्त है।'' (पेज 6)

"I know Dr. K.B. Ramesh. He is an epigraphist and have recognition as such." (E.T.C.)

3639. Dr. Koluvyl Vyassrayasastri Ramesh himself appeared in witness box and proved the decipherment and translation of the contents of stone inscription and also the fact

that it must belong to 12th Century A.D. From the reading of the contents, he also stated in para 14 of his affidavit that a temple of Vishnuhhari constructed by Meghasuta must have been in existence in the temple town of Ayodhya from 12th Century A.D.

3640. It would be appropriate to refer some extracts of the statement of OPW 10:

> *"While deciphering the inscription I have shown square brackets with numbers and star marks to indicate the numbers of the verses calculated by me although that number is not mentioned in the inscription." (Page 20)*
>
> *"The first two pages and the top portion of page No. 3 of my report have the introductive part of my observations. In other words it may be termed to be as an introduction part of my report." (Page 21)*
>
> "***According to me, the period of the inscription in question can be dated back to the 12th century*** *and wherever I have used specifically the period around middle of 12th Century, I meant that it was* ***from about 1130 to 1170*** *A.D. If once I have used the period around middle of the 12th Century, it will remain the same even if I subsequently refer it to as 12th Century." (Page 29)*
>
> "*After 2000-2001 I had studies many facsimiles of inscriptions of Gahadwala rulers, namely, Chandradeo, Govindchandra and Vijaychandra. I compared all such facsimiles with the estampage of the inscription in question from palaeographical point of view. I did not deem it necessary to mention in my report specifically hat while comparing the estampage of the inscription in question with other facsimiles." (Page 37)*

"It is not correct to say that till 13th century, for temple, the word 'Devalaya' etc. but not Mandira was in use. *. . . . It will not be correct to say that up to 12th century, the word 'Mandira' was not being used for temples but for human dwellings." (Page 44)*

"My translation regarding verse 22 appears to be defective as it does not make the position clear regarding succession of Alhana and Ayusha Chandra. In my opinion, the ***correct translation of verse 22 of the inscription in question would be that Ayusha Chandra, son of Alhana occupied the position of Meghasuta as chieftain of Saketa Mandala****." (Page 46)*

"It is clearly mentioned in verses 19 & 24 of the inscription that Ayodhya was the headquarters of Saket Mandal. Since the Raja of Saket Mandal was residing in Ayodhya." (Page 51)

"Inscription specifically states that Ayushya Chandra was residing at Ayodhya when he was the ruler of Saket Mandal." (Page 52)

"The temple referred in this inscription was constructed by Meghasuta but the inscription was got written by his successor. *There is a gap between the period of construction of the temple and the inscription." (Page 53)*

". . . which the temple built by Meghsuta was in existence when his successor Ayushya Chandra got this inscription engraved." (Page 54)

"The inscription is engraved for the main purpose of recording the construction of the Vishnu Hari temple

***by Meghasuta and the excavation of thousands of wells, tanks, reservoirs, etc. by Ayushya Chandra**." (Page 65)*

3641. From the above inscription, the following facts we can safely infer:

(A) There existed a temple of Vishnuhari at Ayodhya in 12th Century A.D.

(B) It was constructed by a Ruler of Garhwal Dynasty i.e. by Meghasuta.

3642. The inscription giving this information became available in December 1992 actually pertain to 12th Century A.D. Its genuinity and authenticity could not be doubted though it was argued on behalf of the Muslim parties that the manner in which it claimed to have been obtained cannot be decisive to hold that it was fixed in a building existing at the disputed site. The stone inscription therefore by itself cannot be decisive to hold that Vishnuhari Temple existed or was constructed at the disputed site.

3643. OPW-9 and 11, the authors of the book **"Ayodhya Ka Itihas Evam Puratatwa"** (Paper No. 289 C1) admitted several inaccuracies in the translation of the aforesaid stone inscription, they had published. They also admitted unequivocally whatever has been translated by Dr.Koluvyl Vyassrayasastri Ramesh- OPW 10, that is the most authentic and must prevail.

3644. In the meantime, Prof.D.Mandal PW-24 also published a book expressing his opinion that if further excavation is made at the site in dispute, it may be helpful to find out whether there existed any earlier religious structure of Hindus or not.

3645. Exhibit 63 (Suit-5) (Register 30 Page 7-98) also **Exhibit D-26 (Suit-5)** is a photocopy of a Book titled as **"Ayodhya Archaeology After Demolition"** by D. Mandal first published in 1993, reprint in 1994 by Orient Longman Limited, Haidrabad. On page 13, there is an acknowledgement of the author as under:

> *"Any work done is never the outcome of one person's endeavours. This tract owes a great deal to several friends who have helped in various ways. For the inspiration and encouragement unstintingly provided,* ***I wish to thank especially Professors R.S. Sharma, B.N.S. Yadav, D.P. Agarwal, S.C. Bhattacharya and N.C. Ghosh****. I am also grateful to Mr. Ziaul Haq, a senior journalist based in Allahabad, Mr. Sanjay Kumar (photographer) and Mr. L.K. Tiwari (draftsman). I thank Dr. Also Rai who suggested that this work be published as a tract, and the editors of the series, especially* ***Prof. Neeladri Bhattacharya and Romila Thapar. I am grateful to Dr. Shereen Ratnagar*** *for providing a concise and clear introduction to archaeological methods. Not least, I thank my wife, Ms. Basanti Bose, for her valuable support. The responsibility for any shortcomings, however, is entirely mine."*

3646. The "Editorial Preface" which is published and is on record at page 17 to 22 Register 30 has been written by Romila Thapar and "Introduction" to the book which is on record from page 23 to 35 has been written by Shereen Ratnagar. It appears to have been written to counter the claim of some experts with respect to the site in dispute based on the stone inscriptions claimed to be recovered in December 1992 as also report of Sri

B.B. Lal wherein he mentioned to have found some pillar bases during his excavation made in 1975-76.

3647. Shereen Ratnagar has tried to give an idea about the merits and demerits of the process of excavation, ascertainment of historical facts and also justification of a report or comments of a person, who himself has not gone in field archaeology vis-a-vis report of a person who has actually conducted excavation. The concluding two paragraphs may be referred as under:

> *"It must be reiterated that in excavation we actually destroy stratigraphic context without which the antiquities we find make little sense. At any excavation therefore, regular trench diaries; accurate drawings of sections and planning of walls, floors, or hearths; photography; and the management of multiple notebooks recording strata numbers and description and their corresponding batches of small finds are as important and as challenging as the actual digging, as these allow for re-examining of the data at a later stage when new finds, new techniques of analysis and new methods are developed in the subject. The data of archaeology do not simply lie in the ground awaiting recovery when they will 'speak for themselves;, it is when we excavate and record, when we make out typologies and classifications, that we generate date.*
>
> *The importance of excavation records will become evident when it is pointed out that even professional archaeologists cannot visit every excavated site. It is the excavation reports which they read with critical care; it is the report, its drawn and photographed sections and the chapter invariably entitled 'stratigraphy', which enable the*

seasoned field excavator to distinguish the various features, the authentic from the inauthentic data and evaluate the stratigraphic skills of the excavator and thence the valid from the invalid conclusions. Such review and re-analysis of previously gathered information (artefacts, photographs and other records) by scholars not present at or involved with the original dig, is entirely valid and accepted in archaeological research."

3648. This book appears to have been published when a Presidential reference was pending before the Apex Court. D. Mandal, the author of the book, who has also deposed his statement as PW 24, on page 16 of his book (Register 30, Page 36), says:

*"**Evidence gathered from archaeological excavations at the site will be of vital importance making it pertinent to discuss the extent to which archaeology science can help resolve the question.** Admittedly, archaeological cannot answer questions relating to faith, or questions such as whether Rama was an historical figure, or problems about locating his birthplace. However, archaeology can answer with a considerable degree of certainty, many questions about various past activities of people, for which material evidence is available. It is for this reason that archaeological research continues and is of importance."*

3649. The report seems to have considered the question, whether there was a temple below the mosque. Though Prof. B.B. Lal's finding of a pillar bases and wall during his excavation in 1975 could not be disputed but the author refute that those structures did not belong to an erstwhile temple as

claimed, and tried to justify his conclusions on page 39-40 of his book (Pages 65 to 66 Register 30) as under:

"The analysis of all the strands of information from Discovery 1 reveals that:

1. That ***various structural remnants claimed to be the vestiges of 'pillar bases' are not contemporaneous. They belong to at least five different, sequential structural phases*** *(rebuilding episodes).*

2. ***It is highly probable that the so-called pillar bases are actually the remnant portions of walls of different structural phases****.*

3. This rules out the possibility of there having been one structure raised on a series of pillars.

4. There is ***clear indication in the trench of the existence of at least two rooms or room clusters or parts of buildings belonging to two different phases,*** *but with the same general layout and construction methods.*

5. Constructed as they are of brickbats laid haphazardly, the so-called pillar bases were certainly not capable of bearing the vertical load of large-sized stone pillars, as has been suggested (RB-MH Pt II) and frequently reiterated.

6. The contention that a 'pillared building' was raised in the eleventh century A.D. is absolutely baseless. No structural feature or artefactual find points even in a circumstantial manner to a date approaching the eleventh century. ***Instead, what is firmly suggested for the poorly built structure unearthed in the trench, is a date between the thirteenth and fifteenth centuries A.D.***

7. We can only surmise that the much publicized sherds of Islamic glazed pottery were found in all the deposits associated with the five structural phases. If this surmise is correct, then the use of this pottery was simultaneous with the habitation of the structure (through all five rebuildings of reparis). A time span of up to three hundred years that is indicated by this pottery, is quite consistent with the remains of the five occupational deposits, associated with the sequential structural phases, i.e., with the depth of material found. Such a discovery is fairly common in archaeology.

8. The discussions above reveal the ***selective manner in which some archaeologists had cited the archaeological finds to argues for the existence of a temple****. (In the process, the stratigraphy was paid scant attention). No reference has been made by Y.D. Sharma et al. In NAD, n.d. to the total range of pottery found in the trench. A study of this should be undertaken urgently. Attention must be paid to the ordinary red ware of everyday use associated with the de luxe glazed pottery, as also to other minor antiquities. These will shed light on the function of the structure, for example, whether it was any ordinary house with, say, cooking utensils, or not a residential structure devoid of domestic artefacts of everyday use."*

3650. The author suggested that the said structures might have been the residuance of some building of the period between 13th to 15th century. The author could not dispute the existence of some structure beneath the disputed structure but

refuted the claim that it was a massive temple of 11th or 12th century and instead suggested that it could have been structure of 13th to 15th century.

3651. Be that as it may, one thing is very clear that there is not even a whisper in the entire work that there could have been possibly a structure like Idgah or Kanati Mosque underneath the disputed structure over which the disputes structure was constructed, though this book was published as long as in 1993.

3652. The Court also had some other documents showing that certain inscription found from time to time indicating the reign of Garhwal Dynasty at Kannauj, which had within its territory Ayodhya also.

3653. **Exhibit 28 (Suit-5) (Register 30 Page 119-132)** contains photocopy of frontispiece and pages 97, 98, 99, 100 and 101 of **"Epigraphia Indica"** Vol. IV 1996-97 published by ASI in 1979. It refers to 21 copper plates of the King of Kanauj, Vikram Samvat 1171-1233 **(AD 1114-1176)** written by F. Kielhorn. It is said that fourteen of these plates contain grants of the King Govindachandra of Kanauj, one is the grant of **King Vijayachandra and his son Jayachchandra and six are the grants of King Jayachchandra**.

3654. **Exhibit 29 (Suit-5) (Register 30 Page 133-154)** is photocopy of frontispiece and pages 192, 193, 197, 198, 199, 200, 201, 202 of **"Epigraphia Indica"** Vol. XIV 1917-18 published by ASI in 1982. This is in respect to **Chandravati plate of Chandra Deva Vikram Samvat 1150 to 1156. These six plates were found at Chandravati in State of Banaras.** On page 193 (Page 137, Register 20), it says:

"The first document is inscribed on five plates,

comprising a total of ninety lines. It begins with an invocation to the Goddess Sri, consoled to ***Vishnu, favourite deity of the kings of the Gahadavala family, and goes on to describe the genealogy of the donor, king Chandra-Deva, and his conquest of Kanauj.*** *This is followed by the royal order announcing that the Parama-bhattaraka Maharaj-adhiraja- Param- esvara- Parama-mahesvara Srimach-Chandraditya- Deva,* ***after bathing at the Svarga-dvara*** *at the confluence of the Sarayu and Gharghara* ***in Ayodhya,*** *conferred on a body of 500 Brahmanas (pamchasata-samkhyebhyah) the pattala of Kathehali with the exception of certain villages formerly given to temple, Brahmanas etc., on Sunday the fifteenth day of the dark half of the month of Asvina in the year Samvat 1150 (expressed both in words and figures), on the sacred occasion of a solar eclipse.* ***The date correspondence to AD 1093, October 23****. He also gave away the village of Sarisoda in the Vrihadrihevamkanai pattala for the residence of the same community of the Brahmanas. The document winds up with nine verses, the first seven of which are of the an imprecatory nature. The eighth mentions the name and the parentage of the scribe Hridayadhara, son of the illustrious Sivastambha and the last eulogizes the donor Chandra-Deva as the king by the resoundings of whose copper-plates bearing grants of land, "at the time of their being engraved with rows of closely written lines, the universe has become deafened."*

It is interesting to know that ***one of the ghats of Ayodhya still bears the name of Svarga-dvara.*** *The*

pattala of Kathehali is now known as Katehir, the largest pargana in the District of Benares. "It is bounded on the south by Athaganwan, Sheopur and Jablupur, on the east by the Ganges and the pargana Barah of Tahsil of Chandauli, on the west of Kolaslah and on the north of the small pargana of Sultanipur and the river Gumti." Its ancient boundaries (chatur-aghata), as recorded in this inscription, were "Kollakanandivara pattala the Gomati, Bhagirathi and Varana." We may assume that the pattala of Kathehali was nearly co-extensive with its modern representative; for, though one of the old boundaries, Kollakanandivara has not been identified with certainty, it is not impossible that it is the same as Kol Aslah which now marks the western limit of the Katehir pargana. We note in support of this that Kol Aslha is also a pargana and its first component may will be a remnant of "Kollaka".

3655. Exhibit D30 (Suit-5) (Register 30 Page 155-165) is photocopy of frontispiece and pages 54, 55, 56, 57, 58 of the book **"Epigraphia Indica"** Vol. XX 1929-30 published by ASI in 1983. It refers to a **Shunga inscription from Ayodhya authored by Rai Bahadur Daya Ram Sahni.** This inscription was found at Ranopali about a mile distance from Ayodhya. About this inscription on page 55 of the book (page 159, Register 30) it says:

"The inscription is important for more reasons than one. ***It is the first inscription on stone or metal yet discovered which mentions the name of Pushyamitra****, the celebrated founder of the Sunga dynasty. Hitherto he was only known from literary sources, e.g., the*

Divyavadana (XXIX), Patanjali's Mahabhashya (III-2-123), where references is made to a sacrifice performed by him, some of the Puranas, Kalidas's drama, the Malavikagnimitra, etc. ***The passages referring to the Sunga dynasty in the Vishnu and the Bhagvata Puranas are quoted in parallel columns in Pargiter's*** *The Purana Text of the Dynasties of the Kali Age, pp. 30-33. From the extract from the former we learn that the* ***dynasty was founded by the General Pushyamitra after he had slain the last Maurya king Brihadratha. His son was Agnimitra, who was succeeded by Vasujyeahtha. The latter's son was Vasumitra and his son Andhraka. He was succeeded by Pulindaka and the latter by Yomegha. He was followed by Vajramitra. He was followed by Samabhaga. The latter's son was Devabhumi.***

Kalidasa's drama mentions three of these kings, *i.e., the founder, his son Agnimitra and the latter's son Vasumitra and further informs us that Pushyamitra instituted a Rajasuya sacrifice and appointed Vasumitra as the guardian of the sacrificial horse, which in accordance with religious custom was to wander at will for a year and that the horse was seized by the cavalry of the Yavanas, whom Vasumitra successfully defeated and brought the horse back to his grandfather's sacrifice. The Rajasuya sacrifice was performed by universal monarchs and the sacrifice of this name mentioned in the drama of Kalidasa may have been the one performed by Pushyamitra on the occasion of his coronation.* ***The Ayodhya inscription, however, records the performance of two Asvamedha***

sacrifices by Pushyamitra. *It is at present not known what necessitated the institution of the second sacrifice by him. It is to the credit of Pushyamitra that he revived this sacrifice which had long been in abeyance owing to Asoka's commandments prohibiting the immolation of animals even for sacrifices. Mr. Jayaswal thinks that the Asvamedha sacrifice mentioned in an inscription discovered at Nagari also referred to Pushyamitra. It is true that such an inscription was found by Dr. D.R. Bhandarkar when he was engaged in his excavations at Nagari. It has, however, been found by Rai Bahadur Gaurishankar H. Ojha to be only a fragment of the Ghosundi inscription and to supply the missing portion of the first line of that record. Thus restored, the epigraph shows that the son of Gajayana and Parasari mentioned in it was one Sarvatata, who had performed a horse-sacrifice, but makes no mention of Pushyamitra.*

The Ayodhya inscription is also interesting as it establishes the fact that the correct name of the founder of the Sunga dynasty was Pushyamitra , not Pushpamitra as found in some of the Sanskrit works. Dr. Buhler had already been led to this conclusion by the form Pusamitta which he found in certain Jaina Prakrit gathas, but epigraphical evidence was wanting.

The interpretation of this short records is rendered difficult by the uncertainty about the exact significance of the words Pushyamitra shashthena and I am afraid the difficulty will not solved until another inscription of the Sunga dynasty containing the genealogy of these kings

comes to light. I propose here to recapitulate what has been said by the previous writers before I record my views of the point. Pandit Ratnakara rendered these words as the sixth descendent, brother or son of Pushyamitra and as with the last alternative, Phalgudeva would become identical with Pushyamitra, he thought he could overcome the difficulty by supplying a word like pujyasya between the words pituh and Phalgudevasya and interpret the expression as "in honour of Phalgudeva, a teacher or deity of this father." Rai Bahadur Gaurishankar Hirachand Ojha favoured the meaning "sixth in descendent from Pushyamitra," while Mr. Jayaswal preferred to interpret the expression as the sixth brother of Pushyamitra, making Phalgudeva the father of Pushyamitra. This view was endorsed by Dr. A. Banerji-Sastri, who rejected "the descent theory" for the reason that if Dhana[Deva] was sixth in descent from Pushyamitra and evidently proud of it, his name would have ended with the word mitra. This, as Mr. N.K. Bhattasali has shown, is no real obstacle as the names of several of the kings of the Sunga dynasty as given in the Puranas and found on their coins have different endings. Dr. Sastri also emphasis the fact that in the Smrit. 'descent' is signified by the termination of the 5th case, not the 6th as is the case in the expression under discussion. Mr. N.G. Majumdar has hunted up a parallel expression in verse 88 of the 16th Sarga of the Raghuvamsa. The expression in question is panchamam Takshakasya, which is interpreted by three commentators as meaning "grandson of grandson of Takshaka." Mr. Majumdar therefore sees no difficulty in

interpreting Pushyamitra shashthah as "sixth in descent from Pushyamitra". In his third article on this inscription, however, Mr. Jayaswal points out that the example from the Raghuvamsa referred to above is actually interpreted by Mallinatha as meaning the fifth son of Takshaka. 'The sixth of Pushyamitra' in the Ayodhya inscription should therefore mean the sixth son of Pushyamitra. As, however, this interpretation would make Phalgudeva identical with Pushyamitra, he proposes to read Dharmarajna in the 2nd line as Dharmarajni, and to compound it with the following word pituh. He thus construes the record as meaning that Dhanadeva, the sixth son of Pushyamitra, erected a house in honour of Phalgudeva, the father of his lawful queen.

It will be seen from the above that the only parallel expression found by the ingenuity of Mr. Majumdar is capable of two divergent interpretations. As has been pointed out by Dr. Banerji Sastri, the inscriptions so far known fail to through light on the question and he is right in stating that the established custom in epigraphical records is either to name the generations in succession or not at all and that it is not usual to mention a distant stage by omitting the intervening ones. One such example I have indeed secured in verse 44 of the Vamsavali of the Chamba rajas, where we find the words "Meruvarman was the 10th from Jayastambha" after the nine intervening ancestors of Meruvarman have been duly referred to indirect succession. Even here, however, the vibhakti employed is the fifth, not the sixth or possessive case. An example of this kind with the sixth case ending occurs in the

Raghuvamsa, Sarga 6, verse 29; -

त्वमेव कल्याणि तयोस्तृतीया

"Thou alone, fortunate lady, art fit to be their third. "

Sunanda, the attendant of Indumati, while narrating the achievements of the prince of the Angas observes that the goddesses Sri and Sarasvati, though naturally hostile to each other, together reside in him in peace, thus indicating the propriety of her union with him. It will be observed that though the grammatical construction in this case is the same as in the doubtful expression being discussed, the sense of descent is out of the question. Whether more exact parallels both in form and sense will or will not be found in the vast field of Sanskrit literature, I am unable to say. It seems, however, exceedingly difficult to disregard clear palaeographic evidence and to group this record with the other known documents of the early Sunga period. I would, therefore, with Pandit Ratnakara, supply a word like purushena after shashshena and translate "by the sixth descendent of Pushyamitra". It will be seen from the facsimile that only the first portion of the name of the chief who had this inscription engraved is preserved. Previous writers have restored it as ***Dhanadeva*** *and Mr. N.G. Majumdar identifies him with a chief of that name* ***whose coins have been found round about Ayodhya. Be the name, however, what it may, the inscription has established beyond doubt the fact that Ayodhya formed part of the Sunga Empire as late as the date of the inscription, which, on palaeographic grounds must be assigned to about the 1st century A.D.****"*

3656. There is a reference of a pillar inscriptions of Lal Darwaja Masjid at Jaunpur in the book **"Sanskrit Inscriptions of Delhi Sultanate"** 1191-1526 by Pushpa Prasad, Reader in History, Aligarh University published in 1990 and on page 149-152 (Register 30 page 167 to 171) it refers to the said inscription as under:

> ***"47. Pillar Inscription of the Lal Darwaza Masjid at Jaunpur***
>
> *Edited by Cunningham, ASR, 1875-8, XI, p.126; pl. XXXVII, No. 3*
>
> *Fuhrer, Sharqi Architecture, New Series, 1911, 1, pp. 50-1*
>
> *This inscription is engraved on the two faces of the third octagonal pillar in the first row of the north-west cloister of the Lal Darwaza masjid at Jaunpur.* ***It consists of ten lines in Sanskrit in Nagari script and is dated in the year Plava Samvat 1353****, Wednesday, the 12th day of the waning moon of the month* ***Jyestha/15 May A.D. 1296****.*
>
> *The inscription opens with an adoration of Ganapati (Ganesa).* ***The purpose is to record the construction of a temple of Padamesvara on the north-side entrance of Visvesvara temple at Kasi by Padma Sadhu.***
>
> *The inscription itself indicated that its original site had been a temple (the Visvesvara temple) at Kasi (Varanasi). This must have been the same as 'the Bisheshwara temple' mentioned by Sherring in his account of Benares. The large mosque built by Aurangzeb presently stands on its site. But sherring records the tradition that* ***'the Mohammedans as usual transferred its stone to their own mosques and that relics (of the stones) are***

found at Jaunpur.

The transfer took place during the reign of Akbar when the Visvesvara temple, already deserted was demolished and its stones used by Bayizid Bayat. *The latter in his well-known memoirs records the incident thus:*

'At that time (1570-71) there was an idol temple which owing to passage of time had become deserted and become the place of trade of the market people. I purged that place of them and started erecting a madrasa for scholars. ***It was completed around those few days that Raja (Todarmal) came from a bath (in the river)****. In that temple there was pillar 12 gaz (32 fit) high; and there was a date in the Hindu characters inscribed on it stating that it had been* ***set up seven hundred years ago.*** *When Bayizid took it down, he had cut it into two parts, and the two parts into four portions each. Six parts of stone were used in the pillars and slabs of the mosque of the madarasa; and two parts were taken by Khwaja (Dost) Muhammad. Bakshi of the Khanan (Mun'im Khan) who put them on the door way of the mosque at Jaunpur.*

The remnant of the great pillar or lat mentioned by Bayizid survives in the mosuqe built at the site of the Visvesvara temle; it is thought originally to have been 40 feet high.

Bayizid does not say which mosque at Jaunpur obtained the relics from the temple destroyed by him. Mr. Iqtidar Alam Khan, to whom I am indebted for guidance on this source supposes it to have been the defaced Maukhari inscription at the Jami Mosque and the outer arch of the

southern entrance. This would otherwise in with Bayizid's reference to the stone having been placed on the door of the mosque. ***But the explicit reference in the Lal Darwaza inscription to the Visvesvara temple of Kasi leaves little doubt that it comes from one of the two stone parts of the pillar which Bayizid Bayat had sent to Jaunpur. The mosque had been built much earlier in A.D. 1447 by the Sharqi queen Bibi Raji.***

Text (as read by Fuhrer):

औं नमो गणपतये।। अयोध्यायां
पुरावृतः सत्यवाकसजन प्रिय (।) स
ढे साधुरिति ख्यात सर्व्व सत्वाहिते रतः।।1।।
तस्य पुत्रोयभूवाथ साधुनिधेति विश्रु–
तः (।) तस्यात्मजः शुचि धीरः षद्मसाधुरयं
भुवि ।।2।। [Anustubh]
काश्यां विश्वेश्वर द्वारि हिमादिशि
षरोपमम (खरोपमं?)। पद्मेश्वरस्य देवस्य प्रासाद–
मत्करोत्सुधीः ।।3।। [Anustubh]
ज्येष्ठे मासि सिते पक्षे
द्वाश्याम्बुध वासरे (1) लिखितेयं सदा
याति प्रशस्तिः पल्ववत्सरे ।।4।। [Anustubh]
संवत् 1353।।

Cunningham's reading differs in many places as shown below:

Cunningham	*Fuhrer*
1.1 यमोनयामपुरा	*अयोध्यां*
1.2 वृद्ध	*वृत्तः*
1.3 सिद्धेस पुरी	*सढे साधुरिति*
1.6 यास्यां	*काश्यां*
1.10 भाति	*याति*

Translation:

Om, salute to Ganapati (Ganesa). ***Formerly in Ayodhya (lived)*** *Sadhe Sadhu, the speaker of truth beloved of good men, whose delight consisted in the welfare of all beings. His son was the famous Sadhu Nidhi, whose son Padma Sadhu, of steadfast virtue,* ***on the north-side of the entrance to the Visvesvara temple*** *(looking like a peak or Sikhra?)* ***at Kasi built a temple of God Padmesvara (Visnu).*** *On Wednesday, the twelfth day of the waning moon of the month of Jyestha, in the year of Plava Samvat* ***1353, this eulogy is written****.*"

3657. Another document placed before us as **Exhibit B-16 (Suit-4) (Register 33 Page 91-133)** is a copy of the Presidential Address by Sri S.P. Gupta at 23rd Annual Conference of Indian Archaeological Society held on Guntur (Andhra Pradesh) on 22nd December, 1989. The subject of the paper is **"Ram Janambhumi Controversy: Passions Apart what History and Archaeology Have to Say"**. On this issue, since Dr. S.P. Gupta himself has appeared as witness before us, we find no reason to refer his opinion contained in the said document and instead would prefer to consider his oral statement as and when it is needed. Besides, the learned counsels for the parties, during the course of argument or in their written statements have also not referred this document.

3658. Suffice at this stage to mention that in his own way Dr. S.P.Gupta sought to convey that the disputed structure came into existence after demolition a Hindu temple existed at the site in dispute and for that purpose he sought to support his inference based on some historical and archaeological facts. On

the contrary another enquiry was made by Sri Sushil Kumar Srivastava PW-15 and he took a contrary view.

3659. **Exhibit Q-1 (Suit-4) (Register 34 Page 3-36); Exhibit Q-2 (Suit-4) (Register 34 Page 3-37-45); Exhibit Q-6 (Suit-4) (Register 34 Page 47-53); Exhibit Q-3 (Suit-4) (Register 34 Page 57-66); Exhibit Q-4 (Suit-4) (Register 34 Page 67); Exhibit J-11 (Suit-4) (Register 34 Page 69)** are the photocopies of a book **"The Disputed Mosque A Historical Inquiry"** written by PW 15 Sushil Kumar Srivastava.

3660. **Exhibit J-15 (Suit-4) (Register 34 Page 83)** and **Exhibit J-16 (Suit-4) (Register 34 Page 85)** are the page 72 and 95 respectively of the book **"The Disputed Mosque An Independent Enquiry"** written by PW 15 Sushil Kumar Srivastava.

3661. **Exhibit 71 (Suit-5) (Register 36 Page 457-495)** is photocopy of pages 67, 68, 69, 70, 71, 72 and certain photographs of book **"The Disputed Mosque A Historical Inquiry"** written by Sri Sushil Srivastava, PW 15. The author himself has appeared as witness and the book is also available to the Court as Book No. 155.

3662. Since the author himself has appeared as witness on behalf of plaintiffs (Suit-4) and the book itself is on record as Book No. 155, we find no occasion to refer the said exhibit and, in fact, it is also not been referred by the learned counsels during the course of argument or written arguments.

3663. Reference is also made to **Exhibit J-18 (Suit-4) (Register 34 Page 89)** is photocopy of **"Memoirs of Babar"** and **Exhibit J-28 (Suit-4) (Register 34 Page 91 to 115)** are photocopies of some pages of the book **"Babar"** by Dr. Radhey

Shyam, 1st Edn. 1978. Sri Jain placed reliance on page 456 of the book (Register 34 page 111) where it reads as under:

> *"A parallel may perhaps be found in Ayodhya where the famous Janamstha temple remained till Babar's days, although the place, for more than two hundred years had been the capital of the Muslim province of Oudh."*

3664. On page 458 of the book, Sri Jain placed reliance on the following:

> *"Moving via Kalpi and Kanoor, he crossed the Ganges and passing through Lucknow he entered Oudh on Saturday 7th Rajab 934 H./28th 1528 and encamped on the confluence of the Ghagra and Sarju rivers. From 2nd April 1528 to 17th September 1528 there is a gap in his Memoirs. It appears that during this period and until the beginning of the rainy season he remained busy in dealing with the Afghans. Before returning to Agra he appointed Mir Baqi to hold charge of Ayodhya. Shortly after Babar's departure Mir Baqi, on his own account attacked the Hindu temple with a large army. It is related that for seventeen days the Hindus offered resistance. At last failing to stand the onslaught they bowed before the inevitable. Mir Baqi, somehow managed to enter the temple and thereafter he tried to reach the sanctuary. Here the Brahmin priest of the temple, Shyamanand and the members of his family offered resistance to him and did not allow him to approach the sanctuary. Mir Baqi seized and killed the priest and the members of his family. He entered the sanctuary, but to his utter surprise he could not find a single idol there. Whether the temple was razed to the ground or not is still*

controversial issue. But it appears that he build the mosque over a part of the ruins or converted the temple into a mosque. The well known Baburi Masjid, which still stands there is claimed by the Hindus and Muslims both."

3665. In our view, the passage it noted to be rejected for the reason that the learned author has further said in continuation as under:

"The entire structure raises grave doubts. It may be observed that it would be quite injudicious to hold in any way Babar responsible for the destruction of the famous Janamsthan temple. Destruction of temples was neither in consequence with his policy not attitude, especially at a time when he needed the support of the non Muslim population."

3666. Next was **Exhibit J-30 (Suit-4) (Register 34 Page 137-157)** which is copy of the extract of a article "Ayodhya in Ancient India" by B.C. Law published in journal of Ganga Nath Jha Research Institute Vol. I, 1943, pages 423 to 443. Sri Jain refers to the following:

"Political History

The Ramayana refers to the kings of Ayodhya and the system of administration prevalent there. It is interesting to note here the duties of an Iksvaku king. Aroused from his sleep at dawn by the hymns of prisoners and sutas, a king was served with water for washing hands and feet. Duly bathed a Ksatriya king offered oblations to fire and prayed before the images in temples inside his place. After finishing the morning duties he used to attend to the business of his state and then go to his court where he

would meet his ministers. The kind with his ministers used to listen personally to the prayers and complaints of his subjects. Worthy treatment was given to state guests including kings and princes. The king used to spend the the first half of each day in doing the business of his state and the latter half of his time was spent in enjoying the company of the ladies of his harem.

The chief aim of a righteous monarch was to earn the loyalty and goodwill of his subjects. He used to hear the report of his trusted servants and reliable courtiers in order to ascertain the public opinion about his government. He used to redress the grievances of his subjects as far as possible. Nobody was detained or kept waiting at his door if he came to pray for something before the king. He was assisted in his administration by able ministers, eminent jurists and men well-versed in the sacred lore. Punishment was always in proportion to the nature and gravity of the offence. Life-long exile or transportation was an alternative for death sentence.

The king used to give private interviews to spies and special messengers for confidential talks. Divulging state-secrets, watching or overhearing such secret talks were highly punishable. The succession to the throne was generally determined according to the law of primogeniture in the Iksvaku family.

Rama's youngest brother Satrughna ruled Mathura which he founded. His younger brother. Bharata, with his two sons Taksa and Puskala conquered the Gandhara country. The cities of Taksasila and Puskalavati were ruled

by the two sons of Bharata. Chandrakanta and Angadiya were ruled by the two sons of Laksana named Candraketu and Angada. Kusa and Lava were rulers of southern and northern Kosala respectively. Satrughna, Rama's younger brother, installed his two sons Suvahu and Satrughati as kings of Mathura and Vaidesa kingdoms respectively.

In the Mahabharata, the mentioned is made out sixteen celebrated kings (sodasa-rajika) some of whom belonged to Ayodhya, namely Mandhatr, Sagara, Bhagiratha, Ambarisa, Dilipa and Rama Dasarathi. In the Mahabharata mention is also made of Iksvaku, Kakutstha, Yuvanasva, Raghu, Nimi and others. The pious Dirghavajna was the king of Ayodhya when Yudhisthira ruled and performed his Rajasuya Sacrifice. Divakara was a king of Ayodhya who was the contemporary of Senajit, king of Magadha. Both of them were contemporaries of Asimakrsna. Iksvaku, one of the nine sons of Manu Vaivasvata reigned at Ayodhya who had two sons, Vikuksi-sasada and Nimi. From the former was descended the great Aiksvaku dynasty of Ayodhya generally known as the solar race.

The Iksvakus, Aiksvakus or Aiksvakas are the titles of the solar race. Iksvaku was so called because he was born from the sneeze of Manu. The Puranas give a list of the kings of Ayodhya.

The Ramayana genealogy, according to Pargiter must be treated as erroneous and the Pauranic genealogy is to be accepted. The Puranas say that there were two Dilipas, one father of Bhagiratha and the other father or

grandfather of Raghu, but according to the Ramayana, there was only one Dilipa, father of Bhagiratha and great-grandfather of Raghu. According to the Ramayana, Raghu was the father of Kalmasapada and Aja is placed twelve generations below Raghu but the Puranas make Aja son of Raghu. The Raghuvamsa supports the Puranas that Aja was the son of Raghu. The Ramayana makes Kakutstha son of Bhagiratha and grandson of Dilipa but the Puranas say that he was the son of Sasada. The Mahabharata supports the Puranas. The Raghuramsa also supports the Puranas in saying that from his time the kings had borne the title of Kakutstha and that Dilipa was his descendant.

From Dasaratha to Ahinagu there is general agreement. After Ahinagu, most of the Puranas give a list of some twenty kings Paripatra to Brhadbala agreeing in their names though some of the lists are incomplete towards the end.

The Aiksvaku genealogy of Ayodhya mentions the following kings :- (1) Prasenajit who was the contemporary of Matinara; (2) Yuvanasva II, Mandhatr who married Sasabindu's daughter named Bindumati Citrarathi, (3) Purukutsa and (4) Trasadasyu.

Jahnu of Kanyakubja married the grand-daughter of Yanvanasva, that is, Mandhatr.

The Talajanghas attacked Ayodhya and drove the king Bahu from the throne. Mandhatr of Ayodhya had a long war with the Druhyu king Aruddha or Angara and killed him.

Subahu, son of the Cedi king Virabahu and Rtuparna

king of Ayodhya, were contemporaries. Jamadagni allied himself with the royal house of Ayodhya for he married Renuka, daughter of Renu.

Sumitra was the last of the Iksvaku kings in the Kali age who was contemporary with the Buddha. The royal house of Iksvaku sank into oblivion at the time of this king.

The kings of Ayodhya were connected with the Vasistha family. The Vasisthas were their hereditary priests. The earliest Vasistha was the famous priest of Ayodhya in the reigns of Trayyaruna, Satyavrata-Trisanku and Hariscandra. The next great Vasistha was the priest of Ayodhya in the time of Hariscandra's successor Bahu who was driven from his throne by the Haihaya-Talajanghas aided by the Sakas, Kambojas, Yavanas, Paradas and Pahlavas from the north-west but Vasistha maintained his position.

Mitrasaha Kalmasapada Saudasa, king of Ayodhya had the fourth noted Vasistha as his priest. The fifth was priest to Dilipa II Khatvanga and the sixth was priest to Dasaratha and his son Rama. King Kalmasapada Saudasa beguiled by a Raksasa offered Vasistha human flesh as food and was cursed by him.

Iksvaku obtained Madhyadesa and was the progenitor of the solar race, with its capital at Ayodhya.

The kingdom of Ayodhya rose to very great eminence under Yuvanasva II and especially his son Mandhatr. The latter married Sasabindu's daughter Bindumati. He was a very famous king, a Cakravartin and a Samraj and extended his sway very widely. Mandhatr or his sons

carried their arms south to the river Narmada. The supremacy of Ayodhya waned and the Kanyakubja kingdom rose into prominence under its king Jahnu. The Haihayas overcame Ayodhya. The foreign tribes settled there after Ayodhya was conquered.

Ayodhya rose to prominence again under Amsumant's second successor Bhagiratha and Bhagiratha's third successor Ambarisa Nabhagi.

Of the Manva or solar kingdoms that existed originally three remained, those of Ayodhya, Videha and Vaisali. These three Manva kingdoms were not dominated by the Aila stock. The earliest Angirasas were connected with Mandhatr, king of Ayodhya, and the eariliest Angirasa Rsi was connected with Hariscandra, king of Ayodhya.

Dasaratha called in the help of the rustic Rsyasruga from Anga. The eastern and southern kings and kings of the distant Punjab were invited to Dasaratha's sacrifice at Ayodhya. Ayodhya and the Vasisthas had no association then with the brahmanically elite region as Pargiter points. Out. The Kathasaritsagara refers to the camp of Nanda in Ayodhya.

In Buddhism we find that there was a king of Ayodhya named Kalasena whose city was surrounded by ten sons of Andhakavenhu (Andhakavenhudasaputta dasabhatika) who uprooted the trees, pulled down the wall, captured the king and brought his kingdom under their sway. The city of Ayujjha was governed by the descendants of king Arindama.

In Jainism we find that Prasannajita, a king of

Ayodhya, give his daughter named Prabhavati in marriage to Parsvanatha.

Ayodhya seems to have been included within the kingdom of Pusyamitra Sunga. ***An inscription found at Ayodhya mentions the fact that Pusyamitra performed two horse-sacrifices*** *or asvamedhas during his reign. According to a spurious Gaya plate,* ***Ayodhya was the seat or a Gupta jayaskandharara or 'Camp of victory,' as early as the time of Samudra Gupta.*** *Some coins of Pura Gupta have on the reverse the legend. "Sri Vikramah," which may be a shorter form of the full title 'Vikramaditya'. Allan identifies him with king Vikramaditya of Ayodhya, father of Baladitya, who was a patron of Buddhism through the influence of Vasubandhu. It may be assumed on the basis of this identification that the immediate successors of Skanda Gupta had a capital at Ayodhya probably till the rise of the Maukharis."*

3667. It was also sought to argue that mere inscription or other things are not conclusive to made a final opinion since in similar kind of historical building the tempering of inscription or travelling of inscription etc. have been noticed. In this regard reference was made to **Exhibit J-29 (Suit-4) (Register 35 Page 237)** is photocopy of **"Archaeological Survey of India report of Tours in the Central Doab and Gorakhpur in 1874-75 and 1875-76"** by A.C.L. Carlleyle Vol. XII consisting of frontispiece, Index, Introduction and pages 24, 25, 26, 27 and Plate II, III, IV and V of the said book. On page 24, it deals with the details of City of Sambhal near Moradabad and in particular that part where it deals with a mosque constructed therein

claims to be constructed on a Hindu temple of Hari Mandir and this is supported by an inscription fixed thereat. It says:

> *"The old city of **Sambhal is situated on the Mahishmat Nadi, in the very heart of Rohilkhand**. In the Satyug its name is said to have been "Sabrit," or Sabrat, and also Sambhaleswar. In the Tretayug it was called Mahadgiri, and in the Dwapur, Pingala. In the Kaliyug it received its present name of Sambhala, or in Sanskrit Sambhala-grama. To the south-east of the city is Surathal Khera, which was called after Raja Surathal, a son of Raja Satyavana, of the Lonar race. Surathal Khera measured 1,200 feet in length from north-east to south-west, by 1,000 feet in breadth. Close to the south-south-west side of it there is another large khera, with a village on it called "Raja Sadun-ka-khera," or "Sadungarh," probably Satun or Sataun, for Satyavan.*
>
> *There are also many other smaller mounds between the two places. The two kheras of Surathal and Sadun together evidently once formed one large city. Another ancient place named Amrama-pati Khera is situated on the right bank of the Sat river, and near the village of Alipur.*
>
> *About a mile to the north-west of the last place, there is another mound called Chaudreswar Khera.*
>
> *Gumthal Khera, which is situated about 2 miles to the south-east from Surathal Khera, measures about 1,600 feet in length from east to west, by about 1,000 feet in breadth from north to south.*
>
> *All these places are situated to the south-east from Sambhal and Chandausi.*

The principal building in Sambhal is the Jami Masjid which the Hindus claim to have been originally the temple of Hari Mandir*. It consists of a central domed room upwards of 20 feet square, with two wings of unequal length, that to the north being 50 feet 6 inches, while the southern wing is only 38 feet 1 ½ inches. Each wing has three arched openings in front, which are all of different widths, varying from 7 feet to 8 feet.*

The Muhammadans ascribe the erection of the building to the time of the Emperor Babar, and point to an inscription inside the masjid, which certainly contains the name of Babar, but which the Hindus assert to be a forgery of late date. *At or on the back of this slab, they say that there is the original Hindu inscription belonging to the temple.* ***Several Musalmans of Sambhal confessed to me that the inscription containing Babar's name was a forgery, and that the Muhammadans did not get possession of the building until about the time of the mutiny, or a little before it, say about 25 years ago.*** *That they took possession of the building by force; and that there was then a trial about the case in Court before the Judge of the district, and* ***that the Muhammadans gained the case mainly by means of the forged inscription,*** *and also by all the* ***Muhammadans joining together and hearing false witness against the Hindus who were in minority.***

In the forged inscription of Babar in the Hari Mandir at Sambhal, it may be observed that the name of Babar is wrongly given. In the inscription I read as follows:

Bani Aina Ilm o Amal

Shah Jamjah Muhammad Babar

شام جم جاہ محمد بابر	ےا نبی انبیءہ علم و عمل

But the real name of this king was "Shah Jahir-ud-din-Muhammad Babar."

The fine dome of this building is probably unique of its kind. It is a clear hollow shell from the keystone down to the ground. Its shape is very much like the hollow of the inside of a huge thimble. The interior shape of the dome is ovoid, or like the half of an ovoid ellipse rotated on its axis. ***The dome is built of brick, and it is said to have been rebuilt (as it now is) by the famous Prithvi Raja, who appears to have been a great benefactor to Sambhal.*** *The circular dome stands upon an octagon, and the octagon upon a square.*

The walls of the central square Hindu temple would appear to have been built with large bricks ceased with stone, but the plaster with which the Muhammadans have coated the walls conceals the material of which they are made; and I can only say that, on examining several spots where the plaster was broken. I found that in some places stone wax exposed. I believe that the Muhammadans stripped off most of the stone, especially such as bore traces of Hinduism, and made a pavement of the stones, turning the sculptures downwards. I observed traces which showed that the walls had once been much thicker when the stone casing was on. Underneath the outer steps of the outer court I dug out some fragments of sculpture in reddish sandstone, one of which was the upper portion of a fluted pillar.

The Muhammadan wings added to the building, in order to turn it into a masjid, are built of small bricks, that is, whenever the walls happened to be bare of plaster. I found that the bricks were small and set in mud mortar. There is a clear and distinct difference between the old Hindu work and the modern Muhammadan work, and the old Hindu temple is at once distinguishable from the Muhammadan additions.

The square Hindu temple would have had originally only one doorway in the east wall, about 8 feet in width, but the Muhammadans cut four more doors, each 6 feet wide, two in the northern and two in the southern wall of the square temple, in order to communicate with the aisles of the side wings which they added.

Note by General Cunningham.

[The inscription in the masjid which the Hindu denounce as being forged appears to me to be quite genuine. The text is as follows:-

جامع اشیءه فضل و کمال	رافع الوه ملک و مال
باسطہ اضجء امن و امان	ےا نبی انبیہ علم و عمل
شاه جم جاه محمد بابر	حفظ اللہ عز و جل
شمع دولت جو برافروخت بهند	روشن از بر توان شد سنبل
از پءی ساختن اےن مسجد	کہ مصون باد ز نقصان و خلل
کردفرمان بکمین نده خویش	کہ بود عمده ارکلن دول
مےد با عقل و خرد هندوییک	ان باخلق نکر گشتہ مثل
چون بزمان شهنشاه جهان	ےافت اتمام بتوفیق ازل
سال تاریخ ذمہ دورش گشتہ	ےکم از شهر ربیع ال اول

The full date is given in a very ingenious manner with the last words:-

Ekum az Shahar Rabi-al-awal,

which mean literally "on the first day of the month of Rabi-al-awal,' while the sum of the individual letters give the year 933 A.H. according to the reckoning of the Abjad. The builder, or rather the converter of the Hindu temple into a masjid was Mir Hindu Beg.]

3668. Sri Jain placed before us **Exhibit J-24 (Suit-4) (Register 35 Page 273)** which is photocopy of **"The Monumental Antiquities And Inscription In The North Western Provinces And Oudh"** published by Indological Book House, **Varanasi in 1969**. This very book itself is book No. 94 with the Court. The Exhibit contains the frontispiece, Index, Preface and pages 5, 6, 7, 8, 9, 10, 11, 12, 20, 21, 30, 31, 34, 35, 36, 37, 38, 179, 182, 184, 185, 186, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313. Sri H.S. Jain, learned counsel has placed reliance on pages 296 and 297 (Register 35 Pages 341-343) of the said book:

> *"According to the Ramayana, the city of Ayodhya was founded by Manu, the progenitor of all mankind. In the time of Dasaratha, the father of Rama, it was fortified with towers and gates, and surrounded by a deep ditch. No traces of these works now remain, nor is it likely, indeed, that any portion of the old city should exist, as the Ayodhya of Rama is said to have been destroyed after the death of Brihadbala, after which it lay deserted until the time of Vikramaditya of Ujjayini, who, according to tradition, came in search of the holy city, erected a fort called Ramgarh, cut down the jangal by which the ruins were*

covered and erected 360 temples on that spots sanctified by the extraordinary actions of Rama. The Vikramaditya of this story, General Cunningham takes to be Chandragupta II, of the Imperial Gupta dynasy, A.D. 395-415, whose rule certainly extended to Ujjayini, as his inscriptions have been found at Sanchi and Udayagiri Bhilsa.

There are several very holy Brahmanical and Jains temples about Ayodhya, but they are all of modern date and without any architectural pretensions whatever; but there can be no doubt that most of them occupy the sites of more ancient temples that were destroyed by the Muslamans. ***Thus Ramkot, or Hanuman Garhi, on the east side of the city, is a small walled fort surrounding a modern temple on the top of an ancient mound. This fort is said to have formerly covered a large extent of ground and according to tradition, it was surrounded by 20 bastions, each of which was commanded by one of Rama's famous generals after whom they took the names by which they are still known. Within the fort were eight royal mansions, where dwelt Dasaratha, his wives, and Rama, his deified son.*** *The name Ramkot is certainly old, but the temple of Hanuman is not older than the time of Aurangzib. Ram Ghat, at the north-east corner of the city, is said to be the spot where Rama bathed, and Svargadvaram, also called Ram Darbar, on the north-west, is believed to be the place where his body was burned. Treta-ke-Thakur is famous as the place where Rama performed a great sacrifice, and which he commemorated by setting up there images of himself and Sita. Close by is*

the Lakshmana Ghat, where his brother Lakshmana bathed, and about one quarter of a mile distant in the very heart of the city, ***stands the Janmasthanam, or "birth-place temple," of Rama****. Almost due west, and upwards of five miles distant is the Guptar Ghat, with its group of modern white-washed temples. This is the place where Lakshmana is said to have disappeared, and hence, its name of Guptar, from gupta, "hidden or concealed." Some say that it was Rama who disappeared at this place, but this is at Variance with the story of his cremation at Svargadvaram.*

There are five Digambara temples at Ayodhya which were built in Samvat 1981, in the time of Shuja-ad-daulah, to mark the birth-places of five Tirthamkaras, viz., Adinatha, Ajitanatha, Abhinandanatha. Sumatinatha, and Anantajit, who are said to have been born at Ayodhya. The temple of Adinatha is situated near the Svargadvaram on a mound, known as Shah-Juran-Ka-tila, on which there are many Musalman tombs and a masjid. According to the local Musalman tradition, Makhdum Shah Juran Ghori, who came to Audh with Shahab-ad-din-Ghori, destroyed the ancient temple of Adinatha and erected on its ruins the Musalman edifices which gave to the mound the name by which it is still known. Besides these five temples of the Digambaras there is a sixth temple of the Svetambaras, dedicated to Ajitanatha, which was built in Samvat 1881.

It is locally affirmed that at the Musalman conquest there were three important Hindu temples at Ayodhya: these were the Janmasthanam, the Svargadvaram, and the

Treta-ke-Thakur. On the first of these Mir Khan built a masjid in A.H. 930, during the reign of Babar, which still bears his name. This old temple must have been a very fine one, for many of its columns have been utilized by the Musalmans in the construction of Babar's Masjid. These are of strong, close-grained, dark-coloured, or black stone, called by the natives kasauti, "touch-stone slate," and carved with different devices; they are from seven to eight feet long, square at the base, centre and capital, and round or octagonal intermediately. On the second and third Aurangzib built masjids, which are now mere picturesque ruins. A fragmentary inscription of Jayachchhandra of Kanauj, dated Samvat 1241, and recording the erection of a temple of Vishnu, was rescued from the ruins of Aurangzib's Masjid, known as Treta-ke-Thakur, and is now in the Faizabad Museum."

3669. Exhibit J-26 (Suit-4) (Register 36 Page 423) is photocopy of **"The Indian Antiquary A Journal of Oriental Research"** by Sir Richard Carnac Temple, Vol. XXXVII, 1908 published by Swati Publications Delhi, 1985 containing frontispiece and pages 191 and 192. It shows that in the area of Kashmir also similar activities took place and Buddhist temple made a mosque as is evident from the following:

"At first sight this text should make it appear that there were Bhottas among the subjects of the Kashmir Kings. This is not probable, for Ladakh as well as Baltistan where independent possessions during the 16th century. But the trade between the Punjab and Yarkand, through Kashmir and Leh, was probably carried on without any

interruption and this trade brought many Ladakhis and Baltis to Kashmir. They had there not only a rest-house of their own, but apparently also a Buddhist place of worship. There is a masjid below the castle hill of Srinagar, which is still known as the Bodo Masjid, and that it was formerly a Buddhist temple is shown by the fact that behind the white-wash on the walls the picture of Buddhist saints are to be found. This is well known to all Ladakhis."

3670. Pursuant to the excavation conducted by B.B.Lal some photographs as well as his comments were published in the book of ASI i.e. :

(a) Exhibit E2/1 (Suit-5) (Register 37 Page 5) is photocopy of Plate No. XLIX and Plate No. L published in **"Indian Archaeology 1976-77-A Review"** edited by B.K. Thapar, Director General, ASI published, by ASI in 1980.

(b) Exhibit E 1/1 (Suit-5) (Register 37 Page 11) is photocopy of pages 40 and 41 of **"Indian Archaeology 1969-70 A Review"** edited by B.B. Lal, published by ASI 1973.

(c) Exhibit E 4/1 (Suit-5) (Register 37 Page 17) is photocopy of page no. 28, 29, 30, 31 of **"Indian Archaeology 1968-69 A Review"** edited by B.B. Lal published by ASI 1971.

(d) Exhibit E 3/1 (Suit-5) (Register 37 Page 35) is photocopy of pages 76, 77 and Plate XXII of **"Indian Archaeology 1979-80- A Review"**.

3671. Considering lot of material, some of which discussed above, as well as relevant facts, it was found

expedient by this Court to have a scientific investigation at the disputed site but without disturbing the position of the "makeshift structure" in respect whereto a status quo order was operating in various proceedings including the suits.

3672. What lie underneath? This question is of extreme complication ranging in a period of more than 500 years' of history. No clear picture emerges from various history books etc. In fact, the contemporary record did not answer the issues, one or the other way, with certainty but some record, authored after about 200 years i.e., 18th Century, state about existence of temple, its demolition and the construction of the disputed building, while some well known historians dispute it and some history books are silent. The case of muslim parties was that the mosque was constructed on an unoccupied, vacant land.

3673. Extraordinary situations demand extraordinary steps and strategy. In the peculiar circumstances, this Court decided to appoint an Expert body for scientific investigation, well recognized in the field of archaeology/history and ordered ASI to go for excavation at the site in question and submit report. The question formulated for ASI, was "whether there was any temple/structure which was demolished and a mosque was constructed on the disputed site".

3674. The details of ASI proceedings, we have already mentioned above. We have also mentioned about the objections filed on behalf of plaintiffs (Suit 4), defendant no.5 (Suit 5) and defendants no. 6/1 and 6/2 (Suit 3) but details thereof skipped so as to be discussed at appropriate stage, Here is that.

3675. During the course of the excavation by ASI, a large number of objections/complaints were filed by the parties to the

Observers (Two Judicial Officers of the Cadre of Higher Judicial Service) appointed by this Court. Subsequently, most of the contents of those objections since have resulted in the objections which the parties have filed before this Court against the report of ASI, therefore, we find it appropriate to consider in brief those documents also, as that will not only give a complete picture of the proceedings but also be helpful to determine and adjudicate upon the objections taken by the parties against the final report of ASI.

3676. Between 14th April, 2003 to 26th July, 2003, thirty four such objections were filed out of which nineteen were filed through Sri Zaffaryab Jilani, Advocate; two through Mohd. Saleem, Advocate; two by Sri Mohd. Hashim (one of the plaintiff of Suit-4); four through Sri A.A. Siddiqui, Advocate; four through Sri Mustaq Ahmad Siddiqui, Advocate; two by Sri R.L.Verma, Advocate and one by Haji Mehboob (one of the plaintiff of Suit-4). In nutshell thirty two objections were filed on behalf of muslim parties and two on behalf of Nirmohi Akhara.

3677. The first complaint is dated 14th April, 2003 submitted by Sri Mohd. Hashim and Mahmood Ahmad, plaintiffs in Suit 4 through their counsel Sri Mohd. Salim, Advocate. It is addressed to the Observers and says that as per the order dated 26th March, 2003 and 10th April, 2003 of this Court, ASI was supposed to keep in seal 'Bones' and 'Glazed ware' in regular manner but they have failed to do so and this is disobedience of the Court's order. The two Observers obtained comments from the in-charge, ASI team, and, put in the following note dated 14th April, 2003:

''प्रस्तुत प्रार्थनापत्र में अंकित आपत्तियों के सन्दर्भ में भारतीय पुरातत्व सर्वेक्षण (A.S.I.) के टीम प्रमुख श्री बी0आर0मणि का अभिमत प्राप्त किया गया। श्री मणि ने बताया कि विभिन्न ट्रेंचेज से प्राप्त अस्थियों (Bones) को सील करने में उन्हें यह व्यवहारिक कठिनाई है कि सीलबंद अस्थियॉ स्वमेव कुछ दिनों उपरान्त नष्ट हो जावेंगी इसके अतिरिक्त उन्हें उक्त अस्थियों को सीलबंद करने में कोई कठिनाई नहीं है। उन्होंने वह भी बताया कि प्राप्त अस्थियों की संख्या एवं लंबाई संबंधित पंजी में अंकित करके उन्हें रखने में भी उन्हें कोई कठिनाई नहीं है।

जहॉ तक ग्लेज्ड वेयर्स के सील किये जाने का प्रश्न हैं, इसके संबंध में श्री मणि ने बताया कि ट्रेंचों के विवरण में, संबंधित पंजी में, उनका सामान्य रूप से उल्लेख किया रहा है, चूॅकि ग्लेज्ड वेयर्स पुरावशेष (Antiquity) नहीं है, इसलिए अभी तक उन्हें सील नहीं किया जा रहा था। अबसे उन्हें सील करने में उनको कोई आपत्ति नहीं है। उन्होंने यह भी बताया कि अभी तक प्राप्त सभी ग्लेज्ड वेयर्स सुरक्षित हैं तथा उनका उल्लेख संबंधी पंजी में है।''

"The opinion of Sri B.R. Mani, the in-charge of the team of Archaeological Survey of India (A.S.I) was obtained in context of the objections contained in the present application. Sri Mani has contended that the practical problem in sealing the bones obtained from various trenches, is that the sealed bones would de-generate automatically after a few days. Besides this, he has no other problem in sealing the said bones. He has also contended that he has no difficulty in maintaining and entering the number and length of the bones obtained, in the concerned register.

So far as the question of sealing the glazed wares is concerned, Sri Mani has contended in this behalf that in the details of trenches, they are being normally entered in the concerned pages. Since glazed wares are not

antiquities, as such they are not being sealed at present. He has no objection in sealing them from now on. He has also contended that all the glazed wares discovered so far, are safe and their details are there in concerned registers."(E.T.C.)

3678. The objection dated 15th April, 2003 is again by the same two persons complaining that remains lying on the western side of the Babri Mosque are being removed without marking numbers and this act of ASI is contrary to the Court's order. The two Observers obtained comments from Sri B.R.Mani, Team Leader of ASI and mark following note dated 15th April, 2003:

''इस प्रार्थना पत्र पर भारतीय पुरातत्व सर्वेक्षण (A.S.I.) टीम लीडर श्री बी. आर.मणि का अभिमत प्राप्त किया गया। उन्होंने बताया कि ट्रेंचों में पड़े समस्त निर्णाण के अवशेष खण्डों की वीडियोंग्राफी, स्थिर फोटो ग्राफी करानें तथा उनका मोटे तौर पर रजिस्टर में विवरण अंकित करने में उन्हें कोई आपत्ति नहीं है तथा वे इस हेतु सहमत हैं। जहां तक अवशेष खण्डों पर संख्या डालने का प्रश्न है, इसके संबंध में उन्होंने व्यवहारिक कठिनाई बतायी तथा यह कहा कि अवशेष खण्ड़ों की ईंटें काफी जीर्ण शीर्ण दशा में है अतएव यदि वह ईंटें जिनपर संख्या डाली जावेगी यदि निकाल गयीं तो शिलाखण्डों पर संख्या डाले जानें का कोई प्रयोजन नहीं रह जावेगा। उन्होंने यह भी बताया कि संख्या डाले जाने पर उनसे इनके संरक्षण की भी अपेक्षा की जा सकती है जो उनके लिये व्यवहारिक रुप से संभव नहीं होगा।''

"The opinion of Sri B.R. Mani, the team leader of Archaeological Survey of India, was obtained on this application. He has contended that he has no objection in carrying out videography and still photography of the remains of all the constructions lying in the trenches and in broadly getting their details entered in the registers and that he agrees to it. So far as the question of numbering the

remains is concerned, he has stated about the practical problems in this behalf and has contended that the brick of the remains are in very dilapidated state, hence if the bricks, which are numbered are removed, then no purpose would be served by numbering the stone blocks. He has also contended that after numbering them, their preservation can also be expected, which will not be practically possible for him." (E.T.C.)

3679. The complaint dated 7th April, 2003 (it appear that this complaint is wrongly dated and it ought to be 7th May, 2003 since in the complaint itself there is a reference of Court's order dated 10th April, 2003 hence it cannot be 7th April, 2003) is submitted by Sri Mohd. Hashim In Person, to the Observer complaining that the human bones, found in Trench ZG1, has been covered with soil without recording on the pretext that due to the objections of Muslims, it was not proceeded though no written objection was submitted by the Muslim parties and therefore, the bones recovered from Trench ZG1 as also from Trench F9 and G9 be directed to be recorded. The two Observers, after receiving comments from Sri Chandrabhan Mishra, Deputy Superintendent, the then incharge of ASI team, submitted its report as under:

''इस प्रार्थना पत्र में वर्णित आपत्ति के संबंध में भारतीय पुरातत्व सर्वेक्षण दल के उपस्थित स्थानीय प्रभारी श्री चन्द्रभाल मिश्र उप अधीक्षण पुरातत्व विद से अभिमत प्राप्त किया गया। श्री मिश्र ने यह सहमति दी कि उनको ट्रेंच सं0 ZG1 व पूर्व में ट्रेंच सं0 F9, व G9 में प्रकट तथा वाद में आपत्ति करने पर उसे पुनः मिट्टी से दबाया गया अस्थियों को अभिलिखित करने में कोई आपत्ति नहीं है। ***श्री मिश्र ने यह भी बताया कि ट्रेंच सं0 F9, G9 व ZG1 में पूर्व में जो अस्थियां व अस्थियों के अवशेष प्रकट हुये थे, उनके संबंध में वाद के पक्षकार श्री***

हाजी महबूब अली द्वारा गंभीर आपत्ति की गयी थी जिसके कारण इन अस्थियों को ट्रेंच से न तो बाहर निकाला जा सका और न ही उन्हें अभिलिखित किया जा सका, अपितु उन्हें छायांकन के पश्चात उसी अवस्था में मिट्टी में दबा दिया गया था।''

"The opinion of Sri Chandrabhal Mishra, Deputy Superintendent Archaeologist and the local in-charge of Archaeological Survey of India, was sought on the objections contained in this application. Sri Mishra has consented that he has no objection in recording the bones, which were earlier found in Trench no. ZG1 and F9 and G9 and subsequently buried under soil on raising of objection. ***Sri Mishra has also contended that the plaintiff's representative Hazi Mahboob Ali had raised serious objections regarding the bones and bone remains found in Trench No. F9, G9 and ZG1, due to which these bones could neither be taken out of the trench nor were they recorded and after being photographed, they were covered by soil in the same stage****."*

3680. Complaint dated 3rd May, 2003 was submitted by complainants through Sri Mushtaq Ahmad Siddiqui alleging that the procedure of putting seal on bags is not full proof and needs further modification by obtaining signatures of the parties on the seals put in by ASI. The team leader Sri B.R. Mani, ASI informed the two Observers that there is no objection in obtaining signatures of the parties or their advocates on the paper seal, put on the bags. Accordingly, the two Observers in their note dated 6th May, 2003 requested ASI to proceed accordingly.

3681. The next letter is by Sri Mohd. Hashim, one of the

plaintiffs (Suit-4) on 16th May, 2003 against the nomenclature of various artifacts recorded during excavation and says:

''खुदाई से प्राप्त सामग्री को जिस प्रकार संज्ञा दी जाती है उससे उलझाव पैदा हो सकता है। एक जली मिटटी का टुकड़ा एक कुर्सी मेज तथा किसी अन्य वस्तु का पाया या कोई और अंश हो सकता है वह किसी पशु, घोड़े, हाथी की टांग भी हो सकती हैं उसे तुरन्त संज्ञा देना उचित नहीं लगता संक्षिप्त वर्णन गोल, लम्बा, चौड़ा टेढ़ा, मेढ़ा उत्कीर्ण आदि दर्शाकर इससे बचा जा सकता है।

टूटी अधूरी व अस्पष्ट आकृति को कल्पना के आधार पर मनुष्य या पशु की आकृति की संज्ञा देना उचित नहीं है।

अतः श्रीमानगण से प्रार्थना है कि ***नियमानुसार वास्तविक व स्पष्ट आकृति प्राप्त होने पर ही उसे उचित संज्ञा दी जाने की व्यवस्था की जाय।''***

"Confusion can flow from the manner in which the articles found from excavation, are named. It can be a piece of burnt soil, a table chair and the leg or any other part of some article. It can be the leg of any animal, horse, elephant. It does not appear proper to immediately give it a name and this can be avoided by describing it briefly as round, long, wide, irregular, engraved etc.

It is not proper to name any broken, incomplete and un-clear figurine, as a human or animal figurine only on basis of imagination.

Hence, it is prayed that ***provision be introduced according to rules to give proper names only when actual and clear figurines are discovered."***

3682. Apparently this complaint is mischievous and worthless. The ASI experts identify such item/artifacts which ordinary people cannot. If only clear items were to be named, no expert would have needed.

3683. A much more detailed complaint along with six sketch diagrams is submitted on 21st May, 2003 by Sri Haji Mahboob one of the defendant (Suit-3). It says that in Trench G2, digging has been made in such a way so as to create squarish structural base instead of a floor. This is tried to be explained by six sketch diagrams out of which three mention dates as 16th May, 2003, one 18th May, 2003 and two 20th May, 2003. The observers sought report from ASI officials. Sri A.R.Siddiqui, who at that time was incharge of ASI team, explained the matter whereupon following note put by two Observers on 21st May, 2003:

> *"Enquiry was made from the incharge archeologist Sri A.R.Siddiqui with regard to the objections submitted by means of this application. He has given his views which are as under-*
>
> *1. All the members of A.S.I. Team are performing their duties as per normal excavation rules and archeological ethics.*
>
> *With regard to Trench G2, here also, digging of the trench has been done accordingly and each detail has been mentioned on the daily report.*
>
> *2. No violation of the archeological rules have been done in any trench including G2.*
>
> *3. The brickbats are still visible in the trench G2, which can be examined any time.*
>
> *4.* ***Entire area of Trench G2 has not been excavated hence objection in this regard is premature****. Recording and photography of exposed area has been done. Photography of the entire trench will be done after the*

excavation is complete.

5. No enquiry has been made from Trench Supervisor Mr. S.K.Sharma as alleged in para 6 of his objection.

No other view was expressed by Mr. A.R. Siddiqui with regard to other points raised through this application."

3684. We have examined day to day register of ASI of 16th May, 2003 in respect to Trench No.G2. It says:

"*Operation Area 290 x 66 cm E.W.*

Digging closed at 48 cm

Floor 1 removed (3 cm in thickness); Floor-2 20 cm in thickness also removed. Floor with brickbats paving removed

Pottery: Red ware."

It also appears that a bone of 35 cm was found besides one Glazed Tile fragment, terracotta. These proceedings are duly signed besides others by Sri Haji Mahboob also on 16th May, 2003 itself.

3685. The 18th May, 2003 proceedings in day to day register of Trench G2 mentions:

"Operation Area: 227 x 370 (EW) in the northern side

Digging closed at 63 cm.

Floor 2 removed. ***A pillar base on plan***.

Pottery: Red ware."

3686. Similarly, on 20th May, 2003, the following is mentioned in day to day register of Trench G2:

"Operation Area: Same

Digging closed at 79 cm in N & 91 cm in S. Floor of lime surfa.... in Kankar in S at 82 cm & another floor in N at 73 cm. Both the floors removed after recording ***and a***

brick paved floor noticed just below pottery*; Red ware, black slipped ware."*

3687. The proceedings of 18th May, 2003 and 20th May, 2003 are also duly signed by Sri Haji Mahboob.

3688. We have also perused site note book no.45 wherein recording of the proceedings pertaining to Trench G2 from 16th May, 2003 to 20th May, 2003 is noted at page 51 to 54. The Trench Observer Sri S.K.Sharma has recorded the proceedings as under:

"***Date – 16-05-03***

Trench No. - G2

Operation area- 300 cm (E.W.) x 200 cm (N.S.) in the northern side of the Trench

Digging started – 00 cm (Surface)

Digging closed – 48 cms.

Excavation was carried out in 290 (EW) x 66 cm (NS) area. ***A floor of lime surkhi with 3 cms of thickness was on plan which was removed. Another floor 1B of lime and surkhi was encountered and removed after recording. A floor of brick bat was exposed.*** *It might be the packing material for the above floor.* ***Below the brick bat ashy earth was noticed with kankar*** *and this layer (1) was removed partially in the southern part only.* ***A wall already on the floor 1 was left. It divides the Trench in two parts northern half*** *and southern half. Digging operation was undertaken only in southern part.*

Pottery – red ware

Antiquity. A glazed tile fragment, T.C. - 34 cm with green glaze.

Date – 17-05-03

Trench No. - G2

Operation area- 290 cm (East West) x 66 cm North South in the northern side of the Trench

Digging started – 48 cms

Digging closed – 57 cms.

The exposed area in the western side was cleared where a cluster of brick bats with a small dressed stone slab of 38 cm partially inside the western section encountered. The layer which is ashy with kankars was continuing.

Shell pieces were found during digging.

Pottery – red ware and are piece of glazed ware

No antiquity was found.

Date – 18-05-03

Trench No. - G2

Operation area- 227 cm (NS) x 370 cm (E.W.)

Digging started – 57 cms in southern side

00 in northern side

Digging closed – 63 cms. in northern and southern

More area was taken for digging in the northern side of the trench. Digging was carried out in this side. A floor of lime, surkhi and kankar was exposed at a depth of 43 cms. It was removed. Layer (1) with compact clay with greyish colour was removed. ***A structure of brick bats and rectagonal in shape was encountered during digging. It has two calcreate stone kept side by side. It seems to be a pillar base already exposed in many trenches****. The base is 120 cm long. The calcrete stone measure 82 x 34 cm and*

second 61 x 10 cms with same part in the northern section. ***The pillar base has four (4) courses of brickbat****s. Layer (2) was partially removed.*

Pottery – red ware

No antiquity was found in course of excavation.

"***Date – 20-05-03***

Trench No. - G2

Operation area- 227 (North South) cm x 370 cm (East West)

Digging started – 63

Digging closed – 79 cms in the northern side 91 cms in southern side.

Digging was carried out in the northern and southern part of the trench leaving a section and ***earlier wall in between Floor No. 3 of lime and surkhi with kankars was exposed at a depth of 73 cms in the northern side and at a depth of 82 cms in southern side****. There were photographed and removed. Floor was made of lime and kankar in southern side while lime surkhi in northern one. A brickbat paved floor like structure was noticed below these floors. It may have been used as packing material for the floors exposed earlier.*

Pottery – red ware, black slipped ware."

3689. Thereafter, it appears that further digging in G2 Trench was made by Z.Ali, Assistant Archeologist and his notes in Site Note Book 32 (Page 21 to 49) are for the period 17th July, 2003 to 2nd August, 2003.

3690. Mohd. Hashim Ansari submitted complaint dated 22nd May, 2003 to the Observer stating that Trench H4 and 5 on