

before this Court in its next sitting. But till the next date of sitting the application is filed and disposed of, the excavation work will continue.

The final report shall be submitted after completion of digging of the trenches. The A.S.I. shall submit progress report every two weeks and such report shall indicate (1) the trenches in which the digging was done (2) the depth of digging in each such trenches, and (3) the items found in such trenches.”

236. The plaintiffs (Suit-4) filed an application no. 43 (O) of 2003 seeking permission to inspect the trenches and check the stratification given by ASI, which was allowed vide order dated 22.5.2003 but they were not permitted to make any scrapping, section etc. of the trenches.

237. Vide application no. 48 (O) of 2003, interim project report of the excavation from 22.5.2003 to 5.6.2003 was submitted by Sri Hari Manjhi, Team Leader, as under :

“Upto 21.05.2003, in total 52 trenches were excavated fully or partly and a request was made to the observers and the authorized person for allowing the ASI to excavate 10 trenches partly on the raised platform. Accordingly as per the instruction of the Hon'ble High Court the following 30 trenches having cutting area of 4x4 mt. were partly excavated on the raised platform and in the area where anomalies or anomaly alignments were shown in the site plan received from Tojo-Vikas International Pvt. Ltd. in connection with GPR Survey, viz. B2, B3, B4, B5, B7, B8, B9, C3, C4, C6, C8, D6, E2, E6, F2, F3, F6, F8, G5, G7, G9, J1, K6, K8, L1, L3, L4, L7, ZCI and ZJ2.

Among these 30 trenches, 18 new trenches viz. B2,

B3, B4, B5, B7, B9, C3, C4, C6, E2, F2, F3, G5, L1, L3, L4, L7 and ZJ2, have been excavated partly, while the work continued in the 9 old trenches viz. B8, C8, G7, G9, J1, K8, K6, ZC1 and F8. The un-excavated portion in the 3 old trenches viz. D6, E6 and F6 have also been taken up for excavation during the period under review. The details of the depth and finds in each trenches has been tabulated as under:

<i>S. No</i>	<i>Trench No.</i>	<i>Max. Depth (in metres)</i>	<i>Structure</i>	<i>Items found Other finds</i>
<i>1</i>	<i>B2</i>	<i>0—1.70</i>	<i>Nil</i>	<i>Moulded brick fragments, Terracotta (TC) wheel, Stone architectural fragments and TC architectural fragments</i>
<i>2</i>	<i>B3</i>	<i>0—1.30</i>	<i>Nil</i>	<i>Nil</i>
<i>3</i>	<i>B4</i>	<i>0—1.20</i>	<i>Nil</i>	<i>Nil</i>
<i>4</i>	<i>B5</i>	<i>0—1.60</i>	<i>Nil</i>	<i>Nil</i>
<i>5</i>	<i>B7</i>	<i>0—1.60</i>	<i>Nil</i>	<i>Nil</i>
<i>6</i>	<i>B8</i>	<i>0—1.20</i>	<i>Nil</i>	<i>Nil</i>
<i>7</i>	<i>B9</i>	<i>0—1.60</i>	<i>Nil</i>	<i>Decorated stucco fragment and stone architectural fragment.</i>
<i>8</i>	<i>C3</i>	<i>0—1.30</i>	<i>Nil</i>	<i>Glazed tile fragment.</i>
<i>9</i>	<i>C4</i>	<i>0—1.50</i>	<i>Nil</i>	<i>Stone architectural fragment</i>
<i>10</i>	<i>C6</i>	<i>0—1.60</i>	<i>Nil</i>	<i>Glazed tile fragment.</i>
<i>11</i>	<i>C8</i>	<i>0—5.00</i>	<i>Brick-bats wall in east-west</i>	<i>TC animal figurine, TC sling ball</i>

			<i>orientation</i>	
12	D6	0—1.15	<i>Calcrete stone masonry wall</i>	<i>Nil</i>
13	E2	0—2.75	<i>Brick wall in east-west orientation facing north over which another brick wall running north-south facing west; Floor 1 in the south-east corner; Floors 1 and 2 in the north-west corner; and a triangular shaped buttress.</i>	<i>Glazed tile fragment and decorated stucco fragments.</i>
14	E6	0—2.60	<i>“L” shaped calcrete stone block wall in the east-west and north-south orientation raised on a brick wall running north-south; a tiered brick structure abutting the brick wall; two brick walls running east-west which are parallel and adjacent to</i>	<i>Fragments of glazed tiles.</i>

			<i>each other; and successive layers of floor 1, 2, 3 and 4.</i>	
15	F2	0—2.53	<i>Brick wall orientation east-west which is continued from trench E2, another adjacent brick wall oriented east- west and decorated coloured floor and successive layers of floor 1</i>	<i>Nil</i>
16	F3	0—3.08	<i>“L” shaped calcrete stone block structure in east-west and north-sought orientation; decorated and coloured floor and successive layers of floor 1; circular pillar base of brick bats below “L” shaped wall.</i>	<i>Fragments of moulded bricks; 1.64 mt. high decorated black stone pillar (broken) with Yaksha figurines on four corners, glass bangle fragment.</i>
17	F6	0—2.38	<i>Two squarish brick pillar</i>	<i>Broken TC animal figurine, cut brick</i>

			<i>bases; stone masonry wall running east-west and north-south; and floor 2 and 3</i>	<i>fragment, moulded brick fragment and TC hopscotch.</i>
18	F8	2.60— 2.65	<i>Two brick wall running north-south parallel and adjacent to each other and two brick structures in the southern part of the trench.</i>	<i>Nil</i>
19	G5	0—2.60	<i>Successive layers of floor 1; brick pillar base and floors 2 and 3.</i>	<i>Broken TC bird figurine, TC animal figurine (Broken), Moulded brick fragments, Iron nails, TC human hand, glass bangle fragment, incised decorated object, TC human hand, TC broken human leg and TC tile fragment; Arabic inscription of holy verses on stone, decorated architectural fragments.</i>
20	G7	2.80— 4.40	<i>Brick Pillar base and floor 2.</i>	<i>Copper coin, glazed tile fragment, iron nails, Iron pointed blade, razor human head, human figurines, bird figurine,</i>

				<i>pestles, animal figurine, lamp, bead, perforated disc, seal with worn out character and an unidentified object all in terracotta; Carved stone piece, grooved brick fragment, decorated stucco fragment, bone point and engraver.</i>
21	G9	0—0.60	<i>Circular pillar base.</i>	<i>Glazed tile fragments.</i>
22	J1	1.06— 1.55	<i>Squarish pillar base.</i>	<i>Glazed tile fragments, iron nail and hexagonal short bead.</i>
23	K8	3.90— 5.12	<i>Calcrete stone block structure and floors 4 to 10.</i>	<i>Nil</i>
24	K6	3.45— 4.55	<i>Floor 3 and brick wall running east-west</i>	<i>Dressed stone fragment, circular flat stone slab, glass bangle fragment, stone fragment with srivatsa pattern; TC balls, areca nut-shaped beads, bi-conical bead, pestles, leg part of animal figurine and an object with rim (all in terracotta).</i>
25	L1	0—.75	<i>Lime floor.</i>	<i>Carnelian bead, animal head on glazed TC and ball</i>

				<i>of terracotta</i>
26	L3	0—2.55	<i>Brick on edge floor and brick wall in south-north orientation.</i>	<i>Copper coin, glass piece, fragments of TC ball and bead; and glazed tile fragment.</i>
27	L4	0—2.05	<i>Brick bat paving and “L” shaped brick bat foundation</i>	<i>Copper coin, copper button, bangle piece, TC wheel and glazed tile fragments.</i>
28	L7	Nil	Nil	<i>Copper coin, broken copper ring, copper fragment, broken glass bangle, white stone piece, TC ball, TC bead, TC ring, TC decorated plate (broken), glazed tile fragment and stone bead.</i>
29	ZC1	0—2.70	<i>Brick bat wall (retaining wall)</i>	<i>Glazed tile fragments, potsherd showing Svastika, and sandstone architectural fragment.</i>
30	ZJ2	0—0.40	<i>Lime floor with burials.</i>	<i>TC disc and Iron nail.</i>

However while checking the anomalies indicated in the GPR Survey Report, anomalies were confirmed/partly confirmed in trenches F3, F6, F8, G9, J1, K8, L3 and ZC1 whereas no anomalies were reported in trench E6. In trenches D6, E2, F2, G5 and L1 anomalies could not be confirmed due to structural activities at the upper levels. However no structural activities were noticed at the spots

of reported anomalies in trenches B2, B3, B4, B5, B7, B8, C3, C4, C6, C8, G7, K6, L4 and L7. Trench ZJ2 was not surveyed.”

238. The aforesaid interim report was also objected by the plaintiffs (Suit-4), which was disposed of by Court's order dated 3.7.2003 stating that the ASI need not submit any further project report but may submit final report.

239. ASI's application no. 53 (O) of 2003 seeking further time, was also opposed by the Plaintiffs (Suit-4), but we permitted ASI to submit its final report on or before 27.8.2003 by order dated 3.7.2003.

240. After completion of the excavation work, but before preparation of the final report, this Court, after hearing the parties, gave certain further directions on 8.8.2003, as under :

“Having heard all of them and considering their views, we issue the following directions:

- (1) The ASI Team shall be permitted to visit the site for excavation upto 22nd August, 2003.*
- (2) As there is unanimity amongst all the counsel for the parties, all the trenches should be kept in tact as exist on date so as to facilitate the ASI Team to study the excavation site and submit their report until further orders of this Court.*
- (3) Although there is 'Shamiyana' over all the trenches yet further precaution may be taken to protect them from any damage or alteration. If needed, the trenches may be covered by plastic sheets or any other materials as the authorized person in consultation with the ASI Team and the Chief Engineer of PWD may deem it proper.*

- (4) *No one except the ASI Team, the two observers, Chief Engineer, PWD, learned counsel for the parties, shall be permitted to enter the site in question without prior permission of this Court.*
- (5) *The Archaeological finds and other materials found during excavation shall be so preserved that the same may be made available whenever needed by the orders of this Court.*
- (6) *The authorised person shall also ensure that the right of Darshan of the devotees is not in any way interfered with, as directed earlier.*
- (7) *The authorised person in consultation with the ASI Team and the Chief Engineer of PWD as also the observers may provide support to the walls of the trenches/boxes likely to collapse or get damaged during the current rainy season by putting sand/earth bags so that such bags which may be removed as and when required for the purpose of study of such trenches/boxes. In short, all steps should be taken to protect and preserve the make shift the temple as well as trenches.*
- (8) *The ASI Team shall prepare 15 copies with drawings and maps in original showing colours. If more copies will be required by the parties, the same may be provided on payment of costs. For that purpose, learned counsel for the parties shall move an application for providing extra copies before the OSD of this Court within 48 hours from the date of submission of the final report by the ASI Team.*
- (9) *The report alongwith number of copies, as indicated*

above, shall be submitted by the ASI Team in the sealed cover before this Court and after necessary order the copies should be provided to the parties concerned.

(10) Until the report is submitted before this Court, the ASI Team shall not divulge its contents to any one even on the terms of the anonymity.”

241. Ultimately, ASI submitted final report on 22.8.2003.

Besides, ASI also submitted the following record :

Sl.No.	Date	Description of document
1.	02.09.2003	1. Field Note Book. Total No. 47 2. Drawing/Maps 182. 3. Negatives, (A) Colour-7777, (B) Black & white-1510 4. Photographs in 46 Albums 4293 5. Video Cassettes 10
2.	16.10.2003	Ten sets of CDs (A set of 29 CDs kept in 10 separate plastic boxes) made out of 11 Video Cassettes of Ayodhya Excavation
3.	11.11.2003	1. Register of excavated pottery and unsealed boxes 2. Register of Architectural members stored in the tin shed at excavated site Ayodhya 3. List of boxes containing antiquity, boxes, glazed wares and other samples in the sealed bags. 4. Register containing antiquity packets. 5. Letter dated 22.9.2003 received from Birbal Sahni Institute of Palaeobotany 6. 13 Digital Cassettes and ten sets of their CD's
4.	08.12.2003	1. Packet 'D' containing 3 Registers including day to day Register 2. Packet A containing 753 slides 3. One set of 13 CDs

		4. Trench wise index of Drawings 5. 45 site note books and two registers 6. Day to day register in two volumes and 5 xerox copy. 7. Three Registers-List of the potteries and bones kept in 9 boxes, list of artifacts kept in tin shed 8. Trench wise index of drawing and list of figures along with five sets of xerox copy 9. Xerox copy of site note books Sl. No. 1-45 along with two registers
5.	16.12.2003	Three sets of slides
6.	05.01.2004	13 CDs from Dr. B.R. Mani, Former Team Leader
7.	19.01.2004	45 sets note books, a chemical Register and a documentation registers
8.	30.01.2004	Brief summery of hard disc of Laptop 16 items
9.	30.01.2004	Laptop, Power Adopter, CD RW/DVE Drive, Floppy Drive, Password
10.	11.03.2004	Ten sets of compact discs containing data of hard disc of the Laptop
11.	29.03.2004	CDs and Bromide prints of the maps/Drawings of Ayodhya excavation
12.	17.05.2004	One set each of bromide prints and CDs of map and drawings of Ayodhya excavation
13.	14.07.2004	Enlarged copy of Fig. 3A of ASI Report along with 15 copies of the same

242. The ASI report came up before the Court on 25.8.2003. Supplying copies of the report to the learned counsels for the parties, they were permitted to file objections thereto. At this stage, we are not giving details of ASI report etc. as this would

be dealt with later on at the appropriate stage. Suffice is to mention that the ASI report was objected mainly by Sunni Central Board of Waqfs, Mohd. Hashim (defendant no. 5, Suit-5), Mahmood Ahmad (plaintiff no. 9, Suit-4) and the defendants no. 6/1 and 6/2 (Suit-3), who raised mainly the following objections :

“1. That the report is one sided and is greatly influenced by certain preconceived theory of nations;

2. that ASI has adopted a biased and selective approach, as is evident from the fact that importance and impact of presence of several animal bones having cut marks, recovered from different floor levels of the respective trenches, has purposely and designedly been kept out of consideration and had the same been scientifically studied and the result taken into consideration, it would have not been possible for ASI to opine that things found were indicative of remains which are distinctive features found associated with temples of north India;

3. that in spite of clear cut directions of this Court to file all the papers-documents relating to the excavation, the ASI not only delayed the filing of certain relevant documents, but also destroyed the notes prepared by it at the time of study/analysis of various finds/architectural objects, which raises a grave doubt about the veracity of report;

4. that while the names of the authors of chapter I to IX are mentioned; but it is not known as to who authored chapter X captioned “summary of results” and so the whole of Chapter X deserves to be scored out from the

- report and cannot be allowed to form part of the evidence;*
5. *that on complaint, this Court directed that Sri B.R. Mani should not head the excavation team and in compliance of those orders Sri Hari Manjhi was deputed to head the team, but it is not known as to how Sri B.R. Mani continued his association with the task of excavation and how he co-authored the report;*
 6. *that periodization done by ASI in Chapter III captioned "Stratigraphy and Chronology" (Pages 37 to 47 of Vol 1) has no scientific basis;*
 7. *that in absence of concordance of different layers/floors of respective trenches with each other, the basis of the report itself becomes doubtful;*
 8. *that the report is full of inconsistencies and discrepancies and the conclusions therein appear to have been tailored to support a particular theory;*
 9. *that theory of existence of massive structure on wall-16 and the 50 pillars, as shown in figure 23-B page 42-C of Volume I, is a concoction and unacceptable for the reasons inter alia that there were no pillar bases and the same had not alignment with each other nor were at the same level nor had capacity to support load bearing pillars;*
 10. *that theory of massive structure is totally ill-founded because ASI report is silent on the point as to where were the remaining three walls of that structure, if wall 16 was one of the walls;*
 11. *that so called "circular shrine" (which according to ASI, had a waterchute in the north and could be associated with Lord Shiva) could also be a structure relating to Buddhism or Jainism, as considering the thin passage and*

little diameter, it was not possible for even a single person to enter and offer “Abhishekha”;

12. that ASI has, without any firm basis, characterized mutilated stone sculpture (plates 235 of Vol II of the report) as ‘divine couple’ and appears to have invented it at some later stage, as reference to it does not find in corresponding Site note-book or Day to Day Register;

13. that pillar door jam, octagonal shaft of pillars, amalka, divine couple stone with Srivastsa motif, lotus medallion, which ASI has taken into consideration for saying that there were remains of temple on the site in question, were of not significance as the same had been recovered from debris;

14. that alleged Srivatsa (see Plate No. 88) could equally be associated with Jainism and lotus with Buddhism and Islamic religion;

15. that terra-cotta figurines (62 human & 131 animal) discovered from different trenches, belong to ancient period and had no relevance;

16. that glazed- wares and glazed- tiles so recovered during the course of excavation spoke against the theory of existence of temple as all these were found below floor No. 4 relating to Medieval Sultanat period;

17. that in view of what has been written by S.K. Meermira in his book “Indian Pottery” glazed tiles were proof of Muslim habitation;

18. that wall-16 had niches (mehrabs) on the inner side which are distinctive features of Islamic building and even if it is accepted that the same existed prior to construction of Babri Masjid, the same could have been a Idgah or

Kanati (roofless mosque);

19. *that no idol, or statute of any Hindu deity and no object of Hindu worship was found on the site so as to entitle the ASI to say that there were remains of existence of temple of north India;*

20. *that how the conclusions of ASI came in the Indian Express in its issue of 13.8.2003, much before 22.8.2003, when the report was filed in Court and that indicates that ASI tailored the report on the lines given in S.P. Gupta's book titled "Auodhya Puratatve Evam Itihas".*

243. Besides, the defendant no. 3 (Suit-3) filed his objection contending that some more area towards east of trenches number G-3, G-4 and G-5 should have been excavated so as to reach a correct conclusion.

244. This Court after hearing the parties, vide its order dated 3.2.2005 held that the objections are basically such which can be considered and decided in the light of other evidence, which may come up before the Court. The objections against the report have to be considered before ASI report is acted upon but that situation will arise only when the Court would decide the matter finally. Therefore, the Court held that the ASI report shall be subject to the objections and evidences of the parties in the suit and all this shall be dealt with when the matter is finally decided.

245. An application was filed by plaintiffs (Suit-5) requesting to examine Dr. Bhuvan Vikram Singh and, accordingly, he was summoned to depose his statement. He filed an application no. 25(o) of 2006 requesting that he may be summoned as a Court's witness and not that of any party since he was a party to the excavation team and the said excavation was conducted under

the order of this Court, hence he was not willing to depose his statement as a witness of any party to the suit. This application was not opposed by the plaintiffs (Suit-5) and in fact, learned counsel made a statement that he does not propose to examine Dr. Bhuvan Vikram Singh as witness of plaintiffs (Suit-5). He, however, insisted that Dr. Bhuvan Vikram Singh should be treated as a Court's witness and be allowed to be examined accordingly. This question was considered by this Court vide order dated 4.12.2006 and it was observed that this Court has discretion to call any witness and examine him as Court's witness but that situation cannot be imposed upon the Court by a party to the suit by filing an application requesting to summon a witness and then to press to treat the witness as Court's witness. Whenever the Court shall feel it expedient or necessary it may exercise its power by summoning a witness as a Court's witness but such a discretion cannot be fastened upon the Court by a party to the suit. Since the plaintiffs (Suit-5) was also not inclined to examine Dr. Bhuvan Vikram Singh as its witness, the said witness was discharged without recording his deposition.

Details of Impleadment Applications rejected

246. Several applications were filed by many persons, legal/juristic, seeking impleadment in the proceedings on one ground or the other. We do not propose to discuss the matter in detail where applications have been rejected by the Court finding impleadment of the person/s unwarranted or otherwise but suffice to give only the brief description of those persons for ready reference as under :

Sl. No.	C. M. Appl. No.	Moved on	By	Rejected on
01.	465C	25.10.68	Mahant Raghubar	30.04.69

			Prasad	
02.	477C	27.01.69	Sri R.N. Verma and Sri Har Prasad	30.04.69
03.	553C & 556C	30.01.71	Sri Prem Singh Sri Uma Dutt Mishra	13.02.71
04.	In Suit-4 [786 Ka]	08.11.88	Kashiteesh Chandra Mishra	19.11.88
05.	788 Ka 808 Ka	19.11.88 24.12.88	Sri Chhitij Chandra Mishra Ad. Sri Ashok Kumar Pandey Ad.	09.01.89
06.	25 (O) 1989 In Suit-5	14.08.89	Farooque Ahmad	14.08.89
07.	24 (O) 1989 In Suit-5	11.08.89	Molana Sajjad Ahmad	19.08.89
08.	In Suit-4 [877 Ka]	10.05.89	Sri Ram Janambhumi Sewa Samiti	23.10.89
09.	32 (O) 1989 In Suit-3	25.08.89	Sri Sri Mandir Raksha Samiti	23.10.89
10.	31 (O) 1989 In Suit-3	25.08.89	Sri Prem Chandra Gupta	23.10.89
11.	36 (O) 1989 In Suit-5	25.08.89	Mandir Raksha Committee & Sri Bal Krishna Sharma	23.10.89
12.	35 (O) 1989 In Suit-5	25.08.89	Sri Prem Chandra Gupta	23.10.89
13.	3 (O) 1990 In Suit-4	09.01.90	Hindu Mahasabha to implead Union of India as Party	09.01.90
14.	55 (O) 1990 In Suit-5	13.12.90	Buddhist	17.01.91

15.	01 (O) 1991 In Suit-4	04.12.90	Sri Brahmajeet S/o Nihal	17.01.91
16.	27 (O) 1991 In Suit-4	12.08.91	Maharshi Awadhesh	30.09.91
17.	670 / 1/Ka/1	20.02.88	Sri Ram Bhadra Pathak	09.12.91
18.	838 Ka	27.03.89	Sri Ramjan Armatandavi	09.12.91
19.	In Suit-4 [672A]	16.04.88	Sarpanch Ramswaroop Das Chela Raghubar Das, Panch Bhaskar Das and Rajaram	09.12.91
20.	In Suit-4 [4Ka]	07.04.78	Sri Ram Janambhumi Dharmarth Prabandhkari 'Samiti' Sri Ram Janambhumi Ramkot Ayodhya and Sri Raghunandan Saran	09.12.91
21.	39 (O) 1992 In Suit-1	31.03.92	S.C. Pandey Adv.	31.03.92
22.	41 (O) 1992 In Suit-4	31.03.92	Maharshi Awadhesh	07.04.92
23.	32 (O) 1992 In Suit-4	02.02.92	Gopi Nath	15.04.92
24.	41 (O) 1992 In Suit-4	31.03.92	Maharshi Awadhesh	20.04.92
25.	66 (O) 1992 In Suit-5	06.05.92	Maharshi Awadhesh founder President of Rashtriya Party	07.05.92
26.	21 (O) 1995 In Suit-4	03.01.95	President, R.N. Nationalist Party and Avami Leeg of Nation	28.03.95
27.	3 (O) 1993	05.02.93	Moved by Different Parties at various dates	25.05.95

	4 (O) 1995 9 (O) 1995 In Suit-4	18.01.95 15.01.93 03.01.95	for impleadment of Union of India as Party in Different Suits pending before this Court	
	2 (O) 1993 7 (O) 1995 In Suit-3	03.01.95 25.07.89 12.12.94		
	6 (O) 1995 1 (O) 1989 8 (O) 1994 In Suit-5			
28.	10 (O) 1995 in Suit-4	20.01.95	Maharshi Awadhesh President, Rashtriya Party	25.05.95
29.	25 (O) 1995 & 34 (O) 1995 In Suit-4	13.02.95	Maharshi Awadhesh	02.08.95
30.	55 (O) 1995 In Suit-5	09.10.95 for transposi ng Defendan ts 2, 14, 21 as Plaintiffs No. 4, 5 & 6 respectiv ely	Sri Ram Janam Bhumi Nyas through Ashok Singhal	19.03.96
31.	26 (O) 1996 In Suit-4	26.08.96	Dr. Mohd.Ismail Farooqui	27.11.96

32.	34 (O) 1996 In Suit-5	07.10.96	Sri Ismail Farooqui	27.11.96
33.	11 (O) 2003 In Suit-5	18.02.03	Sri Rajeshwari Sri Sita Ram Waqts through Manager Kunwar Shivendra Pratap Sahi	18.02.03
34.	26 (O) 2003 In Suit-4	04.04.03	Buddha foundation through Udai Raj	07.04.03
35.	31 (O) 2003 In Suit-1	21.04.03	Sri Akhil Bhartiya Chhatriya Mahasabha	29.04.03

Statements of party/party's counsel (under Order 10 Rule 2 C.P.C.)

247. Statement of Chaudhari Kedarnath in Suit-1 (Recorded on 15.09.1951) :

“Q. In what capacity does the plaintiff seek to exercise the relief which he seeks in the plaint.

Ans. In my individual capacity.

Q. What is your individual capacity.

Ans. My individual capacity is distinct from public capacity and in this matter an idol worshipper.

(This shows that the plff's counsel is not in a position to answer the Court question. The plaintiff must present himself personally in Court on the date fixed.)

Q. Has your client any religion.

Ans. The plaintiff is a Sanatandharmi Hindu.”

248. Statement of P.D. Goswami (Recorded on 13.1.1960) :

“Sri Goswami States ABCDEF is the land and building in suit as indicated in the map of the Commissioner Sri Shiva Shanker Lal dated 25.5.50. It is the temple since 1934. Deities installed are Sri Sri Ram. The building existed prior

to 1934. The plaintiff can't say for how long it have been existing. The plaintiff can't say who built it and what it was prior to 1934. Sri Gopal Singh Visharad came in on about 1934 to Ajudhya. He saw the मूर्ति there, and began to worship them. Sri Paramhans instructs that the मूर्ति were there from before 1934. Whenever he saw it was a temple. It has always been a temple. He can't say who got it constructed and dedicated it.

The plaintiff do not admit that at any time the building was used for prayer or as a Mosque by the Mohammaden community. Babar never built it. He was never emperor of India. I deny that it was ever used as a mosque.

The plaintiffs confine their case to the construction shown by letters ABCDLKJPOHNGA as shown in the map of the Commissioner dated 25.5.50. The Chabutra and Mandir shown in the map of the Commissioner as "Ram Chabutara" and "Bhandar" are the same as those described in the eastern boundary of the temple in question in the plaint.

The replication para 31 filed in suit no. 25 of 1950 by Paramhans does not refer to the litigation mentioned in para 14 of the map filed by Zahur Ahmad and others. The proceedings mentioned in the last part of para 31 of the replication relate to those cases and proceedings which were between Mohammedans- sunnies & shias and others i.e. relating to suit no. 29 of 1945 of the Court of Civil Judge Faizabad."

249. Statement of Gopal Singh Visharad and Param Hans Ram Chandra (Recorded on 07.03.1962 in Suits-1 and 2) :

"Plaintiff Gopal Singh Visharad and Sri Param Hans Ram

Chandra plffs of both the suits no.2/50 and 25 of 1950 accompanied by their counsel state that they do not want any relief with regard to constructions or structures indicated in the map of the Commissioner Sheo Shanker Lal dated 25.5.50. by the terms 'Sita Rasoi' 'Bhandar' and 'Ram Chabootra' . They say that the reliefs are asked for only with regard to property enclosed in the said map by letters A. B. C. D. L. K. J. P. O. H. N. G. A.

They further add that the term 'Janam Bhumi' used in the plaint refers to Janam Bhumi of Sri Ram Chandra Ji and according to the plff's belief the property in suit is the site of the same.

They add that there is no footprints carved over on any stone or any stone image of any Charan Paduka (Charan Paduka) referred to in para 2 of the plaint.

According to them at the place in suit near the idol of Bhagwan Ram Chandra Ji, are kept wooden sandals or Charan Paduka and also a small pair of silver Charan Paduka. They are not fixed to any stone, structure or floor but are placed loose near the idol.

They add that the idol of Bhagwan Ram Chandra Ji at the place in suit is an Achal (Achal) idol.

They add that the plffs claim right of worship with regard to the said idol and also with regard to the 'Charan Paduka'.

The plffs also claim a right to worship all the deities and idols situated in the in the property in suit besides that of Bhagwan Ram Chandra Ji as for example, Laxman Ji, Hanuman Ji, Sita J, Saligram Ji, etc. They also claim a right to worship and have Darshan of these as well as they

have a right to have Darshan of the site in question as according to their belief it is the birth place of Sri Ram Chandra Ji.”

250. Statement of Sri Mohd. Ayub Advocate (Recorded on 07.03.1962 in Suits-1 and 2) :

"Sri Mohd. Ayub Advocate for the defdts states that the decision referred to in para 11 to 14 of the W.S. was in original suit no. 61/280 of 1885 in the Court of Sub-Judge, Faizabad, Raghubar Dass Mahanth versus Secretary of State for India and others. He adds that this decision bars the present suit by principle of Res-judicata and estoppel."

251. Statement of Sri P.D. Goswami, Advocate (Recorded on 08/09.03.1962 in Suits-1 and 2) :

"Sri P.D. Goswami advocate for the plffs state that the report of the commissioner spoken of in para 15 of the W.S. has no effect on the rights of the plff nor do the provisions of Sec 5(3) of U.P. Act 13 of 1936 apply to the present suits as they are based on a right of worship of plff who is a Hindu. According to him the provisions of this Act are applicable to the property and the rights of the Muslims only.

He does not give up the plea taken by him in the replication in that connection.

According to him the said Act has been repealed by U.P. Act 16 of 1960. He further adds that in case the said Act be considered applicable to the present suits it is ultra vires the provisions of the Govt of India Act 1935 and is in conflict with the Ancient Monuments Preservation Act (Act No. VII of 1904). "

252. Statement of Sri Mohd. Ayub, Advocate (Recorded on

09.03.1962 in Suits-1 and 2) :

"Sri Mohd. Ayub Advocate for the defdts states that under para 15 of the W.S. in suit no.2 of 1950, the defdts plead that the suit is barred by provisions of Sec. 5(3) of Muslim Waqf Act 1936(U.P. Act No. 13 of 1936).

He adds that by the plea set up in para 19 of the W.S., it is meant that the suit is bad for want of consent in writing of the Advocate General and other provisions of Sec. 91 C.P.C.

He adds that from para 9 of the W.S. the plea arises that Almighty God in whom the property in suit vests duly represented by some authorised persons should have been made a party to the suit and the suit is bad for non-joinder of parties. He adds that the Muslims in general or the mutwalli of the said waqf or Sunni Central Board as waqf should also have been made defdts in this suit.

He adds that the present suit being a suit for injunction is barred by time under Article 120 of the Indian Limitation Act."

253. Statement of Mohd. Ayub, Advocate (Recorded on 08.08.1962 in Suit-4)

"Sri Mohd. Ayub Advocate for the plffs states that the property in suit is the property dedicated to Almighty God and is a mosque for the use of the entire Muslim community at large. He adds that Shias & Sunnis have the interest in the same. "

254. Statement of Sri Sarab Jeet Lal, Advocate (Recorded on 17.05.1963) (Counsel for plaintiff in Suit-3)

*"Present Sri Sarab Jeet Lal for plff
& Sri Mohd. Ayub Advocate for defdts 7 to 8.*

Sri Sarab Jeet Lal Advocate states as follows:

*The plff claims that this property in suit is believed to be the birth place of Lord Ram Chandra and so there is a temple of Lord Ram Chandra on it. The plff claims that this temple is in the management and control of the plff. It is further clarified that this property is not dedicated to the idol **although the temple is made on the land which is the birth place of Lord Ram. It is owned by the plff and the temple was made by the plff.** It is added that the present suit is confined to property shown by letters E F G H I J K L although the entire area shown by letters E F G H P N M L E belongs to the plff.”*

255. Statement of Mohd. Ayub, Advocate (Recorded on 28.08.1963 in Suit-4) :

*"Sri Mohd. Ayub states that the **mosque lies in A B C D as shown in the plaint map (sketch map)** and the land around A B C D is graveyard of the Muslims as shown in it. "*

Sri Mohd. Ayub states that the plaintiff pleads in the alternative that even if the defdts have any rights in the property in suit the same have been extinguished by lapse of time.

He clarifies that the same amounts to adverse possession and the rights of the defts have extinguished by it and the plff has acquired title by adverse possession.”

The taking of these pleas of title by adverse possession and extinction of title of defdts by oral statement is strongly opposed from the side of the defts.

Let the plff therefore take up proper pleas in proper way, by amendment of plaint or replication as the case may be. Plff to move for the same within 15 days.

Put up for orders on 28.9.63 in this respect whereafter issues will be framed.”

256. Statement of Mohd. Ayub, Advocate (Recorded on 20.01.1964 in Suit-4)

“Sri Mohd. Ayub Advocate Wadigan Ne Bayan Kiya Ki Zaydad Nijai Me Babri Masjid Va Uski Chahardiwari Se Mila Hua Qabristan Janib Poorab, Uttar Dakkhin Hai. Paschim Taraf Qabristan Nahi Hai. Babri Masjid Ko Shahansah Babar Ne 1528 AD me Ekdam Naye Sire Se Banaya Tha. Jis Jagah Par Babri Masjid Bani Hai Us Jagah Par Uske Banane Ke Pahle Hinduvon Ka Kisi Tarah Ka Koi Mandir Ya Dev Sthan Ya Koi Tameer Nahi Thi. Babri Masjid Ke railing Ke Bahar Aur Sadar Phatak Ke Boundary wall Ke Andar Poorab Dakhin Ki Taraf Ek 17 Feet X 21 Feet Ka Chabutara Hai Jis Par Lakadi Ke structure Ka Ek wooden temple Bana Hai. Us me Koi Bhi Hindu Ki Murtiyan Na Kabhi Thi Na Ab Tak Hai. Vah Jagah Bhi Musalmano Ki mosque Ka Hissa Hai, Mujhe Nahi Maloom Ki Vah Jagah Aaj Tak Kabhi Bhi Hinduvon Ke Istemal Me Aai hai Ya Nahi. Yeh Bhi Nahi Maloom Ki Vah Jagah Kabhi Bhi Musalmano Ke Istemal Me Rahi Hai Ya Nahi. Jab Se Yani December 1949 Isvi Se Musalman Log 145 Jabta Phaujdari Ke Mokadme Me Babri Masjid Ke Karib Jane Se Rok Diye Gaye Hain Tab Se Us Jagah par Agar Koi changes Kisi Ne Kiya Ho To Uske Bare Me Mujhe Koi Ilam Nahi hai. Babri Masjid Ke Sadari Phatak Se Andar Dakhil Hone Par Uske Dahini Taraf Jo Bhi Tamirat Hai Vah December 1949 Ke Pahale Vahan Par Kabhi Nahi Thee. Unhe December 1949 I. Ke Bad Kisi Ne Tameer Kar Liya Hoga. Babri Masjid Ko main building Ke Uttar Taraf Chahardiwari Ke Andar Bhi December

1949 I. Tak Kabhi Koi Tamirrat Varakam Imarat Ya Chabutara Vagaraih Ke Kabhi Nahi Rahe. Us Jagah Par Jo Chabutara Sita Rasoi Ke Naam Se Muddalehum Kahte Hai use December 1949 I. Ke Bad Hi Muddalehum Ne Ya Kisi Ne Banaya Hai. Babri Masjid Ke Samne Ki compound wall Me Jo main gate hai Usme Do Khambhe Khasauti Patthar Ke Lage Hai Jo Babri Masjid Ke Shuru me Banane Ke Waqt Se Lage Hai Aur Babri Masjid Me main building Ke Andar Bhi Barah Khambhe Kasauti Patthar Ke Lage Hai. Yeh Bhi Shuru Se Lage Hai. In Chaudaho Khambho Me Koi Bhi Muratiyan Ya inscription, indication of Hinduism Nahi Khudi Hai."

(Sri Mohammad Ayub, Counsel for Plaintiffs stated that the disputed property included Babri mosque and a graveyard adjoining to its boundary and facing east, north and south. There is no graveyard towards west. Emperor Babur built Babri mosque afresh in 1528 AD. **Prior to the Babri mosque, no temple or worship place or any other construction of Hindus existed at the site where the Babri mosque was built.** On the outer side of railing of Babri mosque and inside the boundary of main gate towards south-east, there is a platform measuring 17x21 feet over which a wooden temple is built in wooden structure. No idols of Hindus ever existed nor exist inside the same. That place is also a part of mosque of Muslims; I do not know whether that place had ever been in use of Hindus or not; it is also not known to me whether this place had ever been in use of Hindus or not; it is also not **known to me whether this place had ever been in use of Muslims or not.** I have no knowledge about changes

effected, if any, at that place since December, 1949 AD when the Muslims were restrained from going near Babri mosque in a criminal case under Section 145 Cr.P.C. On entering through the main gate of Babri mosque, the constructions lying on right side, were never in existence prior to December, 1949. The same must have been constructed by someone after December 1949. Towards north of main building of Babri Mosque inside the boundary wall, upto December 1949 A.D. there was never any construction or building or Chabutara etc. Over that place, the Chabutara termed as Sita Rasoi by the defendants has been constructed either by defendants or someone else after December 1949. There are two pillars of Kasauti stone in the main gate of the compound wall of Babri Mosque, which were affixed at the time of construction of the Mosque and 12 Kasauti pillars are affixed in the main building of Babri Mosque as well. They have also been affixed since very beginning. These 14 pillars do not carry any idols or inscription, indication of Hinduism.)” (E.T.C.)

257. Statement of Sri Lal Surendra Nath Singh Advocate (Recorded on 24.04.1964 in Suit-4)

"Sri Lal Surendra Nath Singh Vakil Prativadi No. 1 Va 2 Ne Bayan Kiya Ki Tankeeh no. 5 (d) of the leading case Ke Silsile Me Bayan Tahriri Muddalehum no. 1 Va 2 Ke Para 32 Ke sub para (a), (b) Aur (d) Ko Hi press Karta Hun. Bayan Tahriri Mazkoor Ke Dafa 5 Ke Baqi Sub paras Ko Tankihat Ke Silsile Me Press Karunga."

(Sri Lal Surendra Nath Singh, counsel for defendants no. 1 and 2 stated that in respect of issue no. 5(d) of the leading

case, he presses only sub paragraphs (a),(b) and (d) of paragraph 32 of the written statement of defendants no. 1 and 2. He will press the remaining sub- paragraphs of paragraph 5 of the said written statement for framing issues.” (E.T.C.)

258. Statement of Sri Mohd. Ayub, Advocate (Recorded on 17.07.1965 in Suit-4)

"Sri Mohd. Ayub Vakil Wadi Ne u/order X rule 2 CPC Bayan Kiya Ki Jaydad Nijai Ka Jo notification under Section 5(1) of U.P. Muslim Waqf Act 13 of 1936 Huva Tha, Vah Uski Sahi Naqal Kagaj No. 243/Ga Va 243/1Ga Me page no.11 Ke serial no.26 Babat Zila Faizabad Par Jaydad Nijai Ka notification Mazkoor Chhapa Hai. Iske Alawa Jaydad Nizai Ka under section 5(1) of U.P. Act 13 of 1936 Ka Aur Koi notification Nahi Hai. Sunkar Tasdeek Kiya."

(Mr. Mohd. Ayub counsel for the plaintiff stated under Order X Rule 2 C.P.C. that true copy of the Notification published under section 5(1) of U.P. Muslim Waqf Act 13 of 1936 with respect to property in suit is Paper No. 243/Ga and 243/1 Ga wherein notification with regard to disputed property pertaining to District Faizabad is published at page 11, serial no. 26. Except it, there is no other notification under Section 5(1) of U.P. Act 13 of 1936 in respect of the disputed property. Verified after hearing."
(E.T.C.)

"Sri Mohd. Ayub Vakil Wadi Ne Bayan Kiya Ki Basilsile Tankeeh No. 17 Kagzat Mundarza Jail Par rely Karta Hun. Unke Alawa Tankeeh Mazkoor Ke Silsile me Aur Koi Oral Ya documentary evidence nahi Dena Hai. Sunkar Tasdeek Kiya."

(Plaintiff's counsel Mr. Mohd. Ayub stated that in relation to issue no.17, he places reliance on the following documents and except those, he does not propose to adduce any oral or documentary evidence in respect of issue under consideration. Verified after hearing.) (E.T.C.)

1. *Kagaj No.73/Ka Morkha 16.9.38 (Paper No. 73/Ka dated 16.9.38)*
2. *Kagaj No. 74/Ka Morkha 8.2.41 (Paper No. 74/Ka dated 8.2.41)*
3. *Mashkula Missil Moqdma No. 2 Sa. 50 Gopal Singh Vs. Zahoor Ahmad. (file of suit no. 2 of 1950 Gopal Singh Vs. Zahoor Ahmad)*

259. Statement of Sri Sarvjeet Lal Verma and Lal Surendra Nath Singh, Advocates (Recorded on 17.07.1965 in Suit-4)

"Sri Sarvjeet Lal Verma Va Lal Surendra Nath Singh Bakaul Prativadi Ne Bayan Kiya Ki Basilsile Tankeeh no. 17 Mujhe Koi Shahadat Nahi Deni Hai.

(Sri Sarvajeet Lal Verma and Sri Surendra Nath Singh in the capacity of counsel for defendants stated that regarding issue no.17 I do not propose to adduce any evidence.) (E.T.C.)

260. Statement of Sri Deoki Nandan Agarwal (Recorded on 30.04.1992 in Suit-5)

"At the instance of Sri R.L. Varma, Sri Deoki Nandan Agarwal makes the following clarification under Order 10 Rule 2 C.P.C.

.....

"In the early hours of December 23, 1949, the idol of Bhagwan Sri Ram Lala, which was already on Ram Chabutra was transferred to the place where He presently sits, that is, under the central dome of the disputed building. I was not personally present at that time at the

place. This information was conveyed to me by Paramhans Ram Chandra Das of Digamber Akhara. This transfer of the idol was done by Paramhans Ram Chandra Das and Baba Abhi Ram Das and certain other persons whose names I do not remember at the moment. I will have to look into the record to give their names.

The idol is Chal Vighraha (moveable idol)

Paramhans Ram Chandra Das had informed me that all the due ceremonies were performed when the idol was transferred.

Presently, the property in suit is bounded on three sides by a wall constructed by the State Government recently and on the north by public road.

The entire area enclosed by the aforesaid wall belongs to the Deity.”

261. Statement of Sri Jafaryab Jilani, Advocate for the plaintiff (Recorded on 11.01.1996)

“ That the mosque was situate on an Nazul Plot no. 583 of the Khasra of 1931 of Mohalla Kot Ramchandra known as Ramkot at Ayodhya.”

262. Statement of Sri Jafaryab Jilani, Counsel for plaintiff in Suit-4 (Recorded on 22.4.2009) :

"For the purposes of this case there is no dispute about the faith of Hindu devotees of Lord Rama regarding the birth of Lord Rama at Ayodhya as described in Balmiki Ramayana or as existing today. It is, however, disputed and denied that the site of Babri Masjid was the place of birth of Lord Rama. It is also denied that there was any Ram Janam Bhoomi Temple at the site of Babri Masjid at any time whatsoever.

The existence of Nirmohi Akhara from the second

half of Nineteenth Century onwards is also not disputed. It is, however, denied and disputed that Nirmohi Akhara was in existence and specially in Ayodhya in 16th Century A.D. or in 1528 A.D. and it is also denied that any idols were there in the building of the Babri Masjid up to 22nd December, 1949. "

263. Statement of Sri Mustaq Ahmad Siddiqui, counsel for plaintiff in Suit-4 (Recorded on 22.4.2009)

"For the purposes of this case there is no dispute about the faith of Hindu devotees of Lord Rama regarding the birth of Lord Rama at Ayodhya as described in Balmiki Ramayana or as existing today. It is, however, disputed and denied that the site of Babri Masjid was the place of birth of Lord Rama. It is also denied that there was any Ram Janam Bhoomi Temple at the site of Babri Masjid at any time whatsoever.

The existence of Nirmohi Akhara from the second half of Nineteenth Century onwards is also not disputed. It is, however, denied and disputed that Nirmohi Akhara was in existence and specially in Ayodhya in 16th Century A.D. or in 1528 A.D. and it is also denied that any idols were there in the building of the Babri Masjid up to 22nd December, 1949. "

264. Statement of Sri Syed Irfan Ahmad, Counsel for Defendants No. 6/1 and 6/2 in Suit-3 (Recorded on 22.4.2009) :

"For the purposes of this case there is no dispute about the faith of Hindu devotees of Lord Rama regarding the birth of Lord Rama at Ayodhya as described in Balmiki Ramayana or as existing today. It is, however, disputed and denied that the site of Babri Masjid was the place of birth of Lord Rama. It is also denied that there was any Ram

Janam Bhoomi Temple at the site of Babri Masjid at any time whatsoever.

The existence of Nirmohi Akhara from the second half of Nineteenth Century onwards is also not disputed. It is, however, denied and disputed that Nirmohi Akhara was in existence and specially in Ayodhya in 16th Century A.D. or in 1528 A.D. and it is also denied that any idols were there in the building of the Babri Masjid up to 22nd December, 1949."

COMMISSIONER/RECEIVER APPOINTED FOR THE DISPUTED SITE :

265. Initially Sri Priya Dutt Ram, Chairman, Municipal Board, Ayodhya was appointed Receiver by order dated 29.12.1949 passed by the Addl. City Magistrate under Section 145 Cr.P.C. The said Receiver took charge on 5.1.1950. Sri Priya Dutt Ram continued as Receiver till 8.8.1970, i.e., upto the date of his death. Swami Govindacharya, defendant no. 19 (Suit-4) filed application dated 20.8.1970, requesting for appointment of a Civil Court Receiver. However, the City Magistrate appointed Sri K.K. Ram Verma as Receiver on 20.10.1970. Some more applications were filed requesting for appointment of Civil Court Receiver. By order dated 17.11.1970, Civil Judge, Faizabad appointed one Sri Ram Mishra as Receiver. The said order dated 17.11.1970 was assailed before this Court in FAFO No. 389 of 1970 filed by Pundreek Mishra, defendant no. 14 (Suit-4). The Court allowed the appeal vide judgement dated 20.3.1974. It held that the Civil Court is competent to appoint Receiver in place of the Criminal Court Receiver. It also noted that the Sunni Central Board of Waqf, plaintiff (Suit-4) had no objection to the appointment of Court Receiver. However, it

found that the question who should be appointed as Receiver needs to be considered again. The matter was ultimately remanded with the following order :

"The case is remanded and the Court below is directed to re-consider the question of appointment of Receiver and appoint a suitable person on such terms and conditions as it deems fit."

266. This led to filing of a series of applications for appointment of Receiver. Some applicants requested to allow Sri K.K. Ram Verma to continue as Receiver, but some opposed it. In some applications, names of some other persons were recommended. Ultimately vide order dated 18.3.1975, the Civil Judge, Faizabad appointed one Sri Madan Mohan Dubey as Receiver whereagainst FAFO No. 181 of 1975 was filed in this Court at Allahabad which was admitted and an interim order was passed on 9.5.1975 staying the order dated 18.3.1975. This Court further directed Sri K.K. Ram Verma, Receiver appointed by the Criminal Court to continue to function as such. Sunni Central Board of Waqf as well as Mohd. Hashim filed stay vacation applications. Another stay vacation application was filed by one Abhiram Das. A Single Judge of this Court by order dated 25.10.1977 directed the District Judge, Faizabad to make an enquiry and submit report since allegations were made against Sri K.K. Ram Verma. In the meantime, while the said report was awaited, the appeal was transferred from Allahabad to Lucknow and re-registered as FAFO No. 17 of 1977. The District Judge, Faizabad submitted his report on 19.7.1978 and the appeal was decided vide judgment dated 23.7.1987 remanding the matter to Civil Court, requesting it to consider again the names of suitable persons for appointment as Receiver

and till then Sri K.K. Ram Verma was allowed to continue. Sri Verma functioned as Receiver till 24.08.1988. On 25.08.1988 one Sri L.P.N. Singh was appointed as Receiver, who was replaced by Sri Jamuna Prasad Singh appointed on 22.11.1988 and died on 20.02.1992 whereafter Sri U.C. Tiwari was appointed as interim Receiver and was replaced by Sri R.K. Sarkar on 28.08.1992. Sri Sarkar continued till he was replaced by authorised person under the provisions of Ayodhya Act i.e. on 03.04.1993 and the Commissioner, Faizabad Division, functioning as Authorised Person, is managing the site in dispute as its Receiver since then.

ISSUES

267. In Suit-1 issues were framed on 09.03.1962, in Suit-3 the same were framed on 17.05.1963 and in Suit-4, the Civil Judge, Faizabad framed issues on 05.03.1964. Thereafter issue no. 17 (Suit-4) was taken up as preliminary issue and was decided by the Civil Judge, Faizabad vide judgment dated 21.04.1966 along with which issues no. 5(a), 5(c) and 5(d) (Suit-4) also stood decided.

268. After transfer of the aforesaid three Suits to this Court, pursuant to the Court's Order dated 10.07.1989, various issues were recast/added on 22.05.1990, 25.09.1990 and 04.12.1990. In Suit-5 issues were framed on 30.04.1992 and 07.05.1992. After demolition of the disputed structure and the decision of the Apex Court in **Dr. Ismail Farooqui (Supra)**, various issues were re-examined/modified/deleted/re-framed after considering the submissions of all the parties as well as the pleadings and finalized on 23.02.1996 which read as under, suit-wise:

269. Suit-4 :

Issue No. 1:-

Whether the building in question described as mosque in the sketch map attached to the plaint

(hereinafter referred to as the building) was a mosque as claimed by the plaintiffs? If the answer is in the affirmative-

(a) When was it built and by whom-whether by Babar as alleged by the plaintiffs or by Meer Baqi as alleged by defendant no.13?

(b) 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?

Issue No. 1-B(a) :-

Whether the building existed at Nazul plot no. 583 of the Khasra of the year 1931 of Mohalla Kot Ram Chandra known as Ram Kot, City Ayodhya (Nazul Estate) Ayodhya? If so its effect thereon?

Issue No. 1-B(b) :-

Whether the building stood dedicated to almighty God as alleged by the plaintiffs?

Issue No. 1-B(c) :-

Whether the building had been used by the members of the Muslim community for offering prayers from times immemorial? If so, its effect?

Issue No. 2 :-

Whether the plaintiffs were in possession of the property in suit upto 1949 and were dispossessed from the same in 1949 as alleged in the plaint?

Issue No. 3 :-

Is the suit within time?

Issue No. 4 :-

Whether the Hindus in general and the devotees of Bhagwan Sri Ram in particular have perfected right of

prayers at the site by adverse and continuous possession as of right for more than the statutory period of time by way of prescription as alleged by the defendants?

Issue No. 5 :-

(a) Are the defendants estopped from challenging the character of property in suit as a waqf under the administration of plaintiff no.1 in view of the provision of 5(3) of U.P. Act 13 of 1936?

(b) Has the said Act no application to the right of Hindus in general and defendants in particular, to the right of their worship?

(c) Were the proceedings under the said Act conclusive?

(d) Are the said provision of Act XIII of 1936 ultra-vires as alleged in written statement?

(e) Whether in view of the findings recorded by the learned Civil Judge on 21.4.1966 on issue no.17 to the effect that “No valid notification under section 5(1) of the Muslim Waqf Act (No. XIII of 1936) was ever made in respect of the property in dispute”, the plaintiff Sunni Central Board of Waqf has no right to maintain the present suit?

(f) Whether in view of the aforesaid finding, the suit is barred on account of lack of jurisdiction and limitation as it was filed after the commencement of the U.P. Muslim Waqf Act, 1960?

Issue No. 6 :-

Whether the present suit is a representative suit, plaintiffs representing the interest of the Muslims and defendants representing the interest of the Hindus?

Issue No. 7 :-

(a) *Whether Mahant Raghubar Dass, plaintiff of Suit No. 61/280 of 1885 had sued on behalf of Janma Sthan and whole body of persons interested in Janma-Sthan?*

(b) *Whether Mohammad Asghar was the Mutwalli of alleged Babri Masjid and did he contest the suit for and on behalf of any such mosque?*

(c) *Whether in view of the judgment in the said suit, the members of the Hindu community, including the contesting defendants, are estopped from denying the title of the Muslim community, including the plaintiffs of the present suit, to the property in dispute? If so, its effect?*

(d) *Whether in the aforesaid suit, title of the Muslims to the property in dispute or any portion thereof was admitted by plaintiff of the that suit? If so, its effect?*

Issue No. 8 :-

Does the judgment of case No. 6/281 of 1881, Mahant Raghubar Dass Vs. Secretary of State and others operate as res judicata against the defendants in suit?

Issue No. 9 :-

Deleted vide order dated May 22/25, 1990

Issue No. 10 :-

Whether the plaintiffs have perfected their rights by adverse possession as alleged in the plaint?

Issue No. 11 :-

Is the property in suit the site of Janam Bhumi of Sri Ram Chandraji?

Issue No. 12 :-

Whether idols and objects of worship were placed inside the building in the night intervening 22nd and 23rd

December 1949 as alleged in paragraph 11 of the plaint or they have been in existence there since before? In either case, effect?

Issue No. 13 :-

Whether the Hindus in general and defendants in particular had the right to worship the Charans and 'Sita Rasoi' and other idols and other objects of worship, if any, existing in or upon the property in suit?

Issue No. 14 :-

Have the Hindus been worshipping the place in dispute as Sri Ram Janam Bhumi or Janam Asthan and have been visiting it as a sacred place of pilgrimage as of right since times immemorial? If so, its effect?

Issue No. 15 :-

Have the Muslims been in possession of the property in suit from 1528 A.D. continuously, openly and to the knowledge of the defendants and Hindus in general? If so, its effect?

Issue No. 16 :-

To what relief, if any, are the plaintiffs or any of them, entitled?

Issue No. 17 :-

Whether a valid notification under Section 5(1) of the U.P. Muslim Waqf Act No. XIII of 1936 relating to the property in suit was ever done? If so, its effect?

Issue No. 18 :-

What is the effect of the judgment of their Lordships of the Supreme Court in Gulam Abbas and others vs. State of U.P. and others, AIR 1981 Supreme Court 2198 on the finding of the learned Civil Judge recorded on 21st April,

1966 on issue no. 17?

Issue No. 19(a) :-

Whether even after construction of the building in suit Deities of Bhagwan Sri Ram Virajman and the Asthan, Sri Ram Janam Bhumi continued to exist on the property in suit as alleged on behalf of defendant no.13 and the said places continued to be visited by devotees for purposes of worship? If so, whether the property in dispute continued to vest in the said Deities?

Issue No. 19(b) :-

Whether the building was land-locked and cannot be reached except by passing through places of Hindu worship? If so, its effect?

Issue No. 19(c) :-

Whether any portion of the property in suit was used as a place of worship by the Hindus immediately prior to the construction of the building in question? If the finding is in the affirmative, whether no mosque could come into existence in view of the Islamic tenets at the place in dispute?

Issue No. 19(d) :-

Whether the building in question could not be a mosque under the Islamic Law in view of the admitted position that it did not have minarets?

Issue No. 19(e) :-

Whether the building in question could not legally be a mosque as on plaintiffs' own showing it was surrounded by a graveyard on three sides?

Issue No. 19(f) :-

Whether the pillars inside and outside the building in

question contain images of Hindu Gods and Goddesses? If the finding is in the affirmative, whether on that account the building in question cannot have the character of Mosque under the tenets of Islam?

Issue No. 20(a) :-

Whether the Waqf in question cannot be a Sunni Waqf as the building was not allegedly constructed by a Sunni Mohammedan but was allegedly constructed by Meer Baqi who was allegedly a Shia Muslim and the alleged Mutwallis were allegedly Shia Mohammedans? If so, its effect?

Issue No. 20(b) :-

Whether there was a Mutwalli of the alleged Waqf and whether the alleged Mutwalli not having joined in the suit, the suit is not maintainable so far as it relates to relief for possession?

Issue No. 21 :-

Whether the suit is bad for non-joinder of alleged Deities?

Issue No. 22 :-

Whether the suit is liable to be dismissed with special costs?

Issue No. 23 :-

Whether the Waqf board is an instrumentality of State? If so, whether the said Board can file a suit against the State itself?

Issue No. 24 :-

If the Waqf Board is State under Article 12 of the Constitution? If so, the said Board being the State can file any suit in representative capacity sponsoring the case of

particular community and against the interest of another community?

Issue No. 25 :-

Whether demolition of the disputed structure as claimed by the plaintiff, it can still be called a mosque and if not whether the claim of the plaintiffs is liable to be dismissed as no longer maintainable

Issue No. 26 :-

Whether Muslims can use the open site as mosque to offer prayer when structure which stood thereon has been demolished

Issue No. 27 :-

Whether the courtyard contained Ram Chabutara, Bhandar and Sita Rasoi If so, whether they were also demolished on 6.12.1992 along with the main temple?

Issue No. 28 :-

Whether the defendant no.3 has ever been in possession of the disputed site and the plaintiffs were never in its possession?

270. Suit-1 :

Issue No. 1 :-

Is the property in suit the site of Janam Bhumi of Sri Ram Chandra Ji?

Issue No. 2 :-

Are there any idols of Bhagwan Ram Chandra Ji and are His Charan Paduka situated in the site in suit?

Issue No. 3 :-

Has the plaintiff any right to worship the 'Charan Paduka' and the idols situated in the site in suit.

Issue No. 4 :-

Has the plaintiff the right to have Darshan of the place in suit?

Issue No. 5(a) :-

Was the property in suit involved in Original Suit No. 61/280 of 1885 in the court of Sub -Judge, Faizabad, Raghubar Das Mahant Vs. Secretary of State for India and others?

5(b) Was it decided against the plaintiff?

5(c) Was the suit within the knowledge of Hindus in general and were all Hindus interested in the same?

5(d) Does the decision in same bar the present suit by principles of res judicata and in any other way?

Issue No. 6 :-

Is the property in suit a mosque constructed by Shanshah Babar commonly known as Babri Mosque, in 1528 A.D.?

Issue No. 7 :-

Have the Muslims been in possession of the property in suit from 1528 A.D. continuously, openly and to the knowledge of plff and Hindus in general? If so, its effect?

Issue No. 8 :-

Is the suit barred by proviso to Section 42 Specific Relief Act?

Issue No. 9 :-

Is the suit barred by provision of Section 5(3) of the Muslim Waqfs Act (U.P. Act 13 of 1936)?

9(a). Has the said Act no application to the right of Hindus in general and plaintiff of the present suit , in particular to his right of worship?

9(b). Were the proceedings under the said Act,

referred to in written statement para 15, collusive? If so its effect?

9(c) Are the said provisions of the U.P. Act 13 of 1936 ultra vires for reasons given in the statement of plaintiff's counsel dated 9.3.62 recorded on paper no. 454-A?

Issue No. 10 :-

Is the present suit barred by time?

Issue No. 11 :-

(a) Are the provisions of section 91 C.P.C. applicable to present suit? If so, is the suit bad for want of consent in writing by the Advocate General?

(b) Are the rights set up by the plaintiff in this suit independent of the provisions of section 91 CPC? If not, its effect.

Issue No. 12 :-

Is the suit bad for want of steps and notice under Order 1, Rule 8 CPC? If so, its effect?

Issue No. 13 :-

Is the suit no. 2 of 50 Shri Gopal Singh Visharad Vs. Zahoor Ahmad bad for want of notice under Section 80 CPC.

Issue No. 14 :-

Is the suit no. 25 of 50 Param Hans Ram Chandra Vs. Zahoor Ahmad bad for want of valid notice under section 80 CPC?

Issue No. 15 :-

Is the suit bad for non-joinder of defendants?

Issue No. 16 :-

Are the defendants or any of them entitled to special

costs under Section 35-A C.P.C.

Issue No. 17 :-

To what reliefs, if any, is the plaintiff entitled?

271. Suit-3 :

Issue No. 1 :-

Is there a temple of Janam Bhumi with idols installed therein as alleged in para 3 of the plaint.

Issue No. 2 :-

Does the property in suit belong to the plaintiff no.1?

Issue No. 3 :-

Have plaintiffs acquired title by adverse possession for over 12 years?

Issue No. 4 :-

Are plaintiffs entitled to get management and charge of the said temple?

Issue No. 5 :-

Is the property in suit a mosque made by Emperor Babar known as Babari Masjid?

Issue No. 6 :-

Was this alleged mosque dedicated by Emperor Babar for worship by Muslims in general and made a public waqf property?

Issue No. 7 :-

(a) Has there been a notification under Muslim Waqf Act Act No. 13 of 1936) declaring this property in suit as a Sunni Waqf?

(b) Is the said notification final and binding? Its effect?

Issue No. 8 :-

Have the rights of the plaintiffs extinguished for want

of possession for over 12 years prior to the suit?

Issue No. 9 :-

Is the suit within time?

Issue No. 10 :-

(a) Is the suit bad for want of notice u/s 80 C?

(b) Is the above plea available to contesting defendants?

Issue No. 11 :-

Is the suit bad for non-joinder of necessary defendants?

Issue No. 12 :-

Are defendants entitled to special costs u/s 35 CPC?

Issue No. 13 :-

To what relief, if any, is the plaintiff entitled?

Issue No. 14 :-

Is the suit not maintainable as framed?

Issue No. 15 :-

Is the suit property valued and court fee paid sufficient?

Issue No. 16 :-

Is the suit bad for want of notice u/s 83 of U.P. Act 13 of 1936?

Issue No. 17 :-

Whether Nirmohi Akhara, plaintiff, is Panchayati Math of Rama Nand sect of Bairagis and as such is a religious denomination following its religious faith and persuit according to its own custom?

272. Suit-5 :

Issue No. 1 :-

Whether the plaintiffs 1 and 2 are juridical persons?

Issue No. 2 :-

Whether the suit in the name of Deities described in the plaint as plaintiffs 1 and 2 is not maintainable through plaintiff no.3 as next friend?

Issue No. 3 :-

(a) Whether the idol in question was installed under the central dome of the disputed building (since demolished) in the early hours of December 23, 1949 as alleged by the plaintiff in paragraph 27 of the plaint as clarified in their statement under Order 10 Rule 2 C.P.C.

(b) Whether the same idol was reinstalled at the same place on a Chabutara under the canopy?

(c) Whether the idols were placed at the disputed site on or after 6.12.1992 in violation of the courts order dated 14.8.1989 and 15.11.91?

(d) If the aforesaid issue is answered in the affirmative, whether the idols so placed still acquire the status of a deity.

Issue No. 4 :-

Whether the idol in question had been in existence under the "Shikhar" prior to 6.12.92 from time immemorial as alleged in paragraph 44 of the additional written statement of defendant no.3?

Issue No. 5 :-

Is the property in question properly identified and described in the plaint?

Issue No. 6 :-

Is the plaintiff no.3 not entitled to represent the plaintiffs 1 and 2 as their next friend and is the suit not competent on this account?

Issue No. 7 :-

Whether the defendant no.3 alone is entitled to represent plaintiffs 1 and 2, and is the suit not competent on that account as alleged in paragraph 49 of the additional written statement of defendant no.3?

Issue No. 8 :-

Is the defendant Nirmohi Akhara the "Shebait" of Bhagwan Sri Ram installed in the disputed structure?

Issue No. 9 :-

Was the disputed structure a mosque known as Babri Masjid?

Issue No. 10 :-

Whether the disputed structure could be treated to be a mosque on the allegations contained in paragraph 24 of the plaint?

Issue No. 11 :-

Whether on the averments made in paragraph 25 of the plaint, no valid waqf was created in respect of the structure in dispute to constitute it as a mosque?

Issue No. 12:- Deleted vide order dated 23.02.1996.

Issue No. 13 :-

Whether the suit is barred by limitation?

Issue No. 14 :-

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

Issue No. 15 :-

Whether the disputed structure claimed to be Babri Masjid was always used by the Muslims only regularly for offering Namaz ever since its alleged construction in 1528

A.D. to 22nd December 1949 as alleged by the defendants 4 and 5?

Issue No. 16 :-

Whether the title of plaintiffs 1 and 2, if any, was extinguished as alleged in paragraph 25 of the written statement of defendant no.4? If yes, have plaintiffs 1 and 2 reacquired title by adverse possession as alleged in paragraph 29 of the plaint?

Issue No. 17:- Deleted vide order dated 23.02.1996.

Issue No. 18:-

Whether the suit is barred by section 34 of the Specific Relief Act as alleged in paragraph 42 of the additional written statement of defendant no.3 and also as alleged in paragraph 47 of the written statement of defendant no.4 and paragraph 62 of the written statement of defendant no. 5?

Issue No. 19 :-

Whether the suit is bad for non-joinder of necessary parties, as pleaded in paragraph 43 of the additional written statement of defendant no.3?

Issue No. 20 :-

Whether the alleged Trust creating the Nyas , defendant no.21, is void on the facts and grounds stated in paragraph 47 of the written statement of defendant no.3?

Issue No. 21 :-

Whether the idols in question cannot be treated as Deities as alleged in paragraphs 1,11,12,21,22, 27 and 41 of the written statement of defendant no.4 and in paragraph 1 of the written statement of defendant no.5?

Issue No. 22 :-

Whether the premises in question or any part thereof is

by tradition, belief and faith the birth place of Lord Rama as alleged in paragraphs 19 and 20 of the plaint? If so, its effect?

Issue No. 23 :-

Whether the judgment in suit no. 61/280 of 1885 filed by Mahant Raghubar Das in the Court of Special Judge, Faizabad is binding upon the plaintiffs by application of the principles of estoppel and res judicata as alleged by the defendants 4 and 5?

Issue No. 24 :-

Whether worship has been done of the alleged plaintiff Deity on the premises in suit since time immemorial as alleged in para 25 of the plaint?

Issue No. 25 :-

Whether the judgment and decree dated 30th March 1946 passed in Suit No. 29 of 1945 is not binding upon the plaintiffs as alleged by the plaintiffs?

Issue No. 26 :-

Whether the suit is bad for want of notice under section 80 C.P.C. as alleged by the defendants 4 and 5?

Issue No. 27 :-

Whether the plea of suit being bad for want of notice under Section 80 CPC can be raised by defendants 4 and 5?

Issue No. 28 :-

Whether the suit is bad for want of notice under Section 65 of the U.P. Muslim Waqfs Act, 1960 as alleged by defendants 4 and 5? If so, its effect.

Issue No. 29 :-

Whether the plaintiffs are precluded from bringing

the present suit on account of dismissal of suit no. 57 of 1978 (Bhagwan Sri Ram Lala Vs. State) of the Court of Munsif Sadar, Faizabad?

Issue No. 30 :-

To what relief, if any, are plaintiffs or any of them entitled?

273. It is worthy to mention that after submission of ASI report neither the pleadings were got amended nor any new issue sought to be framed. The parties also did not find any reason or justification for requesting this Court for addition or alteration in the existing issues though arguments have been advanced and evidence also led. We may specifically place it on record that no issue has been framed whether Lord Ram existed or born in Ayodhya or that the present location of Ayodhya is the same as it was in the olden days and in particular at the time when Hindu believe that Lord Ram was born thereat. Further there is also no issue whether there existed any Islamic religious structure, building etc. at the disputed site before the construction of the disputed building or whether there existed a 'Kanati Masjid' or 'Eidgah' or 'other Muslim religious building' at the site in dispute before erection of the disputed structure. There is also no issue whether the temple if any, demolished for raising construction of the disputed building was constructed by Maharaja Vikramaditya or by Kings of Gahadwal Dynasty and regarding the shape, size etc. thereof. It is well settled and need no authority that the matter in respect whereof issues are not framed, should neither be allowed to be raised nor be examined by the Civil Court and it should confine adjudication in respect of the matter covered by the issues framed before it. (See **Mohd. Saleh vs. Ram Ratan AIR 1924 Nagpur 156** and **Suraj Bhan vs. Harchandgir 1954 PEPSU 65 (DB)**). We, therefore confine ourselves, in the present cases, only to the issues raised before us and not otherwise.

EVIDENCES ADDUCED-In Brief

274. (1) Oral Depositions : Parties to these suits produced 88 witnesses, who deposed on one or the other subject. Broadly, these witnesses are categorized as under:

275. (a) Witnesses produced in Suit-4 by Plaintiff :

(I) Witness of facts :

1. P.W. 1 Sri Mohd. Hashim
2. PW 2 Hazi Mahboob Ahmed
3. PW 3 Farooq Ahmad
4. PW 4 Mohd. Yasin
5. PW 5 Sri Abdul Rehman
6. PW 6 Mohd. Yunus Siddiqui
7. PW 7 Sri Hashmat Ullah Ansari
8. PW 8 Sri Abdul Aziz
9. PW 9 Syeed Akhlak Ahmad
10. PW 10 Mohd. Idris
11. PW11 Mohd. Burhanuddin
12. PW 12 Ram Shanker Upadhyay
13. PW 13 Suresh Chandra Mishra
14. PW 14 Jalil Ahmad
15. PW 21 Dr. M. Hashim Qidwai
16. PW 23 Mohd Qasim Ansari
17. PW 25 Mohd. Sibte Naqvi

(II) Expert Witnesses (Historian)

18. PW 15 Sushil Srivastava
19. PW 18 Prof. Suvira Jaiswal
20. PW 20 Prof. Shirin Musavi

(III) Expert Witnesses (Archaeologist)

21. PW 16 Prof. Suraj Bhan
22. PW 24 Prof. D. Mandal
23. PW 27 Dr. Shereen F. Ratnagar

24. PW 28 Dr. Sita Ram Roy
25. PW 29 Dr. Jaya Menon
26. PW 30 Dr. R. C. Thakran
27. PW 31 Dr. Ashok Datta
28. PW 32 Dr. Supriya Verma

(IV) Private Commissioner

29. PW 17 Zafar Ali Siddiqui

(V) Expert Witnesses (Religious Matters)

30. PW 19 Maulana Atiq Ahmad
31. Pw 22 Mohd. Khalid Naqui
32. PW 26 Kalbe Jawed

276. (b) Witnesses produced in Suit-5 by Plaintiff :

(I) Witness of facts :

1. OPW 1 Mahant Paramhans Ram
Chandra Das
2. OPW 2 Sri D.N. Agarwal
3. OPW 4 Harihar Prasad Tewari
4. OPW 5 Ram Nath Mishra alias Banarsi
Panda
5. OPW 6 Hausila Prasad Tripathit
6. OPW 7 Sri Ram Surat Tewari
7. OPW 8 Ashok Chandra Chatterjee
8. OPW 12 Kaushal Kishor Misra
9. OPW 13 Narad Saran

(II) Expert Witnesses (Archaeologist)

10. OPW 3 Dr. S.P. Gupta
11. OPW 14 Dr. Rakesh Tewari
12. OPW 17 Dr. R. Nagaswami
13. OPW 18 Sri Arun Kumar Sharma
14. OPW 19 Sri Rakesh Dutta Trivedi

(III) Expert Witness (Epigraphist and Historian)

15. OPW 9 Dr. T.P. Verma

(IV) Expert Witnesses (Epigraphist)16. OPW 10 Dr. Voluvyl Vyasarayasastr
Ramesh

17. OPW 15 Dr. M.N. Katti

(V) Expert Witnesses (Historian)

18. OPW 11 Dr. Satish Chandra Mittal

(VI) Expert Witnesses (Religious Matters)19. OPW 16 Jagadguru Ramanandacharya
Swami Ram Bhadracharya**277. (c) Witnesses produced in Suit-1 by Plaintiff :****(I) Witness of facts :**

1. DW 1/1 Sri Rajendra Singh
2. DW 1/2 Sri Krishna Chandra Singh
3. DW 1/3 Sri Sahdeo Prasad Dubey

278. (d) Witnesses produced in Suit-3 of 1989 by Plaintiff :**(I) Witness of facts :**

1. DW 3/1 Mahant Bhaskar Das
2. DW 3/2 Sri Raja Ram Pandey
3. DW 3/3 Sri Satya Narain Tripathi
4. DW 3/4 Mahant Shiv Saran Das
5. DW 3/5 Sri Raghunath Prasad Pandey
6. DW 3/6 Sri Sita Ram Yadav
7. DW 3/7 Mahant Ramji Das
8. DW 3/8 Pt. Shyam Sundar Mishra @
Barkau Mahraj
9. DW 3/9 Sri Ram Ashrey Yadav
10. DW 3/11 Sri Bhanu Pratap Singh
11. DW 3/12 Sri Ram Akshaibar Pandey

12. DW 3/13 Mahant Ram Subhag Shashtri
13. DW 3/15 Narendra Bahadur Singh
14. DW 3/16 Sri Shiv Bhikh Singh
15. DW 3/17 Sri Mata Badal Tewari
16. DW 3/18 Sri Acharya Mahant Bansidhar Das @ Uriya Baba
17. DW 3/19 Sri Ram Milan Singh
18. DW 3/20 Mahant Raja Ramchandr-acharya

(II) Others :

19. DW 3/10 Sri Pateshwari Dutt Pandey
20. DW 3/14 Jagad Guru Ramanandacharya Swami Haryacharya

279. (e) Witnesses produced by Defendant 2/1 in Suit-4 :

(I) Witness of facts :

1. D.W.2/1-3 Mahant Ram Vilas Das Vedanti

(II) Others :

2. D.W.2/1-1 Sri Rajendra.
3. D.W.2/1-2 Sri Ram Saran Srivastava

280. (f) Witnesses produced by Defendant 13/1 in Suit-4 :

(I) Expert Witness (Historian) :

1. DW 13/1-3 Dr. Bishan Bahadur

(II) Others :

2. DW 13/1-1 Mahant Dharam Das
3. DW 13/1-2 Mahant Awadh Bihari Das Pathak

281. (g) Witnesses produced by Defendant 17 in Suit-4 :

(I) Witness of facts :

1. DW 17/1 Sri Ramesh Chandra Tripathi

282. (h) Witnesses produced by Defendant 20 in Suit-4 :

(I) Witness of facts :

1. DW 20/1 Sri Shashi Kant Rungta
2. DW 20/4 Sri M.M. Gupta

(II) Expert Witnesses (Religious Matters)

3. DW 20/2 Swami Avimukteshwaran and Saraswati
4. DW 20/3 Bramchari Ram Rakshanand

(III) Expert Witness (Archaeologist)

5. DW 20/5 Sri Jayanti Prasad Srivastava

283. (i) Witnesses produced by Defendant 6/1 in Suit-3 :**(I) Expert Witness (Archaeologist) :**

1. DW 6/1-2 Sri Mohd. Abid

(II) Others :

2. DW 6/1-1 Sri Haji Mahboob Ahmad

284. The statement of DW13/1-2 Mahant Awadh Bihari Das Pathak, could not be concluded due to his death in the meantime. Therefore, neither in law nor otherwise the same is admissible at all and to this effect the parties are also in agreement. Similarly, the statement of OPW 2, Deoki Nandan Agarwal could not be concluded since during the course of cross examination by Sri Jilani, he fell ill and ultimately died. Therefore, in view of Section 32 of the Evidence Act, the above statement of OPW 2 is also not admissible. However, Counsel for plaintiff (Suit-5) sought to advance his argument on this aspect is that to the extent some of the parties have completed their cross examination, the statement of OPW 2 can be read and, therefore, at this stage with regard to statement of OPW 2 we are not giving any final opinion and shall deal with it subsequently at appropriate stage.

285. The above witnesses have deposed to support the case of the respective parties. As noticed already, a large number of them are experts in different disciplines i.e. History, Archaeology, Epigraphy, Palaeontology, etc. They have deposed to give their opinion in the field of their expertise. Broadly and briefly, the facts in support whereof the above witnesses have been produced may be categorized as under:

A. Existence of Mosque, continuous prayer by Muslims etc. (On behalf of Plaintiffs in Suit-4)

286. The witnesses of facts produced on behalf of Muslim parties are to prove that up to the date of attachment or till 22/23.12.1949 Muslims had offered prayer regularly in the disputed structure, the same was always treated, used and practiced to be a 'Mosque', there was no idol of Lord Ram herein in the inner courtyard or under the central dome of three domed structure. These witnesses are, PW 1-Sri Mohd. Hashim; PW 2- Hazi Mahboob Ahmed; PW 3-Farooq Ahmad; PW 4-Mohd. Yasin; PW 5-Sri Abdul Rehman; PW 6-Mohd. Yunus Siddiqui; PW 7-Sri Hashmat Ullah Ansari; PW 8-Sri Abdul Aziz; PW 9-Syed Akhlak Ahmad; PW 14-Jalil Ahmad; PW 21-Dr. M. Hashim Qidwai; PW 22-Mohd. Khalid Naqui; PW 23, Mohd. Qasim Ansari and PW 25-Sibte Mohd. Naqvi. (Total 14)

B. Birthplace of Lord Ram; continuous worship by Hindus; No Namaz, no mosque etc.

287. The Hindu parties on the contrary have produced witnesses to prove that Lord Ram was born at the disputed site as per the faith and belief of Hindus; the site in dispute was always worshiped as birthplace of Lord Ram; the Muslims never and at least since 1934 have offered prayer (Namaz) at the disputed site; the site in dispute had a massive temple of Lord Ram which was demolished/damaged by Emperor Babar

through Mir Baqi, a Commander of Babar in 1528; he constructed a Mosque which could not be completed or even if completed but was never practiced as Mosque since no prayer (Namaz) could be offered by Muslims thereat; the building constructed by Babar/Mir Baqi continued to be a temple of Lord Ram and worshiped by Hindus as such; throughout the Hindus are worshiping the place as the site of birth of Lord Ram, there was no mosque at all etc. These witnesses are DW 1/1-Sri Rajendra Singh; DW 1/2-Sri Krishna Chandra Singh; DW 1/3-Dr. Sahdeo Prasad Dubey; DW 2/1-1-Sri Rajendra Singh; DW 2/1-2-Sri Ram Saran Srivastava; DW 2/1-3-Mahant Ram Vilas Das Vedanti; DW 3/1-Mahant Bhaskar Das; DW 3/2-Sri Raja Ram Pandey; DW 3/3-Sri Satya Narain Tripathi; DW 3/4-Mahant Shiv Saran Das; DW 3/5, Raghunath Prasad Pandey; DW 3/6-Sri Sita Ram Yadav; DW 3/7, Mahant Ramji Das; DW 3/8-Pt. Shyam Sundar Mishra @ Barkau Mahraj; DW 3/9-Sri Ram Asrey Yadav; DW 3/11-Sri Bhanu Pratap Singh; DW 3/12-Sri Ram Akshaibar Pandey; DW 3/13-Mahant Ram Subhag Shastri; DW 3/14-Jagadguru Ramanandacharya Swami Haryacharya; DW 3/15-Sri Narendra Bahadur Singh; DW 3/16-Sri Shiv Bhikh Singh; DW 3/17-Sri Mata Badal Tewari; DW 3/18-Sri Acharya Mahant Bansidhar Das @ Uriya Baba; DW 3/19-Sri Ram Milan Singh; DW 3/20-Mahant Raja Ramchandracharya; DW 13/1-1-Mahant Daram Das; DW 17/1-Sri Ramesh Chandra Tripathi; DW 20/1-Sri Shashi Kant Rungta; DW 20/2-Swami Avimukteshwaranand Saraswati; and DW 20/3-Bramchari Ram Rakshanand; OPW 1-Mahant Paramhans Ram Chandra Das; OPW 2-Sri Deoki Nandan Agarwal; OPW 4- Sri Harihar Prasad Tewari; OPW 5-Sri Ram Nath Mishra alias Banarsi Panda; OPW 6-Sri Hausila Prasad

Tripathi; OPW 7-Sri Ram Surat Tewari; OPW 12-Sri Kaushal Kishor Misra; OPW 13-Sri Narad Saran. (Total 38)

C. Temple (Existence and demolition):

288. The third set of witnesses are those experts who have deposed about the existence or non existence of temple, its demolition; construction of mosque in 1528 A.D. etc., in support of one or the other party. The witnesses who have said that there existed no temple when the mosque in question was constructed in 1528 A.D. by Mir Baqi and that there was no evidence that the site in dispute was a birthplace of Lord Ram are, PW12- Sri Ram Shanker Upadhyay; PW 13-Sri Suresh Chandra Mishra; PW 15-Sri Sushil Srivastava; PW 16-Prof. Suraj Bhan; PW 18-Prof. Suvira Jaiswal; PW 20-Prof. Shirin Musavi; PW 24- Prof. D. Mandal; PW 27-Dr. Shereen F. Ratnagar; and PW 28-Dr. Sita Ram Roy. The witnesses who have deposed otherwise are OPW 3-Dr. Swaraj Prakash Gupta; OPW 9-Dr. Thakur Prasad Verma; OPW 11-Dr. Satish Chandra Mittal; OPW 16-Jagadguru Ramanandacharya Swami Ram Bhadracharya; DW 13/1-3-Dr. Bishan Bahadur; and DW 20/4-Sri Madan Mohan Gupta. (Total 12)

D. ASI Report:

289. The ASI has submitted its report giving its opinion that there was a massive structure beneath disputed building which had continued till the disputed building was constructed and in view of the various artefacts etc. it resembles religious structure of Northern India. On behalf of Muslim parties, expert witnesses have deposed to contradict the said report while on behalf of Hindu parties the witnesses have deposed supporting the view of ASI. On behalf of Muslim parties, PW 16-Prof. Suraj Bhan; PW 24-Prof. D. Mandal; PW 29-Dr. Jaya Menon; PW 30- Dr. R. C.

Thakran; PW 31-Dr. Ashok Datta, PW 32 Dr. Supriya Verma, DW 6/1-1 Sri Haji Mahboob Ahmad and DW 6/1-2 Sri Mohd. Abid have deposed their statements; while on behalf of Hindus, OPW 17-Dr. R. Nagaswami; OPW 18-Sri Arun Kumar Sharma; OPW 19-Sri Rakesh Dutta Trivedi; and DW 20/5-Sri Jayanti Prasad Srivastava have deposed their statements. (Total 12)

E. Characteristics of Mosque:

290. About the characteristics of a mosque, on behalf of Muslims, some witnesses claiming expert in religious matters (Islamic Law) have been produced i.e. PW 10-Mohd. Idris; PW 11-Mohd. Burhanuddin; PW 19-Maulana Atiq Ahmad; PW 22-Mohd. Khalid Nadvi; PW 25-Sibte Mohd. Naqvi; and PW 26-Kalbe Jawed. (Total six)

F. Sanskrit Inscriptions found in 1992:

291. In reference to the aforesaid inscription and its transliteration three witnesses have been produced i.e. OPW 8-Sri Ashok Chandra Chatterjee; OPW 10-Dr. Voluvyl Vyasarayasastrri Ramesh; and OPW 15-Dr. M.N. Katti. (Total three)

G. Artefacts in Debris:

292. Certain artefacts were recovered from debris which were taken over by the Government and to prove the same OPW 14-Dr. Rakesh Tewari has been produced.

H. Commissioner/Survey Report:

293. A Court Commissioner was appointed in some other matters in 1973 and to prove his report DW 3/10- Sri Pateshwari Dutt Pandey has been produced. A private survey of the area in dispute and nearby is said to have been made on behalf of Muslim parties and to prove the same PW 17- Zafar Ali Siddiqui has been produced.

(Note – There are four witnesses who are mentioned in two categories. They are PW 14, 16, 22 and 25)

294. At this stage, we propose to notice the gist of the statement in chief of the above witnesses to the facts they intend to prove.

(A) WITNESSES OF FACTS -ON BEHALF OF PLAINTIFFS (SUIT 4)

295. As noticed above PWs 1 to 9, 14, 21, 22, 23 and 25 have been produced in the above matter and they have deposed their statements in Hindi.

296. PW 1 Mohd. Hashim, 75 years old (in July 1996). He is plaintiff no.7 in Suit-4 and defendant no. 5 in Suit-5/89. He was cross examined on :

- (a) 24/25/26.07.1996, 01/05/06.08.1996 -by Sri R.L.Verma, Advocate on behalf of Nirmohi Akhara, defendant no. 3 (p. 6-76)
- (b) 06/07.08.1996-by Sri Ved Prakash, Advocate, on behalf of defendant no.13 (p. 76-90)
- (c) 20/21.08.1996-by Sri Vireshwar Dwivedi, Advocate, for Sri Umesh Chandra, defendant no. 22 (p. 91-110)
- (d) 21/22.08.1996-by Sri Madan Mohan, Advocate, for Paramhans Ramchandra Das, defendant no. 2 (p. 110-128)
- (e) 22/23.08.1996-by Sri Harishankar Jain, Advocate, for Hindu Mahasabha, defendant no. 10 and adopted by defendant no. 17 (p. 128-146)
- (f) 23/26.08.9196-by Sri Gopal Singh Visharad, plaintiff in Suit-1 through Sri P. L. Mishra, Advocate (p. 146-164)
- (g) 26/27/29.08.1996-by Sri Deoki Nandan Agarwal, plaintiff no.3 in Suit-5 (p. 164-192)

297. He is a tailor by profession, resides at Mohalla Kothia,

Ayodhya, district Faizabad. His father late Karim Bux died in 1932 at the age of 85 years who was also a tailor. Since generations, he is residing at Ayodhya. He has an ancestral house. His residence falls in Mauza Jalwanpur, owned by Rais Dula Ram who permitted Peer Bux (grandfather of PW 1) to construct a house in the said area. His tailor's shop is in Mohalla Shringhar Hat. He studied upto Class V in Madarsa Islamia, Mohalla Kaziana and passed out Class V in 1936. He knows only Urdu. His residence is about three furlongs away from the disputed site. He was taught Quran Sharif by Maulvi Abdul Gaffar. He went to offer Namaz in Babri mosque for the first time in 1938. At that time, Friday's Namaz used to be performed in two mosques but Taravi Namaz (Special prayer/namaz performed after Isha Namaz during the pious month of Ramzan) used to be performed only in Babri mosque in the month of Ramzan. The prayer (Namaz) used to be offered five times in a day in Babri mosque. Then said that sometimes Namaz was offered five times besides Friday's and Taravi Namaz. The water (wazoo) used to be arranged in big pitchers. Imam of the mosque was Maulvi Abdul Gaffar who had died. Moazzim (a person calling Azan loudly) was Ismail. He last offered Namaz on 22.12.1949. From the night of 22/23rd December 1949, the Government imposed prohibition. Idols were placed inside by Abhay Ram Das, Dharam Das and many others. There was a large gathering. In the morning when he went for Namaz, Cops were present there. Ramdeo Dubey and Mata Prasad, Constables, were there who told that Dharam Das, Abhay Ram Das and many others have placed idols inside and he should keep patience. Consequently, he could not offer Namaz as the same was not allowed. Later on, Daroga told that he had lodged

FIR and the mosque had been attached. In 1954 he and many others attempted to offer Namaz thereat for which the Government was also put on notice but could not offer. He and many others, i.e. 100 boys were imposed fine of Rs. 500/- each and six months imprisonment for committing breach of Section 144 Cr.P.C. In appeal the punishment was reduced to two months imprisonment and fine of Rs. 50/- which they underwent. When he went to offer Namaz, many persons, namely, Mohd. Kashim, Mohd. Ekhlaiq, Jaan Mohammad, Rajjab Ali and many others accompanied him. The arrangement of mosque used to be made by Mutawalli Zaki Sahab and Zabbar who were brothers. After placing the idols a suit was filed by Gopal Singh Visharad. The witness was not a party. He was pursuing proceedings under Section 145 Cr.P.C. wherein other parties were Hazi Mohd. Fayaq, Mohd. Sami, Zahoor Ahmad, Ahmad Hussain @ Achchan and Sunni Board. He verified the following photographs with the details as mentioned hereunder:

- (i) Photograph No. 1 (Paper No. 154/4): Main gate of Babari Mosque.
- (ii) Photograph No. 2 (Paper No. 154/5): Stairs from North to South, Babari Mosque.
- (iii) Photograph No. 4 (Paper No. 154/7): Western portion of the back of Babari Mosque.
- (iv) Photograph No. 1 (Paper No. 154/4): Front portion of the place where Imam stands while offering Namaz.
- (v) Photograph No. 9 (Paper No. 154/12): Upper portion of the place where Imam stands while offering Namaz.
- (vi) Photograph No. 10 (Paper No. 154/13): The place where the Imam delivers Katwa.
- (vii) Photograph No. 13 (Paper No. 154/6): Internal

urinal in the premises of Babari Mosque.

298. PW 1 further deposed that Ganj-E-Shahidan is in the east of the mosque. On the northern side there is a road and beyond that is a temple Janam Asthan. A signboard is also affixed at Janam Asthan. On the southern side of the mosque is a graveyard. Leaving the western side of the mosque, on all sides there is a graveyard in 9½ Bighas. There were several graves in 1949 which were adjacent and large in number. There was a gate each on northern and eastern side of the mosque. The northern gate opened on the road while the eastern side did not join with any passage but was connected with a brick road. Entry was mostly from the eastern gate of the mosque. In the way there was no restriction/obstruction from entering the mosque through the gate. Earlier when they used to enter **from the eastern gate there used to be a Chabutara whereupon sometimes the priest used to sit.** This Chabutara was about ten steps away from the passage and covered by thatch. **Near the northern gate of the mosque there was a Chulha used to be called “Sita Rasoi”.** No obstruction caused while entering from that side due to Rasoi. There was a wall in front of Sita Rasoi. When the crowd swell, the northern gate used to be opened for passage. The northern and eastern gates were surrounded by a boundary wall. There was another wall of the mosque where there was main door which was locked. This lock was put on the date when the mosque was attached. No idols were placed inside the mosque upto 22.12.1949. No worship (Pooja) was performed inside the mosque ever. Therein Namaz used to be offered. It was a mosque and never a temple. Had Babur constructed the mosque after demolishing the temple, no Muslim would have offered Namaz therein. The suit plaint was

prepared by Sri Ayub Sahib (Vakil). PW1 besides Mohd. Kashim, Maulana Nasir, Maulana Vakulddin, Athar Ali, Zahoor Ahmed, Fayaq, Mahmood and Shahabuddin also used to go for preparation of the case. The notice of the suit was given by Sri Ayub to the officers of Faizabad, Government and the Receiver Priya Dutt Ram. Notice meant for Receiver returned unserved. He verified the signature of Ayub on paper no. 44 Ka-1, (Ex. 56-Suit-4). Papers no. 33 Ga (Ex. 57), 35Ga (Ex. 58), 37Ga (Ex. 59), 39Ka (Ex. 60) and 41 Ka-1 (Ex. 61) in Suit-4 are the acknowledgments received after service of notice. The building of the mosque was demolished on 6.12.1992 and a boundary wall has been constructed. The building was demolished by Kar Sewaks, many of whom belong to Bajarang Dal, Shiv Sena and RSS. The demolition took place in presence of the officers and Force. After demolition of the building, idols kept therein as well as bricks were taken away by the people. New idols kept inside the boundary wall constructed on 7.12.1992. On the outer side of the mosque, there is a Chabutara in respect where to Mahant Raghubar Das filed a suit in 1885 but he lost that case throughout from Faizabad to Lucknow.

299. P.W. 2, Haji Mahboob Ahmad, 58 years of age (in September, 1996). He was cross examined as under :

- (a) 17/18/19.09.1996-by Nirmohi Akhara, defendant no. 3 through Sri R.L. Verma, Advocate (p. 2-63)
- (b) 20.09.1996-by Sri Dharmdas, defendant no. 13, through Sri Ved Prakash, Advocate (p. 64-71)
- (c) 20.09.1996- by Sri Umesh Chandra Pandey through Sri Vireshwar Mishra, Advocate (p. 72-82)
- (d) 23.09.1996-by Sri Paramhans Ramchandra Das through Sri M.M. Pandey, Advocate (p. 83-92)

(e) 23/24.09.1996-by Sri Rajendra, son of Sri Gopal Singh Visharad, through Sri P.L. Verma, Advocate (p. 92-106)

(f) 24.09.1996-by Sri Deoki Nandan Agarwal, plaintiff himself and next friend to other plaintiffs in Suit-5 (p. 106-112)

(g) 07.10.1996- by Hindu Mahasabha and Sri Ramesh Chandra Tripathi through Sri Hari Shankar Jain, Advocate (p. 113-119)

300. He is a graduate of 1967, did his High School in 1961 at the age of about 21 years, date of birth mentioned in High School certificate is 1944; is resident of Tedhi Bazar, Ayodhya, district Faizabad and his house is situated about three furlongs away from mosque (Babari mosque). He had offered Namaz in Babari mosque hundreds of times. Besides Friday Namaz he used to offer five times Namaz thereat till 22.12.1949. In 1949, Friday Namaz and Taravi Namaz used to be offered in Ayodhya only in two mosques. The main gate was in the east of the mosque whereafter there was a lawn and again a gate, then a courtyard and then the mosque. Outside the main gate of the mosque there was a graveyard. There was no obstruction in visiting the mosque for offering Namaz. He never saw any worship (Pooja) etc. being performed inside the mosque. His father used to take interest in the arrangement of the mosque and was plaintiff also in the suit. By profession he was a Zamindar-farmer. He possessed 200 Bighas of agricultural land and died in 1960. PW 2 used to visit mosque for Namaz alongwith his father. He had seen many people offering Namaz therein. Out of those persons, Hashim, Abdul Ahaq, Hazi Fayaq, Rajjab Ali, Ashraf Ali and Ekhlaq are the names he could recollect. Besides, many others also used to perform Namaz. Haji Gaffar

was Imam of the mosque. Water used to be arranged in big pitchers. There was a well outside wherefrom water used to be brought. There was adequate arrangement for Wazoo. PW 1 is the President of Mukabir Masajid Committee. The incident of 6.12.1992 took place in his presence. He saw demolition of mosque from the roof of his house. He talked with Kumar Manglam, at that time a Minister in the then Central Government. He also talked with the Prime Minister and sent a telegram. He heard the noise shouting “demolish the mosque” (Masjid Gira Do). The voice was mainly of Km. Uma Bharti who was a leader of Vishwa Hindu Parishad. In the night of 6/7th December 1992 after constructing a Chabutara, some idols kept thereat and rest of the place is vacant. He heard that old idols got broken and the people took away the same. New idols were kept thereat. His own house, the entire building and factory were set ablaze in this incident for which a compensation of Rs. 10,000/- was offered which he refused to accept. He is still residing at the same residence where he was on 6.12.1992.

301. PW 3-Farooq Ahmad, son of Zahoor Ahmad, aged about 90 years (in October 1996). He was cross examined as under :

- (a) 07/08/10.10.1996-by Nirmohi Akhara through Sri R.L. Verma Advocate (p. 1-33)
- (b) 11/14/15.10.1996-by Sri Dharmdas through Sri Ved Prakash, Advocate (p. 34-69)
- (c) 15/16.10.1996-by Sri Umesh Chandra Pandey through Sri Vireshwar Dwivedi, Advocate (p. 69-91)
- (d) 16.10.1996-by Sri Paramhans Ramchandra Das through Sri Madan Mohan, Advocate (p. 91-98)
- (e) 16.10.1996- by Hindu Mahasabha and Sri Ramesh Chandra Tripathi through Sri Hari Shankar Jain, Advocate

(p. 98-102)

(f) 16/17.10.1996-by Sri Rajendra Singh, son of Sri Gopal Singh Visharad through Sri P.L. Mishra, Advocate (p. 103-108)

(g) 17.10.1996-by Sri D.N. Agarwal on behalf of himself and other 2 plaintiffs in Suit-5 (p. 108-117)

302. He is a shopkeeper by profession and resides at Mohalla Naugaji, Ayodhya, district Faizabad. His predecessors are old residents of Ayodhya, for the last about 700 years. He used to offer Namaz in Babari mosque besides Friday Namaz. Last time, he offered Namaz in December 1949. After Isha Namaz, Daroga Ramdeo told his father that there is apprehension of something untoward and therefore, the premises be locked. He himself locked it and key was handed over to his father. A report was also lodged. After offering Isha Namaz in the last of December they went to their house. Namaz used to be offered by him along with others like, Hazi Faiku, Hashim and Kasim etc. Photographs no. 83 and 84 (Black and White Photographs Album prepared by the Department of U.P. State Archaeological Association are that of Babari Mosque and its floor. Inside there was a Mehrab (arches) and rows (Safai) where the people used to offer Namaz.

303. PW4-Mohd. Yaseen, aged about 66 years (in October 1996). He was cross examined in the following manner ;

(a) 29/30.10.1996-by Nirmohi Akhara through Sri R.L. Verma, Advocate started (p. 3-25)

(b) 31.10.1996-by Sri Dharmdas through Sri Ved Prakash, Advocate (p. 26-46)

(c) 01.11.1996-by Sri Umesh Chandra Pandey through Sri Vireshwar Dwivedi, Advocate (p. 47-54)

(d) 01.11.1996- by Sri Paramhans Ramchandra Das through Sri Madan Mohan Pandey, Advocate (p. 54-57)

(e) 01.11.1996- by Hindu Mahasabha and Sri Ramesh Chandra Tripathi through Sri Harishankar Jain, Advocate (p. 58-65)

(f) 01/05.11.1996-by Sri Rajendra Singh, son of Sri Gopal Singh Visharad through Sri P.L. Mishra, Advocate (p.65-70)

(g) 05.11.1996-by Sri Deoki Nandan Agarwal, plaintiff himself and next friend to other plaintiffs in Suit-5 (p. 70-79)

304. He is a shoe-maker residing in Mohalla Raiganj Gudiana, Ayodhya District Faizabad. He is acquainted with the disputed place. The building was Babri mosque and the adjacent area a graveyard which was on three sides of the mosque. No graveyard on the west side. The Babari mosque, he has learnt, is about 475 years old and was being used for offering Namaz. He has seen it clearly and himself used to offer Friday Namaz regularly. No other Namaz had been offered by him except Friday Namaz. Last time he offered Friday Namaz about 47 years ago. In the night intervening 22/23 December, 1949, idols were placed inside on account whereof Namaz could not be offered. He started offering Namaz since the age of eight years but on attaining majority started offering daily Namaz. Earlier he did not offer five times Namaz. Before attaining majority, he used to offer Fazir Namaz and sometimes Magrib Namaz. He used to offer Friday Namaz since the age of about twelve years. He offered Friday Namaz at Babri mosque which is a congregational Namaz and offered by the entire city. He used to meet Mohd. Hashim, Mahboob, Kashim, Hidaytullah, Safi

Ullah, Rutmallu alias Abdulla of Suthati mohalla. Ekhlakh of Durohi Kunwa is alive who met frequently. Regarding the inside topography of the mosque, he said:

“इस मस्जिद का निकास पूरब की तरफ और उत्तर की तरफ था। मस्जिद में वजू का इन्तजाम भी था। पानी का इन्तजाम मुतवल्ली कराता था मस्जिद के सामने कुआँ था। वजू मस्जिद में दक्खिन की तरफ होता था। चटाई, बदना के अलावा पेशाबघर का भी वहाँ इन्तजाम था। मस्जिद में अजान भी होती थी। दक्खिन की तरफ साईड में थोड़ा सा ऊँचा चबूतरा था उस पर खड़े होकर मुअज्जिम अजान देता था पेशाब घर के थोड़ा फासले पर मस्जिद के ऊपर जाने के लिए जीना भी था यह अजान वाला चबूतरा जीने से अलग था। मस्जिद में जहाँ अन्दर नमाज पढ़ी जाती थी वहाँ सफों की लकीरें बनी थी। मस्जिद में काले पत्थर भी लगे थे। लेकिन उन पर कोई देवी देवताओं की तस्वीरें नहीं थी। उन पर गमलों की शकल में फूल पत्तियाँ बनी थी।”

“The exit of this mosque was in the east and north. There was arrangement for Vazu in the mosque. The arrangement of water was made by the Mutwalli. There was a well in front of the mosque. The Vazu took place in south of the mosque. Apart from mat and broom, there was provision of urinal at that place. Ajaan also was given from the mosque. There was a slightly higher platform on south of the mosque. The Muajjim used to give the Ajaan call from that platform. There was a staircase to go up in the mosque, at a short distance from the urinal. This Ajaan platform was different from the staircase. Lines from pages were present inside the mosque, at the place where Namaz was offered. Black stones had also been installed in the mosque but they did not contain any picture of Gods and Goddesses. They had pictures of flowers and leaves in form of pots.” (English Translation by Court, now referred as 'E.T.C.')

305. P.W. 5 Abdul Rehman, son of Saiuddin, 71 years of age (in November, 1996). His cross examination followed as under :

- (a) 05/06.11.1996-by Nirmohi Akhara through Sri R.L. Verma, Advocate (p. 2-32)
- (b) 07.11.1996-by Dharamdas through Sri Ved Prakash, Advocate (p. 33-37)
- (c) 07.11.1996- by Sri Umesh Chandra Pandey through Sri Vireshwar Dwivedi, Advocate (p. 37-44)
- (d) 07.11.1996- by Rajendra Singh, son of Gopal Singh Visharad through Sri P.L. Mishra, Advocate (p. 44-45)
- (e) 07.11.1996- by Sri Deoki Nandan Agarwal, plaintiff himself and next friend to other plaintiffs in Suit-5 (p. 45-49)
- (f) 08.11.1996-by Hindu Mahasabha and Sri Ramesh Chandra Tripathi through Sri Hari Shankar Jain, Advocate (p. 50-53)
- (g) 28.11.1996-by Sri Paramhans Ramchandra Das through Sri Madan Mohan, Advocate (p. 54-64)

306. He is Hafiz Quran and is a resident of Ibrahimpur Pargana Mangalsi, Tahsil and District Faizabad. He started education at Jaganpur which is a nearby village of his residence, whereafter went to Madarasa Aliya Furkania situated at Chowk, Lucknow and completed his education thereat. He got certificate from the said institution. He remembers the entire Quran Sharif and that is why he is called 'Hafiz'. He deposed about offering of Namaz in the disputed mosque prior to 1949 as under:

‘मैं रमजान तराबी मे कुरान शरीफ सुनाता हूँ। पहले पहल मैंने कुरान शरीफ तराबी में मशकगंज लखनऊ में सुनाया था। जिस गांव में मैं रहता हूँ वहाँ भी मस्जिद है। उस गांव की मस्जिद में भी तराबी में मैंने कुरान शरीफ सुनाया है। इसके अलावा भी और बहुत से जगह मैंने कुरान शरीफ सुनाया है। 1945 और 46 में तो मैंने बाबरी मस्जिद में भी कुरान

शरीफ सुनाया था। यह बाबरी मस्जिद अयोध्या में थी। मैंने कई साल तक बम्बई में भी कुरान शरीफ सुनाया है। अयोध्या हमारे गांव से तकरीबन 18-19 किमी० दूर है। मैंने अयोध्या में पूरा कुरान शरीफ सुनाया था। दोनों साल में पूरा सुनाया था। मुझे वहां पर हाजी फेकू ने बुलाया था। जिस रोज कुरान शरीफ पूरा सुना दिया गया था उसके बाद मुझे शहनवा से आये हुए मुतव्वली ने जिसका नाम मुझे अब याद नहीं दस रूपये बतौर नजराना भी दिया था। यह नजराना दोनों दफे दिया गया था। बावजूद मेरी इनकारी के। मुतव्वली सहनवा के रहने वाले थे। जब मैं अयोध्या कुरान शरीफ सुनाने जाता था तो उन दिनों में जुम्मे की नमाज मैं बाबरी मस्जिद में पढ़ता था। जब मैं कुरान शरीफ सुनाता था तो तराबी की नमाज भी पढ़ाता था। तराबी की नमाज में कुरान शरीफ सुनाया जाता है। इसके अलावा मेरा अयोध्या कम जाना होता था। कभी जाता था तो बाबरी मस्जिद में नमाज पढ़ लेता था।”

“I pronounce the holy Quran in Remzan Tarabi. I had pronounced the holy Quran in Tarabi for the first time at Mashakganj, Lucknow. There is a mosque as well in the village, in which I reside. In the mosque of that village also, I have pronounced the holy Quran in Tarabi. I have pronounced the holy Quran at many places, other than the above. In 1945 and 46, I had pronounced the holy Quran in the Babri mosque. This Babri mosque was in Ayodhya. I have pronounced the holy Quran in Bombay for many years. Ayodhya is about 18-19 Km. from my village. I had pronounced the complete holy Quran in Ayodhya. Complete pronouncement took place in both years. I had invited there by Hazi Faiku. The day on which I pronounced the complete holy Quran, a Mutwalli from Shahanwa whose name I do not remember, had given me Rs. 10/- as gift. This gift was given to me on both the occasion despite my refusal. The Mutwalli belonged to Shahanwa. Whenever I went to Ayodhya to pronounce the

holy Quran, I used to offer the Namaz of Jumma at the Babri mosque. Whenever I pronounced the holy Quran, I used to read out the Namaz of Tarabi. The holy Quran is read out in Namaz of Tarabi. Apart from this, my visits to Ayodhya were few. Whenever I visited, I used to offer Namaz at the Babri mosque.” (E.T.C.)

307. P.W. 6, Mohd. Yunus Siddiqi, son of late Hafiz Ahmad, resident of Mohalla Reedhganj, district Faizabad, was aged about 63 years (in November, 1996). His Examination-in-chief commenced on 28.11.1996 and cross examination followed as under :

(a) 29.11.1996-by Nirmohi Akhara through Sri R.L. Verma, Advocate (p. 4-24)

(b) 02.12.1996-by Dharamdas through Sri Ved Prakash, Advocate (p. 25-29)

(c) 02/03.12.1996- by Sri Umesh Chandra Pandey through Sri Vireshwar Dwivedi, Advocate (p. 29-48)

(d) 03.12.1996- by Sri Paramhans Ramchandra Das through Sri Madan Mohan Pandey, Advocate (48-56)

(e) 03/04.12.1996-Hindu Mahasabha and Sri Ramesh Chandra Tripathi through Sri Hari Shankar Jain, Advocate (57-65)

(f) 04.12.1996- by Sri Rajendra, son of Sri Gopal Singh Visharad, through Sri P.L. Verma, Advocate (p. 65-70), Sri Deoki Nandan Agarwal, plaintiff himself and next friend to other plaintiffs in Suit-5 (p. 70-84)

308. He was enrolled as pleader on 9th July, 1955 at Lucknow and joined as trainee, the chamber of Sri Shyam Lal Mishra, Advocate, (working on Criminal side), Sri Kohli (a Tax Consultant) and Sri Ram Gupta (practicing in Sales Tax). He

left Lucknow and came to Faizabad in 1956 and started practicing Law on criminal side. Presently he is practising mainly in sales tax matters. He did High School in 1948, Intermediate in 1950 from Government Inter college, Faizabad, Graduation from Lucknow University in 1952 and M.A. and LL.B from Aligarh Muslim University in 1954. He was counsel of the plaintiffs though presently he is not looking after this matter. He left pairavi of the case since 1965. He also verified that the disputed building was known as Babri mosque where he had gone and offered Namaz. For the first time, he offered Namaz in the night of Shabbe-Raat. His deposition about the location, inside and adjacent of the disputed building is as under:

“इमारत मुतदाविया बाबरी मस्जिद के नाम से जानी जाती थी। और मैं इसमें गया हुआ हूँ। वहाँ मैंने नमाज भी पढ़ी थी। मैं जब 12-13 साल की उम्र का था तो पहली मर्तबा अपने भाई साहब के साथ शब्वेरात की रात को इस मस्जिद में गया था। उसके बाद हर साल शब्वेरात की रात को मैं इस मस्जिद में जाया करता था। मैं वहाँ दिन में भी गया हुआ हूँ। मैंने वहाँ पर दिन में सिर्फ एक नमाज पढ़ी है बाकी शब्वेरात के मौके पर नफलों पढ़ी हैं। मैंने दिन की नमाज इस मस्जिद में सिर्फ उस वक्त पढ़ी थी जब वहाँ बुत रखा गया तो उससे पहले जुम्मे के रोज जो नमाज जमाती तौर पर हुई थी। बुत रखने के बाद मैं इस जगह पर एक तो सर्वे के वक्त गया था और एक बार 1991 में रात के वक्त जब तोड़ फोड़ हुई तो मुझे कमिश्नर साहब ने भेजा था। यह तोड़फोड़ दिन में हुई थी। कमिश्नर साहब ने मुझे रात को भेजा था। जब शब्वेरात की रात को वहाँ नमाज पढ़ने जाते थे तो फातिया भी पढ़ते थे। फातिया पढ़ने का ही असली मकसद उस नमाज पर होता है। फातिया बाबरी मस्जिद के गंजे शहीदा पर और अगल बगल की कब्रिस्तान पर, ख्वाजा हट्टी के मजार पर, शाह इब्राहिम साहब के मजार पर, नौगजी कब्र पर, शीश पैगम्बर की कब्र पर जहाँ उनकी दरगाह है पर फातिया पढ़ता था। इन जगहों पर मैं पिछले पांच सात साल में अपनी निजी मजबूरियों की वजह से नहीं जा सकता वरना 1949 के बाद सिवाय बाबरी

मस्जिद के इन सब जगहों पर मैं फातिया पढ़ने जाता रहा हूँ।

1949 में जब मूर्तिया मस्जिद में रखी गयी तो उससे पहले हमने इस जगह पर कभी कोई मूर्ति नहीं देखी।

1949 तक मैंने मस्जिद या इसके अहाते में कभी हिन्दुओं को कोई पूजा दर्शन करते नहीं देखा। 22 दिसम्बर 1949 तक इस मस्जिद में नमाज पढ़ने पर कभी कोई किसी तरह की रुकावट नहीं आयी।”

“The disputed building was known as Babri mosque and I have been there. I have even offered Namaz there. When I was about 12-13 years old, I had gone to this mosque for the first time along with my brother in the night of Shabbe-Raat. I have been there during day time as well. I have offered Namaz only once at that place during day time and on remaining occasions I had read ‘Nafle’ on Shabbe-Raat. I had offered Namaz during day time in this mosque only at time of the collective Namaz of Jumma prior to installation of idol at that place. After installation of the idols, I had once been to that place at time of survey and once in 1991, the Commissioner had sent me in the night when the demolition took place. This demolition had taken place during day time and the Commissioner had sent me in the night. Whenever I went in the night of Shabbe-Raat to offer Namaz, I used to read ‘Fatiya’ (prayers for the dead). Reading of Fatiya is the main purpose of that Namaz. I used to read the Fatiya at the ‘Ganje Shahinda’ of Babri mosque, adjoining graveyard, tomb of Khwaja Hatti, tomb of Shah Ibrahim, grave of Naugji, grave of Shish Prophet. I have not been able to visit these places for last 5-7 years due to my personal problems otherwise after 1949 I had been visiting these places except for Babri mosque, to read Fatiya.

Prior to the placement of idols in the mosque in

1949, I had not seen any idol at that place.

Till 1949 I had not seen any Hindu perform worship in the mosque or within its premises. There was no obstruction for offering Namaz in this mosque upto 22nd December, 1949.” (E.T.C.)

309. P.W. 7 Hasmat-ulla-Ansari, son of Sri Niyamat Ulla, resident of Mohalla Kajiyana, Ayodhya, district Faizabad was aged about 65 years (in December, 1996). His Examination-in-chief commenced on 05.12.1996 and cross examination followed as under :

(a) 05/06.12.1996- by Nirmohi Akhara through Sri R.L. Verma, Advocate (p. 2-36)

(b) 09.12.1996- by Dharamdas through Sri Ved Prakash, Advocate (p. 37-51)

(c) 09/10.12.1996- by Sri Umesh Chandra Pandey through Sri Vireshwar Dwivedi, Advocate (p. 51-68)

(d) 10.12.1996- by Sri Paramhans Ramchandra Das through Sri Madan Mohan Pandey, Advocate (p. 68-76)

(e) 14.01.1997- by Sri Deoki Nandan Agarwal, plaintiff himself and next friend to other plaintiffs in Suit-5 (p. 77-81), Hindu Mahasabha and Sri Ramesh Chandra Tripathi through Sri Hari Shankar Jain, Advocate (p. 82-90)

(f) 15.01.1997-by Sri Rajendra Singh, son of Sri Gopal Singh Visharad through Sri Hari Shankar Jain, Advocate (p. 91-94)

310. By profession a typist, he was born in 1932 and educated upto High School. However, his High School certificate mentions his date of birth as 8.1.1934, but he claims it to be wrong and says that his correct year of birth is 1932. He was admitted in class VIII by his brother-in-law (bahnoi) who got

his date of birth recorded in the school. Prior thereto he passed middle school at Katra which is near Suthati, Ayodhya. There he studied for about 1½ years. He verified the identity of the disputed building as “Babri mosque” and said that he had offered Namaz thereat hundreds of times commencing from 1943 and had gone thereat till 1949. He also claimed that it was never a temple and no Hindu offered worship thereat till 22.12.1949. The relevant extract of his statement in chief is as under:

“मुझे मालूम है कि यह मुकदमा बाबरी मस्जिद के बाबत चल रहा है। वहां पर मैंने नमाज पढ़ी है। सैकड़ों बार पढ़ी है। सबसे पहले मैंने वहाँ पर नमाज 1943 में पढ़ी थी। जब बुत रखा गया उसके एक हफ्ता पहले तक मैं वहाँ मुतवातिर नमाज पढ़ता था। यह बुत 22-23 दिसम्बर 1949 की दरम्यानी रात को रखा गया था। यह मस्जिद में रखा गया था। उसके दो दिन पहले मैंने नमाज पढ़ी थी लेकिन उसके बाद नमाज कभी नहीं पढ़ी। 22 दिसम्बर 1949 तक उस मस्जिद में नमाज पढ़ी गयी है।

मौलवी अब्दुल गफ्फार साहब इस मस्जिद के इमाम थे। मस्जिद में जुम्मे की नमाज भी होती थी और पांचों वक्त की नमाज भी होती थी। रमजान में ताराबी की नमाज भी वहां हुआ करती थी। 1949 में तराबी की नमाज सिर्फ बाबरी मस्जिद में होती थी। जुम्मे की नमाज या तो बाबरी मस्जिद में होती थी या केवड़ा की मस्जिद में होती थी। जहूर के लड़के फारूख, मो० हाशिम, हाजी महबूब उसके बड़े भाई हाजी अब्दुल अहद उन लोगों में से हैं जो मेरे साथ वहां नमाज पढ़ा करते थे और अभी तक जिन्दा हैं। 22 दिसम्बर 1949 तक मैंने इस मस्जिद में न कभी कोई मूर्ति देखी न किसी को पूजा पाठ करते देखा। हमने कभी वहाँ हिन्दुओं को दर्शनों के लिए आते भी नहीं देखा। 22 दिसम्बर 1949 तक इस मस्जिद का इंतजाम या तो हाजी फेंक्कू करते थे या जहूर अहमद करते थे।”

“I know that this case is pending regarding Babri mosque. I have offered Namaz there on hundreds of

occasions. I had offered Namaz there for the first time in 1943. I used to offer Namaz continuously there upto one week before the installation of the idols. These idols had been placed in the intervening night of 22-23 December, 1949. They had been placed in the mosque. I had offered Namaz just two days before that, but never thereafter. Namaz had been offered in that mosque till 22nd December, 1949.

*Maulvi Abdul Gaffar was the Imam of this mosque. The Jumma Namaz was also offered in this mosque, besides the five times Namaz. In 1949, only the Tarabi Namaz was offered in the Babri mosque. The Jumma Namaz was offered either in Babri mosque or in Kewra mosque. Zahoor's son Farookh, Mohd. Hashim, Hazi Mahboob, his elder brother Hazi Abdul Ahad were amongst such person who used to offer Namaz at that place along with me and are still alive. **Till 22nd December, 1949 I had neither seen any idol in that mosque nor had seen anybody perform worship.** I had never seen Hindus visiting that place for worship. Till 22nd December, 1949, the management of this mosque was under Hazi Faiku or Zahoor Ahmad." (E.T.C.)*

311. P.W. 8 Abdul Ajj, son of Hasan Mohammad, aged about 70 years (in January 1997), resident of Shahjahanpur, Faizabad. His Examination-in-chief commenced on 20.01.1997 and cross examination followed as under :

- (a) 21/22.01.1997- by Nirmohi Akhara through Sri R.L. Verma, Advocate (p. 2-40)
- (b) 24/27.01.1997-by Dharamdas through Sri Ved Prakash, Advocate (41-53)

(c) 27.01.1997-by Sri Umesh Chandra Pandey through Sri Vireshwar Dwivedi, Advocate (p. 53-64)

(d) 27/28.01.1997-by Sri Paramhans Ramchandra Das through Sri Madan Mohan Pandey, Advocate (p. 64-72)

(e) 28.01.1997-Hindu Mahasabha and Sri Ramesh Chandra Tripathi through Sri Hari Shankar Jain, Advocate (p. 72-77), by Sri Rajendra Singh, son of Sri Gopal Singh Visharad through Sri P.L. Mishra, Advocate (p. 77-78), by Sri Deoki Nandan Agarwal, plaintiff himself and next friend to other plaintiffs in Suit-5 (p. 78-82)

312. He was born around 1926 and started offering Namaz at the age of 8 years. He studied upto Class IV which was completed in 1942 when he was also issued certificate. Engaged in the business of making shoes, he married firstly in 1947 and his second marriage solemnized in 1951, had six children including two married sons. His eldest son is aged 43 years, whose eldest son (grandson of PW 8) is about 15-16 years. His sons have a shoe factory. He also deposed about the identity of disputed building as a mosque and said that he had offered prayer therein till the idols were kept therein in 1949. His statement regarding the said facts is as under:

“मैं बाबरी मस्जिद को जानता हूँ। मैंने वहाँ पर नमाज पढ़ी है। जब मैंने पहली दफा वहाँ पर नमाज पढ़ी तो मेरी उम्र तकरीबन 10 साल रही होगी। मैंने सैकड़ों बार वहाँ नमाज पढ़ी होगी। मैंने जुम्मे की नमाज भी वहाँ पढ़ी है। इसके अलावा जोहर की और असर की नमाजें वहाँ पढ़ी है शब्दे बारात में भी वहाँ पर नमाजें पढ़ी हैं। वहाँ पर मूर्ति रखने के बाद हमारा नमाज पढ़ना बंद हो गया। मूर्ति 1949 में रखी गयी थी।”

“I know Babri mosque. I have offered Namaz there. When I first offered Namaz there, I was aged about 10 years. I must have offered Namaz at that place on hundreds of occasions. I have offered Jumma’s Namaz at that place,

besides the Namaz of Zohar and Asar. I have offered Namaz at that place in Shabbe-Raat as well. My offering of Namaz was stopped after installation of idols at that place. The idols had been placed in 1949.” (E.T.C.)

313. P.W. 9 Saiyed Ekhalaq, S/o Syed Haji Abdul Sattar, aged about 60 years (in February 1997), a resident of Mohalla Doraha Kuan, Ayodhya, Faizabad. His Examination-in-chief commenced on 18.02.1997 and cross examination followed as under :

(a) 19.02.1997- by Nirmohi Akhara through Sri R.L. Verma, Advocate (p. 21-39)

(b) 20.02.1997- by Sri Deoki Nandan Agarwal, plaintiff himself and next friend to other plaintiffs in Suit-5 (p. 40-52)

(c) 20/21.02.1997- by Dharamdas through Sri Ved Prakash, Advocate (p. 52-63)

(d) 21/25/26.02.1997- by Sri Umesh Chandra Pandey through Sri Vireshwar Dwivedi, Advocate (p. 63-92)

(e) 26.02.1997- by Sri Paramhans Ramchandra Das through Sri Madan Mohan Pandey, Advocate (p. 92-106)

(f) 27.02.1997- by Hindu Mahasabha and Sri Ramesh Chandra Tripathi through Sri Hari Shankar Jain, Advocate (p. 107-116)

(g) 27/28.02.1997- by Sri Rajendra Singh, son of Sri Gopal Singh Visharad through Sri P.L. Mishra, Advocate (p. 116-132)

314. By profession he is a Transporter. He is Hafiz of Quran Sharif and succeeded the office of Khan Ka Shah Muzaffar Kudasirarhu. He has also deposed that the disputed building was known as “Babri mosque” and he used to offer Namaz therein

prior to 1949 when the idols were placed and thereafter he ceased to offer prayer therein. He also gave some topography, inside and outside of the disputed building, and said as under:

“झगड़े वाली जायदाद जिसकी बाबत मैं गवाही देने आया हूँ बाबरी मस्जिद कही जाती थी। मेरा मकान इससे तकरीबन एक फर्लांग के फासले पर वाका है। मैंने इस मस्जिद में नमाज पढ़ी है। मैंने इसमें जुम्मे की नमाज भी पढ़ी है और पंचवक्ता की नमाज भी पढ़ी है। मेरे अपने मकान के दालान (आहाता) में एक मस्जिद है। उस मस्जिद में 1949 से पहले जुम्मे की नमाज नहीं होती थी। 1949 से पहले जुम्मे की नमाज मैं बाबरी मस्जिद में पढ़ता था। कभी-कभी मुस्तकिल तौर से मैंने पांच वक्त की नमाज भी बाबरी मस्जिद में पढ़ी है। हमारे अपने अहाते की मस्जिद में जुम्मे की जमाती नमाज नहीं होती थी, लेकिन दूसरी नमाज वहाँ भी पढ़ लेता था। हमारे यहां अपनी इस मस्जिद में जमाती नमाज पंचवक्ती नहीं होती थी। उस जमाने में मौलवी अब्दुल ग्फफार साहब बाबरी मस्जिद में इमामत करते थे। मियां ईस्माइल उस वक्त वहाँ पर मोअज्जिम थे। वह हमारे ही कैम्पस में रहते थे। और लोग भी नमाज पढ़ने के लिए बाबरी मस्जिद में जाते थे। उन लोगों में से जो अब तक जिन्दा हैं मोहम्मद अमीर, मल्हू, नूर मोहम्मद और कुछ फ़ैजाबाद के लोग भी, जिनसे कभी कभी मुलाकात हो जाती थी, अभी तक हैं। शाहजहाँपुर के लोग भी इस मस्जिद में आते थे। यह जुम्मे की नमाज की लिए आते थे।

22-23 दिसम्बर 1949 के बाद मैंने वहाँ पर नमाज नहीं पढ़ी है। क्योंकि वहाँ पर बुत रख दिया गया था और मस्जिद नमाज के लिए बंद कर दी गयी थी।

जिन लोगों के नाम मैंने ऊपर बतलाये हैं और जो इनमें से अयोध्या के रहने वाले हैं, वह इस मस्जिद में जुम्मे की नमाज भी पढ़ते थे और पंचवक्ती नमाज भी पढ़ते थे कभी-कभी। जहां पर इमाम साहब खड़े होते थे वह एक खास जगह मेहराब टाइप की दीवार में बनी हुई थी। एक मेम्बर था, जिस पर इमाम साहब खुतबा देते थे। मस्जिद में वजू का इंतजाम था, मटके रखे जाते थे, जिनमें पानी भरा होता था। उनके अलावा बढ़ने थे जिनके जरिये मटकों से पानी निकाला जाता था। आम नमाजियों के लिए मस्जिद के अंदरूनी हिस्से में खाकी पत्थर पर काले पत्थर का बार्डर था

और और सफें बनी हुई थीं। मस्जिद में पेशाबखाना भी बना हुआ था। दक्खिन की तरफ एक जीना बना हुआ था, कभी जीने पर से और कभी उसकी नजदीक की जमीन से अजान दी जाती थी।”

*“The disputed property, about which I have come to give evidence, is called the Babri mosque. My house is situated a furlong from it. I have offered Namaz in this mosque. I have offered Jumma’s Namaz as well as five time Namaz in it. There is a mosque within the campus of my house. The Jumma Namaz was not offered in that mosque prior to 1949. **Prior to 1949, I used to offer Jumma’s Namaz in the Babri mosque. Occasionally, I have offered five times Namaz in Babri mosque on regular basis.** The collective Jumma’s Namaz was not offered in the mosque within my campus, but other Namaz were offered. The collective Namaz was not offered five times in this mosque of mine. In those days, Maulvi Abdul Gaffar was the Imam of Babri mosque. Miyan Ismile was the Muajjim at that time. He used to reside in my campus and they also used to go the Babri mosque for offering Namaz. Few of them still alive are Mohd. Amir, Mallhu, Noor Mohammad and few persons of Faizabad, and they come across occasionally. The people of Shahjahanpur also visited this mosque for Jumma’s Namaz.*

I did not offer Namaz at that place after 22-23 December, 1949, because idols had been installed there and the mosque had been closed for Namaz.

The persons named above, who are residents of Ayodhya, used to offer Jumma’s Namaz in this mosque and occasionally even the five times Namaz. The place where the Imam used to stand, was a special place like Meharaab in the wall. There was a member, for whom the Imam used

to give 'Khutba' (recitation). Arrangement was also made in the mosque for Vazu, pots full of water were kept. Apart from them, there were 'Badhne' for taking out water from the pots. There was border of black stone on brown stones in the inner portion of the mosque, for common Namazists and 'Sarfi' had been marked. Urinal had also been provided in the mosque. There was a staircase to the south. Sometimes, the Ajaan was called out from the staircase and sometimes from its adjoining land." (E.T.C.)

315. P.W. 14 Jalil Ahmad son of Sri Mohd. Yakoob, aged about 78 years (in February 1999) was a resident of Kheerwali Gali in Faizabad, and engaged in the business of cloth and shoes. His Examination-in-chief commenced on 16.02.1999 and cross examination followed as under :

(a) 16/17/18.02.1999-by Nirmohi Akhara through Sri R.L. Verma, Advocate(p. 2-38)

(b)18/19.02.1999- by Dharamdas, defendant no. 13, through Sri Ved Prakash, Advocate (p. 38-44)

(c)19/20.02.1999-by Sri Umesh Chandra Pandey, defendant no. 22 through Sri Vireshwar Dwivedi, Advocate (p. 44-64)

(d)17.03.1999- Sri Paramhans Ramchandra Das, defendant no. 2, through Sri Madan Mohan Pandey, Advocate, (p. 65-79)

(e)17.03.1999-by Sri Rajendra Singh, son of Sri Gopal Singh Visharad through Sri P.L. Mishra, Advocate (p. 79-85)

(f)18.03.1999- Hindu Mahasabha and Sri Ramesh Chandra Tripathi through Sri Hari Shankar Jain, Advocate (p. 85-87)

(f)18.03.1999-by Sri Deoki Nandan Agarwal, plaintiff himself and next friend to other plaintiffs (Suit-5) (p. 87-89)

316. He also deposed about the identity of the disputed building as “Babri mosque” and that he offered Namaz therein for a long time; and said as under:

“मैं अयोध्या में बाबरी मस्जिद को जानता हूँ मैं वहाँ गया हूँ और मैंने उसमें नमाज भी पढ़ी है। मैंने आखिरी बार इस मस्जिद में नमाज इसमें बुत रखने के पहले जुम्मा पर पढ़ी थी। मैंने उस मस्जिद में ईशा व जुमा दोनों की नमाजें पढ़ी हैं। मैंने फैजाबाद में नियावां मोहल्ला में स्थित जिन्नाती मस्जिद की देख रेख भी करता हूँ। मैं यह देख रेख इस मस्जिद की 35-36 वर्ष से कर रहा हूँ। जिन्नाती मस्जिद में पांचों वक्त की नमाज होती है। तरावी की नमाज भी होती है। ईद और बकरीद की भी नमाज होती है। मैं हाफिज अब्दुल रहमान को जानता हूँ। जो इब्राहिमपुर गांव तहसील सदर जिला फैजाबाद की निवासी है। हाफिर अब्दुल रहमान साहब ने इस जिन्नाती मस्जिद में तरावी की नमाज करीब 30 वर्ष पहले पढ़ायी थी उनको इस नमाज को पढ़ाने के लिये मैंने बुलाया था।”

“I know Babri mosque in Ayodhya. I have been there and have even offered Namaz. My last Namaz in this mosque was the Jumma preceding the installation of idol therein. I have offered both Isha and Jumma Namaz in this mosque. I take care of the Jinnati mosque situated in Niyawan locality of Faizabad. I have been taking this care for the last 35-36 years. Five times Namaz is offered in the Jinnati mosque. Tarabi’s Namaz is also offered. The Namaz of Id and Bakra-id are also offered. I know Hafiz Abdul Rehman, who is resident of Village-Ibrahimpur, Tahsil- Sadar, District-Faizabad. Hafiz Abdul Rehman had pronounced the Tarabi Namaz in this Jinnati mosque, some 30 years ago. I had called him to pronounce this Namaz.”

(E.T.C.)

317. P.W. 21 Dr. M.Hashim Qidwai, a retired teacher, son of Late Abdul Majid Qidwai, aged about 80 years (in November 2001), a resident of HIG-1, ADA Flats, Sir Syed Nagar, Aligarh. His Examination-in-chief commenced on 22.11.2001 and cross examination followed as under :

(a) 22/23/24-11-2001, 12-12-2001- by Nirmohi Akhara through Sri R.L. Verma, Advocate(p. 4-44)

(b) 12/13-12-2001-by Dharamdas, defendant no. 13, through Sri Ved Prakash, Advocate (p. 44-55)

(c) 13/14-12-2001, 07-01-2002-by Sri Umesh Chandra Pandey, defendant no. 22 through Sri Vireshwar Dwivedi, Advocate (p. 55-78)

(d) 07-01-2002- by Sri Paramhans Ramchandra Das, defendant no. 2. through Sri Madan Mohan Advocate (p. 78-85)

(e) 07/09-01-2002-by Sri Rajendra Singh, son of Sri Gopal Singh Visharad, plaintiff (Suit-1) through Sri P.L. Mishra, Advocated (p. 85-97)

(f) 09-01-2002- Hindu Mahasabha, defendnat no. 10 and Sri Ramesh Chandra Tripathi, defendant no. 17, through Sri Hari Shankar Jain, Advocate, and plaintiffs (Suit-5) through Sri A.K.Pandey, Advocate adopted the cross examination already done by other defendants (p. 98)

318. His father was Deputy Collector in U.P. Government Service. His schooling commenced in Basti whereafter his father was posted at Saharanpur wherefrom the witness started his political life. He did High School from Sitapur and Intermediate from Christian College, Lucknow, and B.A. (Honours) and M.A. from Lucknow University. His father was

transferred to Faizabad in July 1939 when he was a student. Thereafter was transferred to Lucknow in 1941 as Additional City Magistrate. His father resided at Faizabad from July 1939 to October 1941 in Cantonment Area. During this period, during holidays, the witness used to visit Faizabad and offered Namaz at the disputed site He deposed as under :

“पहली मर्तबा मैं दिसम्बर 39 में फैजाबाद गया। दिसम्बर सन् 39 में मैं अपने परिवार के सदस्यों के साथ बाबरी मस्जिद देखने गया और वहीं पर मगरिब की नमाज पढ़ी उसके बाद मैं बराबर मई सन् 41 तक हर छुट्टी में फैजाबाद जाता रहा। इस दौरान मैंने 15-20 बार मगरीब की नमाज़ और चार-पांच बार असिर की नमाज और दो तीन जुमे की नमाज बाबरी मस्जिद में पढ़ी। जब जब मैंने मगरिब की नमाज बाबरी मस्जिद में पढ़ी तब तब तकरीबन 100 आदमी होते थे असिर की नमाज में 40 व 50 के बीच लोग नमाज पढ़ते थे। जुमे की नमाज करीब 250-300 लोग पढ़ते थे। जब जब मैंने नमाज पढ़ी जमात से पढ़ी और मेरे नमाज पढ़ने के समय हमेशा एक ही इमाम जहां तक याद पड़ता है मिलते थे। मौलाना अब्दुल माजिद दरियाबादी मेरे चचा और ससुर भी थे उनके साथ भी बाबरी मस्जिद में मेरा जाना हुआ। उन्होंने करीब 80 किताबें उर्दू जुबान ओर अंग्रेजी में लिखी है खाशतौर पर अंग्रेजी जुबान में उनकी कुरान शरीफ की तफसीर है।”

“I visited Faizabad for the first time in December, 1939. In December, 1939 I had gone to see the Babri mosque along with my family members and had offered the Magrib Namaz there. Thereafter, in every holiday I regularly visited Faizabad till the year 1941. In this period I offered the Magrib Namaz for 15-20 times, the Asir Namaz for 4-5 times and 2-3 Jumma Namaz, in the Babri mosque. Whenever I offered the Magrib Namaz in the Babri mosque, there were approximately 100 people present. In the Asir Namaz, about 40-50 persons offered Namaz. In the Jumma Namaz, about 250-300 persons

offered Namaz. Whenever I offered Namaz, it was collective and so far as I remember, the Imam was the same at time of offering of all the Namaz by me. Maulana Abdul Majid Dariyabadi was my uncle as well as the father-in-law. I also happened to visit Babri mosque along with him. He has written about 80 books in Urdu and English, particularly his explanation of the holy Quran in English.” (E.T.C.)

319. PW 21 further said that he was appointed as Lecturer (Political Science) in 1948 while doing research at Lucknow University. From 1948 to 1982 he had been at Aligarh Muslim University and retired from the post of Reader. He became Reader in 1961. He participated in strike in Government School, Saharanpur after the sacrifice of Shaheed Bhagat Singh in 1931 and for that reason he was failed in Class V. His statement about his active political career is as under :

“मुस्लिम यूनिवर्सिटी में अपनी सेवा के दौरान प्रशासनिक पदों पर हास्टल का वार्डन हाल का प्रोवोस्ट और यूनिवर्सिटी के प्राक्टर के पद पर काम किया। उपरोक्त के अलावा मैं स्टाफ एसोसियेशन का अध्यक्ष भी रहा और एक्जीक्यूटिव कौंसिल व कोर्ट का एलेक्टेड मेम्बर भी रहा। अलीगढ़ मुस्लिम यूनिवर्सिटी की लाइब्रेरी जिसे मौलाना आजाद लाइब्रेरी कहा जाता है के लाइब्रेरियन प्रो० नुरुल हसन से भी वाकिफ हूँ। मैं उन्हें सात आठ वर्ष से जानता हूँ। मैंने उनको लिखते पढ़ते देखा है और उनके दस्तखत भी पहचानता हूँ। गवाह को प्रार्थना पत्र सं०31/2001 दिनांक 19-11-2001 के साथ दाखिल कागजात सं०1,3,5,7,8,9 को देखकर कहा वाद सं०4/89 देखकर कहा कि इन पर प्रोफेसर नुरुल हसन के दस्तखत हैं जिन्हें मैं पहचानता हूँ। मेरी सियासी जिन्दगी का आगाज सन् 30 से शुरू हुआ था। जब नमक आन्दोलन चल रहा था। बावजूद इसके मेरे वालिद सरकारी सेवा में डिप्टी कलेक्टर थे मैंने कांग्रेस का झंडा फहराया। सन् 1931 में शहीद भगत सिंह को फांसी पर लटकाये जाने के बाद हमारे सहारनपुर के गर्वनमेंट स्कूल में हड़ताल हुई थी जिसमें मैंने शिरकत की थी

उसी की वजह से पाँचवी क्लास में फेल कर दिया गया था। इसके बाद सन् 1936 में क्रिश्चियन कालेज लखनऊ में जब आल इण्डिया स्टूडेंट फेडरेशन का पहला जलसा हुआ तो उसमें मैंने बहैसियत डेलीगेट शिरकत की थी इसके बाद लखनऊ स्टूडेंट फेडरेशन का जनरल सेक्रेटरी रहा इसके बाद आल इण्डिया स्टूडेंट का भी मेम्बर रहा जब मैं इन्टरमीडियट का स्टूडेंट था तब मैंने कांग्रेस पार्टी की सदस्यता ग्रहण की थी। 1951 में लखनऊ में बाबरी मस्जिद में मूर्ति रखे जाने के खिलाफ एक आल इण्डिया कान्फ्रेंस लखनऊ में हुई थी और उसमें हिस्सा लिया था और इस कान्फ्रेंस का नाम कौमी एकता कान्फ्रेंस था उस कान्फ्रेंस में जो प्रमुख लोग हिस्सा लिये थे आचार्य जुगुल किशोर तत्कालीन यू०पी० कांग्रेस पार्टी के अध्यक्ष फिरोज गांधी, मिसेस उमा नेहरू, गोविन्द सहाय, राम कुमार शास्त्री, पं० श्रीकृष्ण दत्त पालीवाल, जो उस वक्त के०एम०पी०पी० (किसान मजदूर प्रजा पार्टी) के अध्यक्ष थे डा० जेड ए अहमद कम्युनिस्ट लीडर गोपाल नाराण सक्सेना, इस कान्फ्रेंस में श्री चन्द्रशेखर जो बाद में भारत के प्रधानमंत्री हुए भी भाग लिये प्रो० महेश दत्त शर्मा और प्रो० रामआसरे ने भी इस कान्फ्रेंस में भाग लिया था। इस कान्फ्रेंस में यह प्रस्ताव पारित हुआ कि बाबरी मस्जिद में जो मूर्तिया गलत तरीके से रखी गयी थी उन्हें हटाया जाय और यू०पी० गवर्नमेंट से फौरी कार्यवाही को कहा गया। इसी कान्फ्रेंस में एक कौमी एकता मण्डल के नाम से एक संगठन बनाया गया जिसके एकजीक्यूटिव का मैं मेम्बर था। इस अधिवेशन को बुलाने में अहम भूमिका श्री अक्षय ब्रह्मचारी ने निभाई थी वो उस समय फैजाबाद जिला कांग्रेस के सचिव थे और उन्होंने इसी सिलसिले में अनशन भी किया था। मैं सन् 1984 में कांग्रेस पार्टी के उम्मीदवार के रूप में राजसभा का सदस्य चयनित हुआ था और मैं 6 साल तक राज्य सभा का मेम्बर रहा।”

“During my service in the Muslim University, I worked on the Administrative post of Hostel Warden, Hall Provost and University Proctor. Apart from the above, I was also the President of Staff Association and was elected member of Executive Council and Court. I know Prof. Nurul Hasan, Librarian of the library of Aligarh Muslim University known as Maulana Azad Library. I know him for 7-8 years. I have seen him read and write and I recognize

his signature as well. On seeing paper nos. 1,3,5,7,8,9 filed along with application no. 31/2001 dated 19.11.2001 in Suit no. 4/89, the witness said they bore the signature of Prof. Nurul Hasan, which I recognize. My political career started in the year 1930, when the Salt Movement was in progress. Despite the fact that my father was Deputy Collector in Government service, I hoisted the Congress flag. After the execution of martyr Bhagat Singh in 1931, there was a strike in my Government School at Saharanpur in which I had participated, due to which I was failed in Class-V. In the year 1936, when the first function of All India Student Federation took place in Christian College, Lucknow I had participated in it as a delegate. Thereafter, I became General Secretary of Lucknow Student Federation and then a member of All India Student. When I was a student of Intermediate, I took the membership of Congress party. In 1951, an All India Conference was held at Lucknow in opposition of installation of idols in the Babri mosque and the said conference was named 'Quami Ekta Conference'. The main persons who participated in that conference were- Acharya Jugul Kishore, erstwhile President of U.P. Congress party Sri Firoz Gandhi, Mrs. Uma Nehru, Govind Sahai, Ramkumar Shastri, Pt. Srikrishna Dutta Paliwal, erstwhile President of K.M.P.P. (Kisan Majdoor Praja Party), Dr. Z.A. Ahmad, Communist leader, Gopal Narayan Saxena. Sri Chandra Shekhar, who subsequently became Prime Minister of India, also participated in this conference. Prof. Mahesh Dutta Sharma and Prof. Ram Asrey also took part in this conference. In this conference it was resolved that the idols

placed wrongly in the Babri mosque, be removed and the U.P. Government was asked to take immediate action. In this very conference, an organization named 'Quami Ekta Mandal' was also announced and I was made a member of its executive. An important role was played by Sri Akshay Brahmchari in convening this conference, who was the Secretary of Faizabad District Congress at that time, and he had even gone on fast in this behalf. In the year 1984, I was elected member of Rajya Sabha as a candidate of Congress party and I remained a Rajya Sabha member for six years." (E.T.C.)

320. He (PW-14) further said that there was a grave of Qazi Kidwa near Babri mosque, ancestor of Qidwais. Photographs no. 154/4 and 154/16 submitted by the Commissioner alongwith his report in Suit -1, are of Babari mosque wherein he offered Namaz in 1939-40.

321. P.W. 22, Mohd. Khalid Nadvi, 48 years of age (in January' 2002) by profession is a Teacher and resident of Nadava College, Lucknow. His Examination-in-chief commenced on 9/10.01.2002 and cross examination held as under :

- (a) 09/10-01-2002-by Nirmohi Akhara through Sri R.L. Verma, Advocate(p. 3-13)
- (b) 11-01-2002-by Dharamdas, defendant no. 13, through Sri Ved Prakash, Advocate (p. 14-19)
- (c) 11-01-2002- by Sri Paramhans Ramchandra Das, defendant no. 2. through Sri Madan Mohan Advocate (p. 20-28)
- (d) 11/14/15-01-2002- by Sri Umesh Chandra Pandey, defendant no. 22 through Sri Vireshwar Dwivedi,

Advocate (p. 29-47)

(e) 15-01-2002- Sri Rajendra Singh, son of Sri Gopal Singh Visharad, plaintiff (Suit-1) through Sri P.L. Mishra, Advocate, plaintiffs (Suit-5) through Sri Vireshwar Dwivedi, Advocate, and Hindu Mahasabha, defendant no. 10 and Sri Ramesh Chandra Tripathi, defendant no. 17 through Sri Hari Shanker Jain, Advocate, adopted cross examination already done by other defendants (p. 48)

322. His statement is mainly in relation to characteristics of mosque in Islam and shall be dealt with in detail in the category of “Characteristics of Mosque” later on, but he has also said about the construction of mosque by Babar and offering of prayer (Namaz) therein. In this regard, his deposition is :

“इस मुकदमें से संबंधित मस्जिद को सन् 1528 ई० में बाबर के गर्वनर मीर बाकी असफहानी ने तामीर करायी थी जो अयोध्या में थे। हजरत बिलाल मोहम्मद साहब के सहाबी थे और मोहम्मद साहब ने पाँच वक्त की अजान देने के लिए उनको मुनतखिब किया था। हजरते बिलाल भी मस्जिद में कभी अन्दर और कभी बाहरी मुकाम से अजान दिया करते थे। उनके द्वारा छत पर चढ़कर अजान देने का कोई तजकिरा नहीं मिलता है।”

“The mosque concerned with this case was built in 1528 AD by Mir Baqi Asafhani, the Governor of Babar, who was in Ayodhya. Hazrat Bilal was the ‘Sahabi’ of Prophet Mohammad who had appointed him for calling out the Ajaan for all five Namaz. Hazrat Bilal also used to call out the Ajaan from outside and inside of the mosque. No reference is found about his calling out the Ajaan from roof top.” (E.T.C.)

323. Rest of statement-in-chief pertains to the characteristics of mosque and Islam and shall be dealt with later.

324. PW 23, Mohd. Qasim Ansari, aged about 74 years (as per

his affidavit dated 16.01.2002), son of late Sri Karim Bux Ansari is resident of Mohalla Kutiya, Ayodhya, District Faizapur. His Examination-in-chief commenced on 16.01.2002 and cross examination followed as under :

- (a) 16-01-2002- by Umesh Chandra Pandey, defendant no. 22 through Sri Vireshwar Dwivedi, Advocate (p. 3- 18)
- (b) 17-01-2002- by Dharamdas, defendant no. 13, through Sri Ved Prakash, Advocate (p. 19-32)
- (c) 17/18-01-2002- by Sri Rajendra Singh, son of Sri Gopal Singh Visharad through Sri P.L. Mishra, Advocate (p. 32-40)
- (d) 18-01-2002- by Sri Paramhans Ramchandra Das, defendant no. 2. through Sri Madan Mohan Advocate (p. 40-43)
- (e) 18-01-2002, 04.02.2002- by Nirmohi Akhara through Sri R.L. Verma, Advocate (p. 43-70)
- (f) 06-02-2002- Hindu Mahasabha, defendnat no. 10 and Sri Raesh Chandra Tripathi, defendant no. 17, through Sri Hari Shankar Jain, Advocate (p. 71-81)
- (g) 06-02-2002 - Plaintiffs (Suit-5) through Sri Vireshwar Dwivedi, Advocate, (adopted cross examination by the defendants) (p. 81)

325. By profession he is a motor mechanic and claims to have offered Namaz in the disputed building for about 8-9 years before its attachment in 1949. He has denied existence of any idol when he offered Namaz and also denied worship by Hindus in the said building. His statement runs as under:

“जिस जायदाद से संबंधित यह मुकदमा चल रहा है उसको मैं जानता हूँ इसका नाम बाबरी मस्जिद है। बाबरी मस्जिद मेरे घर से 3 फर्लांग पर है। मैंने उस मस्जिद में पचासों बार नमाज पढ़ी है। मैंने वहां फजिर, जोहर, असिर, मगरिब, ईशा और तरावी की नमाज पढ़ी थी। फिर

कहा कि जुमा की भी नमाज पढ़ी थी। आखरी मर्तबा वहां मैंने सन् 1949, 22 दिसम्बर को नमाज पढ़ी थी। 22 दिसम्बर सन् 49 को ईशा की नमाज पढ़कर जब मैं घर वापस आया तो वहां काफी हल्ला हो रहा था और ऐसा लग रहा था कि बलवा हो जायेगा। जब मैं सुबह उठा तो मेरे भाई साहब ने बताया कि वहां मस्जिद में मूर्ति रख दी गयी है और पुलिस का पहरा लग गया है और अब शायद वहां नमाज न हो पाये। उस वाक्या के 4 साल बाद मुसलमानों ने एक नोटिस शासन को दिया कि वह लोग वहां अर्थात् बाबरी मस्जिद में अलविदा की नमाज पढ़ेंगे। हम लोग नमाज पढ़ने अलविदा की जब जा रहे थे तो पुलिस ने रोका व पकड़ लिया। और मजिस्ट्रेट के सामने ले गये। उस कार्यवाही में मजिस्ट्रेट साहब ने 6 माह कैद की सजा सुनाई और 500 रुपये जुर्माना की सजा सुनाई जब मैं जुर्माना नहीं दे पाया तो हमारा घर और दुकान दोनो ही कुर्क कर लिया। मजिस्ट्रेट साहब की सजा सुनाने के बाद मैं करीब 1 माह 23 दिन बस्ती जेल में रहा। उसके बाद फिर नमाज पढ़ने की हमने वहां कोशिश नहीं की। क्योंकि मस्जिद भी कुर्क हो गयी थी। मस्जिद सन् 1949 में ही इस वाक्या के बाद से कुर्क हो गयी थी। मैंने उस मस्जिद में लगभग 8-9 साल तक नमाज पढ़ा था। मैं जब नमाज पढ़ने जाता था तो हमारे साथ अयोध्या के और लोग भी नमाज पढ़ते थे जिसमें हबीउल्ला, फारुक, हशमत उल्ला, हाजी महबूब, हाफिज अखलाक अहमद, चून्नु, बरकत उल्ला वगैरह वगैरह थे, जिनका नाम इस समय याद है। बाबरी मस्जिद में अयोध्या से बाहर के लोग भी नमाज पढ़ने आया करते थे खास कर जुमा की नमाज में बहुत से बाहर के लोग आते थे चूंकि वह जामा मस्जिद भी थी। अयोध्या में बाबरी मस्जिद के अलावा केवडे की मस्जिद में भी जुमा की नमाज होती थी। मैंने जब तक वहां नमाज पढ़ा उस समय तक वहां पर कोई मूर्ति नहीं रखी गयी थी। उस समय तक वहां हिन्दू लोग मस्जिद में पूजा करने नहीं आते थे। बाबरी मस्जिद की इमारत अब नहीं है। फैजाबाद के युनूस सिद्दीकी साहब को मैं जानता हूं। उनको भी मैंने कई बार बाबरी मस्जिद में नमाज पढ़ते देखा था।” (पेज 1-2)

“I know the property about which this case is pending, its name is Babri mosque. Babri mosque is at a distance of 3 furlongs from my residence. I have offered

Namaz at the said mosque number of times. I have offered Fazir, Jauhar, Asir, Magrib, Isha and Tarawih Namaz over there. Then stated that I had also offered the Jumma Namaz. I last offered Namaz over there on 22 December, 1949. When I returned home on 22 December, 1949, after offering Isha Namaz, there was much noise over there and it appeared as if a riot would break out. When I got up in the morning, my brother told me that idols had been installed in the mosque and police had been deputed and now Namaz may possibly not be offered over there. Four years after that episode, the Muslims gave a notice to the Government that they would offer Alvida Namaz over there i.e. at Babri mosque. When we were going to offer Alvida Namaz, the police stopped and apprehended us and produced us before the Magistrate. The Magistrate pronounced a sentence of six months and fine of Rupees five hundred in that proceeding. When I failed to deposit the fine, my house and shop were both attached. After awarding of sentence by the Magistrate, I remained confined at Basti prison for about 1 month 23 days. Thereafter, we made no attempts to offer Namaz over there because the mosque had also been attached. The mosque had been attached in the year 1949, after this incident. I had offered Namaz in that mosque for about 8-9 years. Whenever I went to offer Namaz, other persons of Ayodhya also accompanied me and offered Namaz, who included Habibullah, Farooq, Hashmat Ullah, Haji Mahbub, Hafiz Akhalaq Ahmad, Chunnu, Barkat Ullah and others, whose names I do not remember as of now. Many persons from outside Ayodhya, used to come to offer Namaz at Babri

mosque, especially during the Jumma Namaz because it was Jama mosque as well. Besides Babri mosque, the Jumma Namaz was also offered at Kevra mosque in Ayodhya. As long as I offered Namaz over there, no idol had been installed over there. By that time the Hindus did not come to offer prayer at the mosque. The building of Babri mosque no longer exists. I know Mr. Yunus Siddiqui of Faizabad. On number of occasions I had seen him, as well, offering Namaz at the Babri mosque.” (E.T.C.)

326. P.W. 25 Sibte Mohammad Naqvi, aged about 76 years (in March 2002) is a politician, writer and resident of Mohalla Miranpur, Qusba Akbarpur, District Ambedkar Nagar, but at the time of his statement in chief, he gave his current address as Imambara Gufran Mayab, Maulana Kalbe Husain Road, Lucknow. His Examination-in-chief commenced on 5/6.3.2002 and cross examination followed as under :

- (a) 06-03-2002- by Nirmohi Akhara through Sri R.L. Verma, Advocate (p. 6-21)
- (b) 01-04-2002- by Sri Paramhans Ramchandra Das, defendant no. 2. through Sri Madan Mohan Advocate (p. 22-26)
- (c) 01-04-2002- by Dharamdas, defendant no. 13, through Sri Ved Prakash, Advocate (p. 27-33)
- (d) 01/02-04-2002- by Umesh Chandra Pandey, defendant no. 22 through Sri Vireshwar Dwivedi, Advocate (p. 33-49)
- (e) 02-04-2002-by Sri Rajendra Singh, son of Sri Gopal Singh Visharad through Sri P.L. Mishra, Advocate (p. 49-51)
- (f) 02.04.2002-Hindu Mahasabha, defendnat no. 10 and

Sri Ramesh Chandra Tripathi, defendant no. 17, through Sri Hari Shankar Jain, Advocate adopted the cross examination already done by other defendants (p. 51)

(g) 02.04.2002- Plaintiffs (Suit-5) through Sri Vireshwar Dwivedi advocate adopted the cross examination already done by the defendants (p. 51)

327. About his residence and education etc. he has deposed as under :

“मैं अकबरपुर में अपनी पैदाइश से अब तक रहा हूँ। मेरी तालीम शुरू में मेरे घर पर हुई और बाद में लखनऊ के मदरसे में हुई। मैंने आखिरी सनद लखनऊ के जामिया सुल्तानिया से “सनदुल अफाजिल” हासिल की। इसके बाद मैंने लखनऊ यूनिवर्सिटी से फाजिले तफसीर की डिग्री हासिल की।”

“I have been residing till now at Akbarpur since my birth. My initial education was at my home and thereafter in Madarsa at Lucknow. I obtained my last degree of 'Sandul Afazil' from Jamia Sultania of Lucknow. Thereafter, I obtained the degree of Fazile Tafsil from Lucknow University.” (E.T.C.)

328. He has written the following books :

- “1. डा० राम मनोहर लोहिया एक झलक,
2. मसऊद हसन रिज़वी – फर्द और फनकार
3. अमजद अली शाह
4. अफकार व आलाम
5. रेखती
6. हाजी जलालुद्दीन हैदर की खुदनवित सवानेह उमरी
7. मताये फिक्रो नजर।”

- “1. Dr. Ram Manohar Lohia- Ek Jhalak,
2. Masaud Hasan Rizvi-Fard aur Fankar,
3. Amzad Ali Shah,
4. Afquar ve Aalaam,

5. *Rekhti,*
6. *Hazi Jalaluddin Haider Ki Khudnavit Savaneh Umari,*
7. *Matae Fikro Nazar.” (E.T.C.)*

329. Besides, PW-25 has also written some articles published in news papers and journals and some are unpublished. About his religious faith and political carrier, he said :

“मैं शिया मत का हूँ। मैंने शिया फिक्हा पर कुछ किताबों का अध्ययन किया है। . . . शिया फिक्हा को फिकहे जाफिरिया भी कहा जाता है।

राजनीति में मेरा ताल्लुक राजनीतिक दलों से रहा है। शुरू में मैं महीना दो महीना कांग्रेस में फिर सोशलिष्ट ग्रुप ने अपने आपको कांग्रेस पार्टी से अलग कर लिया तो मैं सोशलिस्ट पार्टी में आया गया और तब से मैं राजनारायण जी के साथ लगा रहा, राजनारायण जी की मृत्यु के बाद से मैं मुलायम सिंह जी की पार्टी में तीन चार साल पहले तक रहा। मैं अकबरपुर नगर निकाय का प्रधान रहा हूँ। मैं वहां की आखिरी टाऊन ऐरिया कमेटी का चेयरमैन रहा हूँ और पहली नगर परिषद का भी चेयरमैन रहा हूँ। मैं एक इन्टर कालेज और एक हाईस्कूल का प्रबंधक हूँ। ये दोनों जिला अम्बेदकरनगर में हैं। . . . मैं 1990 में अल्प संख्यक वित्त एवं विकास निगम उ०प्र० का चेयरमैन रहा हूँ।

मैं आल इंडिया शिया कान्फ्रेस की सेन्ट्रल कमेटी का बहुत दिनों तक मेम्बर रहा हूँ।”

“I am of Shia faith. I have read certain books on Shia Fiquah..... Shia Fiquah is also called Fiquahe Zafiria.

In politics I had contacts with political parties. Initially in Congress for a month or two. Then the Socialist group separated itself from the Congress party then I joined the Socialist party and since then I remained with Sri Raj Narayan. After the death of Sri Raj Narayan I was in the party of Sri Mulayam Singh till three to four years back. I was the Chairman of Akbarpur Municipal body. I

was the Chairman of its last town area committee and the Chairman of its first Municipal board. I am the manager of one Intermediate college and one High school. Both of them are in District Ambedkar Nagar..... In 1990 I was the Chairman of Minorities Finance and Development Corporation U.P.

I was member of central committee of All India Shia Conference for many days.” (E.T.C.)

330. About the disputed site, its being a mosque and offering of Namaz therein, PW-25 stated as under :

“मैंने विवादित ढांचे, जिसके संबंध में यह मुकदमे चल रहे हैं को दूर से देखा है। उसे बाबरी मस्जिद कहा जाता है। . . . मैं 1948 व उसके बाद अयोध्या में आता जाता रहा हूँ और 1948 से ही मैंने नमाजियों को नमाज पढ़ने के लिए बाबरी मस्जिद जाते देखा है। नमाज पढ़ते नहीं देखा। फिर बाद में उसमें नमाज पढ़ना बंद हो गया क्योंकि उसमें मूर्ति रख दी गयी और वह जगह विवादित होने के नाते कुर्क कर ली गयी। . . . उस वक्त मूर्ति रखने के खिलाफ मुसलमानों के तरफ से कम प्रतिरोध (प्रोटेस्ट) हुआ परन्तु स्वामी अक्षय ब्रह्मचारी जी आगे आये और उन्होंने प्रतिरोध किया और उन्होंने मरण ब्रत भी रखा और उन्होंने आमरण अनशन किया। . . . जब से मैंने होश संभाला तब से उसमें सुन्नी इमाम ही होते थे।

इस्लाम में मस्जिद का स्वामित्व अल्लाह में निहित होता है। मस्जिद में किसी मसलक का अर्थात् शिया और सुन्नी मुसलमान नमाज पढ़ सकता है। बाबरी मस्जिद को जिसे मैंने बखूबी देखा है वह मुकममल मस्जिद थी।”

“I have seen the disputed structure, about which the present cases are pending, from distance. It was called Babri mosque..... I have been visiting Ayodhya in 1948 and afterwards and since 1948 I have seen Namajists going to Babri mosque to offer Namaz. I had not seen them offer Namaz. Subsequently offering of Namaz therein

was stopped because idol had been installed and the place had been attached on account of being disputed. At that time there was little protest from the Muslims against installation of the idol but Swami Akshay Brahmchari came forward and opposed and even went on fast unto death. Since my memory, there were only Sunni Imams in it.

In Islam, the ownership of mosque vests in Allah. The Muslim of any sect i.e. Shia or Sunni, can offer namaz in mosque. I have very well seen Babri mosque. It was a complete mosque.” (E.T.C.)

“शिया फिरके में मौलाना कल्बे सादिक, मौलाना कल्बे जव्वाद और मौलाना हमीदुल हसन सफे अब्दुल लीडर हैं। शिया फिरके की बहुत बड़ी अक्सरियत बाबरी मस्जिद को मस्जिद मानती है।”

“Maulana Kalbe Sadique, Maulana Kalbe Javvad and Maulana Hamidul Hassan Safe are top level leaders of Shia sect. Majority of Shia sect believes Babri mosque to be a mosque.” (E.T.C.)

“मैंने ऐसा सुना है कि सन् 1948 के पहले भी बाबरी मस्जिद में नमाज हुआ करती थी।”

“I have heard that Namaz was offered in Babri mosque even before year 1948.” (E.T.C.)

331. About the characteristics of mosque also he has made some statement which we shall consider later at the relevant stage.

B. Birthplace of Lord Ram, continuous worship by Hindus, No namaz etc. :

332. D.W. 1/1 Rajendra Singh is the son of Late Gopal Singh Visharad, plaintiff (Suit-1) and after the death of his father on 28.12.1985, his substitution application was allowed on 22.2.1986 and he was substituted as plaintiff (Suit-1). He has

filed his statement in chief through an affidavit dated 22.7.2003 followed by his cross-examination as under :

- (a) 22.07.2003-by Nirmohi Akhara, defendant no. 11 through Sri R.L. Verma, Advocate (p. 10-20)
- (b) 23.07.2003- by Sri Faruq Ahmah, defendant no. 1/1 through Sri Abdul Mannan, Advocate (p. 21-22)
- (c) 23/24/25.07.2003-by defendant no. 10, Sunni Central Waqf Board, through Sri Zafaryab Jilani, Advocate (p. 22-53)
- (d) 25.07.2003- by plaintiff no. 7 (Suit-4) and defendant no. 5 (Suit-5) through Sri Mushtaq Ahmad Siddiqui, Advocate (p. 55-59)
- (e) 25.07.2003- defendant no. 26 (Suit-5) through Sri Sayad Irfan, Advocate and defendants no. 6/1 and 6/2 (Suit-3) through Sri Fazale Alam, Advocate adopted the cross examination already done by Sri Abdul Mannan, Sri Zafaryab Jilani and Sri Mushtaq Ahmad Siddiqui, Advocates (p. 59)

333. He is 65 years of age at the time of swearing of the affidavit and has given his residential address as Tulsi Park, Balrampur, District Balrampur. In para 1 and 2, he has given the details of Suit-1, the reliefs sought therein and the boundary of the disputed site mentioned in the plaint (Suit-1). Para 3 and 4 of the affidavit mention about the death of his father and his own substitution. He has verified signature of Late Gopal Singh Visharad being well acquainted with his hand writing and signature. In para 5 he has adopted averments contained in the plaint and replication and in para-6 he has verified the report of the Advocate Commissioner Sri Shiv Shanker Lal, the map, i.e. paper no. 137C-1-6 and also the location of premises mentioned

therein. Para 8, 9 and 10 refers to his and family's religious following and also about his birth, education and service particulars. His family is a Sanatan religion follower. His father used to reside at Swargdwar, Ayodhya and used to worship idols according to the tenets of his religion, which is being followed by him also. He was born on 11.1.1939 at Ayodhya and his childhood passed in Ayodhya itself. He passed High School and Intermediate from Maharaja Higher Secondary School, Ayodhya in 1955 and 1957 respectively and then was appointed in State Bank of India, Faizabad in 1959. He was transferred to the branch situated at Tahsil Akbarpur, District Faizabad where he worked till April 1970 and, thereafter, on promotion went to Faridpur, District Bareilly. In the year 1970, he was transferred to main branch of the Bank at Lucknow where he worked for four years and, thereafter, in 1974 transferred to Balrampur where he worked till 1994 and proceeded on voluntary retirement in January, 1994. Since then he is residing at Balrampur itself. In para 11 to 21 he has stated about Ayodhya as religious place, incarnation of God as Lord Ram, existence of temple at the disputed site, birth of Lord Ram at the disputed site, existence of temple of Lord Ram at the disputed site etc. His deposition in this regard is as under :

“11. अयोध्या भारतवर्ष की प्राचीनतम तीर्थस्थली है, जहाँ भगवान श्रीराम ने मनुष्य रूप में अवतार लिया है। अयोध्या नगरी की पवित्रता उसके उत्तर में बहने वाली सरयू नदी है तथा अनेकानेक धार्मिक स्थानों तथा मन्दिरों के कारण विश्वविख्यात है। अयोध्या के रामकोट मोहल्ले में भगवान श्रीराम की जन्मभूमि व जन्म स्थान है, जिसे हिन्दू धर्मावलम्बी तथा भगवान श्रीराम में आस्था रखने वाले कोटि-कोटि मनुष्य जन्मभूमि व जन्म स्थान में आस्थापूर्वक श्रद्धावनत होकर पूजा व दर्शन करते हैं।”

“11. Ayodhya is the oldest pilgrimage of India, where Lord Rama had incarnated in human form. The

auspiciousness of Ayodhya lies in Saryu river flowing in its north and many of the religious places and temples are famous in the world. The Janmbhumi(birth area) and Janmsthan (birth place) of Lord Rama are in Ramkot locality of Ayodhya, which are worshipped devotionally by great number of Hindu religion followers and devotees of Lord Rama.” (E.T.C.)

“12. यह कि मैं, अपने बाल्यकाल से ही अपने माता-पिता के साथ निरंतर अयोध्या स्थित मंदिरों में दर्शन व पूजा करने जाता था। अयोध्या में प्रमुख रूप से हनुमान गढ़ी, कनक भवन तथा जन्मभूमि स्थित मन्दिर का दर्शन व पूजन प्रायः नित्यप्रति करता था। मेरे पिता श्री गोपाल सिंह विशारद जन्मभूमि मन्दिर के अनन्य उपासक थे उनका यह दैनिक कार्यक्रम था कि वे स्नान करने के पश्चात् नित्य जन्मभूमि मन्दिर पर दर्शन व पूजा करने जाते थे। सायंकाल को भी आरती व भोग के समय सपरिवार अन्य मन्दिरों के साथ-साथ जन्मभूमि मन्दिर में भी पूजा व दर्शन करते थे व बिना किसी रोकटोक के गर्भगृह तक जाकर पूजा व दर्शन करते थे। वर्ष 1950 की मकर संक्रान्ति से कुछ पहले मेरे पिता स्वर्गीय श्री गोपाल सिंह विशारद अस्वस्थ हो जाने के कारण मन्दिरों में दर्शन व पूजा करने नहीं पहुंच पाये। स्वस्थ होने पर मकर संक्रान्ति को जब वे पूजा व दर्शन करने हेतु जन्मभूमि पर गये तो राज्य सरकार के कर्मचारियों ने उन्हें भीतर जहां श्री रामचन्द्र आदि की मूर्ति विराजमान थीं, जाने से रोक दिया। मेरे पिता जी द्वारा पता करने पर यह ज्ञात हुआ कि मूल प्रतिवादी संख्या-1 से 5 तथा उनके अन्य सहधर्मियों के निराधार तथा असत्य दुराग्रह से प्रभावित होकर प्रतिवादी नम्बर 6 ने अपने कर्मचारियों प्रतिवादी नम्बर 7 से 9 के द्वारा हिन्दू जनता को उनके पूजा व दर्शन सम्बन्धी न्यायपूर्ण उचित अधिकार से वंचित कर रक्खा है। और प्रतिवादी नम्बर 6 प्रतिवादी नम्बर 1 लगायत 5 आदि के दुराग्रह के कारण यह घोषणा करते हैं कि भविष्य में भी हिन्दू जनता को इसी प्रकार उनके उपर्युक्त अधिकारों से वंचित रखेंगे। इस अन्यायपूर्ण कार्य से वादी के स्वत्वक अधिकार जिसे उन्होंने तथा करोड़ों हिन्दू जनता ने उपयोग किया था, उन सभी धार्मिक

अधिकारों के प्रयोग में प्रतिवादीगण द्वारा अनुचित व अवैध हस्तक्षेप की पूर्ण सम्भावना थी, प्रतिवादीगण द्वारा भगवान श्री राम चन्द्र आदि की मूर्तियों को उनके स्थान से हटा देने की आशंका उत्पन्न हो गई ऐसी परिस्थिति में अपने धार्मिक अधिकारों तथा समस्त हिन्दू जनता एवं करोड़ों राम भक्तों के धार्मिक अधिकारों के संरक्षण हेतु उपरोक्त वाद प्रस्तुत किया था। वर्तमान वादी यानी मेरे धार्मिक अधिकारों यानी विवादित सम्पत्ति में स्थित भगवान श्री राम चन्द्र आदि की मूर्तियों की पूजा व दर्शन में व्यवधान उत्पन्न हुआ इसीलिये मैंने श्री गोपाल सिंह विशारद मूलवादी की मृत्यु के बाद उन्हीं धार्मिक अधिकारों के संरक्षण हेतु इस वाद के वादपत्र को वादी बनकर अंगीकृत किया है।”

“12. *That since my childhood I regularly visited the temples in Ayodhya along with my parents to offer prayer and worship. In Ayodhya, I almost everyday used to offer my prayer and worship at the temples at Hanumangarhi, Kanakbhavan and Janmbhumi. My father Sri Gopal Singh Visharad was a devoted worshipper of Janmbhumi temple. It was his daily routine to offer prayer and worship at the Janmbhumi temple after taking bath. In the evening also, he along with family used to offer prayer and worship at time of ‘Aarti’ and ‘Bhog’ and used to offer prayer in the ‘Garbh-grih’ (sanctum sanctorum) without any obstruction. Prior to the Makar Sankranti of 1950, my father late Sri Gopal Singh Visharad fell ill and was unable to offer prayers at the temple. After recovery, when he went to offer prayer at the Janmbhumi on Makar Sankranti, the official of the State Government stopped him from going inside, where the idol of Lord Rama etc. were present. On enquiry by my father, it was found that influenced by the baseless and false prejudice of the plaintiff nos. 1 to 5 and their other associates, the defendant no. 6 through its officials defendant nos. 7 to*

9, had deprived the Hindu public from its legal justified right of prayer and worship, and in view of bias of defendant nos. 1 to 5, the defendant no. 6 declared that in future also the Hindu public would be deprived of its aforesaid rights in the same manner. In view of this illegal act regarding the rights of the plaintiff and crores of Hindus, there was every probability of illegal and improper interference by the defendants in the exercise of their religious rights and there was apprehension of the idols of Lord Rama etc. being removed and as such in order to protect the religious rights of himself, of the entire Hindu community and of crores of devotees of Rama, the above suit was filed. Since interference arose in the religious rights of the present plaintiff viz. myself, in offering prayer at the idols of Lord Rama etc. in the disputed structure, I adopted this plaint as plaintiff after the death of my father Sri Gopal Singh Visharad, the original plaintiff for protection of those very religious rights.”
(E.T.C.)

13. वादपत्र के अन्त में जो चौहददी दर्शायी गई है उस चौहददी के अन्दर भगवान श्री राम चन्द्र आदि की मूर्तियां भवन के मध्य शिखर के नीचे गर्भगृह में विराजमान रही हैं, जिनकी पूजा व दर्शन सदैव से मूल वादी तथा वादी एवं करोड़ों हिन्दू जनता व राम भक्तों द्वारा निर्बाध रूप से सहस्रों वर्षों से होती चली आ रही हैं समस्त हिन्दू जनता और राम भक्त तथा मूल वादी व वादी स्वयं इसे श्री रामचन्द्र जी की जन्मभूमि मानते चले आ रहे हैं। जन्मभूमि परिसर का वन्दन और नमन करने के उपरान्त समस्त परिसर की परिक्रमा करके अपने को धन्य मानते हैं। मूल वादी तथा वादी ने भी लगातार जन्मभूमि पर आकर जन्मभूमि का नमन व वन्दन किया है तथा लगातार वर्षों तक भगवान श्री राम चन्द्र आदि की विराजमान मूर्तियों का दर्शन करने के उपरान्त स्वयं वादी ने भी जन्मभूमि परिसर की परिक्रमा असंख्य बार की है। विवादित परिसर में स्थित गर्भगृह में 12 कसौटी के

पत्थरों के खम्भे लगे हैं, जिनपर भी देवी देवताओं की मूर्तियां उत्कीर्ण हैं।”

“13. *In the boundary given at the foot of the plaint, the idols of Lord Ramchandra etc. were present in the ‘Garbh-grih’ below the mid dome of the structure, whose worship etc. was all along carried out uninterruptedly for thousand of years by the original plaintiff, plaintiff and crores of Hindu public and devotees of Rama. The entire Hindu public, devotees of Rama, the original plaintiff and the plaintiff have all along considered it to be the birth place of Lord Rama. They consider themselves to be fortunate on circumambulating the entire campus after offering prayer and worship. The original plaintiff and the plaintiff have also regularly visited the Janmbhumi and prayed and worshipped at the Janmbhumi and for years have circumambulated the Janmbhumi campus on innumerable occasions after offering prayer at the idols of Lord Rama etc. There are 12 touch stone pillars in the ‘Garbh-grih’ situated within the disputed structure, on which the idols of Gods and Goddesses have been carved out.*” (E.T.C.)

“14. यह कि विवादित परिसर में प्रवेश के लिये पूर्व की ओर हनुमतद्वार था, जहां पर द्वार के दोनों ओर कसौटी के खम्भे लगे थे, जिनकी संख्या 2 थी, इन पर भी देवी देवताओं की मूर्तियां उत्कीर्ण थीं। वाद पत्र में वर्णित विवादित सम्पत्ति के उत्तर की ओर सीता रसोई स्थित थी। वहां जाकर भी वादी उसका दर्शन करता रहा है। विवादित सम्पत्ति के पूरब जन्मभूमि का भण्डार व राम चबूतरा स्थित था जहां बड़ी संख्या में साधू व भक्तगण राम संकीर्तन व रामनाम का पाठ करते रहते थे। सीता रसोई के उत्तर सिंह द्वार था, जिस मार्ग से होकर परिसर के उत्तर की ओर जाया जाता था। विवादित सम्पत्ति के दक्षिण व पश्चिम की ओर परती जमीन पड़ी थी, जिसमें से होकर श्रद्धालु पूरे जन्मभूमि परिसर की परिक्रमा करते रहे हैं।”

“14. “That there was Hanumatdwar on the east for

entering the disputed structure, and there were touch stone pillars on both side of the gate, which were two in number. The idols of Gods- Goddesses had been carved on them. The Sita Rasoi was situated to the north of disputed structure detailed in the plaint. The plaintiff had been worshipping at that place also. The store of Janmbhumi and Ramchabutara were situated to the east of the disputed structure, where a large number of saints and devotees offered their prayers. To the north of Sita Rasoi was the Singhdwar, through which lay the route to north of the premises. Vacant land was lying to the south and west of the disputed structure, though which the devotees circumambulated the Janmbhumi campus.” (E.T.C.)

“15. अयोध्या में ऐसे तो प्रत्येक दिन हजारों राम भक्त भारत के कोने-कोने तथा विश्व के अन्य देशों से भी निरन्तर आते हैं जो पवित्र सरयू नदी में स्नान करते हैं तथा अयोध्या में स्थित हजारों मन्दिरों में दर्शन पूजन करते हैं, जिनमें विशेष रूप से हनुमान गढ़ी, कनकभवन, जन्म स्थान व जन्मभूमि के मन्दिरों में दर्शन व पूजन करते हैं। जन्मभूमि पर विशेष रूप से हजारों श्रद्धालुजन नित्य प्रति दर्शन नमन करते हैं और नतमस्तक होकर जन्मभूमि की पवित्र रज मस्तक से लगाते हैं और पूरे जन्मभूमि परिसर की परिक्रमा करते हैं।”

“15. Usually thousands of devotees of Rama visit Ayodhya everyday from different corners of India and other countries of the world. They bathe in the sacred Saryu river and offer prayers at thousands of temples in Ayodhya, particularly the temples at Hanumangarhi, Kanakbhavan, Janmsthan and Janmbhumi. Thousands of devotees offer prayers daily specially at the Janmbhumi and apply the sacred earth on their forehead and did circumambulation of the entire Janmbhumi premises.” (E.T.C.)

“16. प्रत्येक वर्ष अयोध्या में सावन मेला के अवसर पर लाखों हिन्दू

जनता एवं रामभक्त श्रद्धालुओं का मेला लगता है। श्रद्धालु सावन माह की प्रतिपदा से आना प्रारम्भ कर देते हैं और यह क्रम रक्षाबन्धन पर्व तक चलता रहता है। आने वाले समस्त श्रद्धालु राम भक्त नियमित रूप से सरयू स्नान, मन्दिरों में दर्शन व पूजा तथा विशेष रूप से जन्मभूमि परिसर में स्थित भगवान श्रीरामचन्द्र व अन्य देवी देवताओं की मूर्तियों का दर्शन व पूजन करने के उपरान्त जन्मभूमि की परिक्रमा कर अपने को धन्य मानते हैं।”

“16. *“Every year a fair of lacs of Hindus and devotees of Rama is held at Ayodhya on the occasion of Sawan fair. The devotees start visiting the Sawan fair from ‘Pratipada’ (first day of a lunar fortnight) and it continues upto the festival of Rakshabandhan. The devotees of Rama regularly bathe in the Saryu, offer prayers in the temples, specially the idols of Lord Ramchandra and other Gods- Goddesses in the Janmbhumi premises and consider themselves to be fortunate after circumambulating the Janmbhumi.”*
(E.T.C.)

“17. अयोध्या में प्रत्येक वर्ष कार्तिक मास में कार्तिक मेला होता है जो कार्तिक शुक्ल एकादशी से कार्तिक पूर्णिमा तक रहता है। इस मेले में भी लाखों की संख्या में हिन्दू जनता व श्रद्धालु राम भक्त अयोध्या में एकत्रित होते हैं इस अवसर पर श्रद्धालु रामभक्त पंचकोसी व चौदहकोसी परिक्रमा करते हैं। श्रद्धालु भक्तजन भारत के कोने-कोने से व विदेश से भी इस अवसर पर आते हैं। सरयू स्नान कार्तिक मेले का मुख्य आकर्षण होता है श्रद्धालु राम भक्त पवित्र सरयू में स्नान करने के उपरान्त दर्शन व पूजन करते हैं। श्रद्धालु रामभक्त जन्म स्थान आकर जन्मभूमि मन्दिर तथा उसमें विराजमान भगवान श्री रामचन्द्र यानी रामलला का दर्शन व पूजन करते हैं व श्रद्धावनत होकर जन्मभूमि की रज मस्तक से लगाते हैं तथा जन्मभूमि की परिक्रमा करके अपने को धन्य मानते हैं।

“17. *Every year in the month of ‘Kartika’ (Eight lunar month of Hindu calendar), the ‘Kartika’ fair is held at*

*Ayodhya between 'Kartika Shukla Ekadashi' (the 11th day of moonlit half of Kartika month) to 'Kartika Purnima' (day of full moon). Lacs of Hindus and devotees of Rama assemble in this fair at Ayodhya. On this occasion, the devotees take five 'Kos' (distance of two miles) and fourteen 'Kos' circumambulation. The devotees assemble from various parts of India and abroad. The Saryu bath is the main attraction of the 'Kartika' fair. After taking a dip in the sacred Saryu, the devotees of Rama offer their prayers and worship. **The devotees of Rama visit the Janmsthan and offer their prayer and worship to Lord Rama present there i.e. the Ramalala and apply the earth of Janmbhumi on their forehead out of devotion and consider themselves to be fortunate after circumambulating the Janmbhumi.**" (E.T.C.)*

"18. अयोध्या में प्रत्येक वर्ष रामनवमी के अवसर पर चैत्रशुक्ल नवमी को भगवान श्री रामचन्द्र का जन्मोत्सव धूमधाम से मनाया जाता है। इस अवसर पर समस्त अयोध्या और उसमें स्थित चौदहकोसी एवं पांचकोसी क्षेत्र राममय हो जाता है। समस्त मन्दिरों में राम जन्मोत्सव का आयोजन होता है विशेष रूप से कनक भवन व जन्मभूमि में विशेष आयोजन होता है जिसमें लाखों श्रद्धालु जन भगवान श्री राम चन्द्र जी का जन्मोत्सव मनाते हैं इस अवसर पर अयोध्या में श्रद्धालु भक्तों की संख्या लाखों में होती है। जो भारत के कोने कोने व विदेश से भी आते हैं। श्रद्धालु रामभक्त जन्म स्थान आकर जन्मभूमि मन्दिर तथा उसमें विराजमान भगवान श्री रामचन्द्र यानी रामलला का दर्शन पूजन करते हैं व श्रद्धावनत होकर जन्मभूमि की रज मस्तक से लगाते हैं तथा जन्मभूमि की परिक्रमा कर अपने को धन्य मानते हैं।"

"18. *The birth function of Lord Rama is celebrated with fanfare at Ayodhya every year on the occasion of 'Chaitra (first month of Hindu calendar) Navami (ninth day of lunar month)'. On this occasion, the entire Ayodhya and the area*

of 'Panchkosi' (circumambulation of ten miles) and 'Chaudahkosi' (circumambulation of twenty eight miles), is gripped in the fervour of Rama. The festival of birth of Rama is held in all the temples, specially in Kanakbhawan and Janmbhumi, where special celebrations are held, and which are attended by lacs of devotees of Rama. The number of devotees present on this occasion runs into lacs, who come from abroad and different corners of India. The devotees of Rama visit the Janmbhumi temple and offer their prayers and worship to Lord Ramachandra or Ramalala present there and apply the earth of Janmbhumi on their foreheads out of devotion and consider themselves to be fortunate after completing circumambulation of the Janmbhumi." (E.T.C.)

"19. अयोध्या तीर्थस्थली अन्य तीर्थस्थलों से सर्वोपरी है क्योंकि यहां भगवान श्री राम ने स्वयं अवतार लेकर समस्त मानव जाति का कल्याण किया है। भगवान श्री राम चन्द्र जी और अयोध्या में स्थित उनकी जन्मभूमि कोटि-कोटि भारतीयों व श्रद्धालु रामभक्तों की श्रद्धा व आस्था एवं विश्वास का प्रतीक है। वादी भी इसी श्रद्धा, विश्वास व आस्था को मानकर भगवान श्री रामचन्द्र जी व जन्मभूमि में विराजमान उनकी मूर्ति व अन्य देवी देवताओं की मूर्तियों का दर्शन व उनका पूजन करता चला आ रहा है और सदैव करता रहेगा।"

"19. Ayodhya is the topmost pilgrimage place amongst other pilgrimage places, because Lord Rama had Himself appeared here as God incarnate and did welfare of the human kind. Lord Rama and His Janmbhumi at Ayodhya, signifies the devotion, belief and faith of numerous Indians and devotees of Rama. It was under this very devotion, faith and belief that the plaintiff has been offering prayer and worship to Lord Rama and the idols of Him and other Gods- Goddesses present at the Janmbhumi and will

always continue to do so.” (E.T.C.)

“20. यह कि 6 दिसम्बर 1992 को भवन जहां भगवान श्री राम चन्द्र जी महाराज विराजमान थे भवन के गिर जाने के उपरान्त भी उसी स्थान पर भगवान श्री रामचन्द्र जी विराजमान हैं और उनका पूजा व दर्शन निरंतर श्रद्धालु रामभक्त व वादी स्वयं करता चला आ रहा है।”

“20. *That even after collapse of the building in which Lord Rama was present, on 6th December, 1992, Lord Rama is still present at that very place and prayers and worship are regularly being offered to Him by the devotees of Rama and the plaintiff himself.” (E.T.C.)*

“21. यह कि जन्म स्थान व जन्मभूमि परिसर तथा उसमें विराजमान भगवान श्री रामचन्द्र जी महाराज व अन्य देवी देवताओं का दर्शन, पूजा, आराधना व आरती तथा परिक्रमा में व्यवधान डालने का अधिकार किसी भी प्रतिवादी को प्राप्त नहीं है तथा दावा वादी पूर्णरूपेण डिग्री होने योग्य है।”

“21. *That none of the defendant has got the right to create any hindrance in prayer, worship, ‘Aarti’ and circumambulation of the Janmsthan, Janmbhumi premises and Lord Rama and other Gods-Goddesses present there and the suit of the plaintiff fully deserves to be decreed.” (E.T.C.)*

334. D.W. 1/2 Krishna Chandra Singh, son of late Chhedi Singh alias Mritunjay Singh, aged about 79 years (in July 2003) has given his statement by way of an affidavit sworn on 28.7.2003 followed by his cross examination as under :

(a) 28.07.2003-by Nirmohi Akhara, defendant no. 11 through Sri R.L. Verma, Advocate (p. 7-22)

(b) 29.07.2003- by defendant no. 1/1 through Sri Abdul Mannan, Advocate (p. 23-28)

(c) 29/30/31.07.2003- by defendant no. 10, Sunni Central Waqf Board, through Sri Zafaryab Jilani, Advocate (p. 28-60)

(d) 31.07.2003, 01/04.08.2003-by plaintiff no. 7 (Suit-4) and defendant no. 5 (Suit-5) through Sri Mushtaq Ahmad Siddiqui, Advocate (p. 60-91)

(e) 04.08.2003- defendant no. 26 in Suit-5 through Sri Sayad Irfan, Advocate and defendants no. 6/1 and 6/2 (Suit-3) through Sri Fazale Alam, Advocate adopted the cross examination already done by Sri Abdul Mannan, Sri Zafaryab Jilani and Sri Mushtaq Ahmad Siddiqui, Advocates (p. 91)

335. He is resident of Haripur Jalalabad, Tahsil Sohawal, District Faizabad. After obtaining primary education in a nearby village Rampur, he studied in Government Model School, Haiderganj, Faizabad upto middle level and passed High School in 1945 from Manohar Lal Moti High School, Faizabad. He did intermediate from Allahabad and then graduation in Arts from Saket College, Faizabad. After completion of his education, he was appointed as a Teacher in 1956 R.D. Inter College, Suchitaganj, Faizabad wherefrom he retired in 1985. In para 4 of the affidavit, he says that his family belongs to Vaishnava sect and worship Lord Ram. He and his family has offered Darshan and Pooja at the birth place of Lord Ram at Ayodhya from time to time. Thereafter, in para 6 to 20, he has given statement about the continuous worship at the disputed site, that it is a temple throughout, the topography of the disputed site as well as the nearby area, and said as under :

“6. उपर्युक्त विशेष अवसरों पर अयोध्या में देश विदेश से लाखों लोग आते हैं और पूरी अयोध्या सीताराम के जयकारों से गुंजायमान हो जाती है। प्रत्येक रास्ते-गली, मंदिर आदि रामभक्तों, तीर्थयात्रियों एवं दर्शनार्थियों से भर जाते हैं। घण्टे-घडियाल, शंख की ध्वनियाँ चारों तरफ सुनायी देती हैं।”

“6. *Lacs of people from India-abroad visit Ayodhya on*

the above special occasions and the entire Ayodhya gets filled up from religious calls of 'SitaRam'. Every lane, road, temple is flooded with devotees of Rama, pilgrims and spectators. The sounds of bells, gongs, conches are heard every where." (E.T.C.)

"7. मैंने अपने पिता जी के साथ सरयू स्नान करने के पश्चात् नागेश्वरनाथ, हनुमान गढ़ी, कनकभवन, बड़ी छावनी और श्रीराम जन्मभूमि का दर्शन अनेको बार लगातार किया है।"

"7. I along with my father, have regularly offered prayer and worship at Nageshwarnath, Hanumagarhi, Kanakbhawan, Badi Chhawani and Sri Ram Janmbhumi on number of occasions after taking a dip in the Saryu." (E.T.C.)

"8. सन् 1932 में जब मैं थोड़ा बड़ा हो गया और कुछ समझदार हुआ तो मैंने अपने पिता जी से मंदिरों के बारे में अधिक जानकारी प्राप्त की। सन् 1932 में श्रीरामविवाह के अवसर पर अपने पिता जी के साथ अयोध्या आया था और सरयू स्नान करने के बाद सर्व प्रथम श्रीराम जन्मभूमि का दर्शन करने गया तो मेरे पिता जी ने बताया कि तीन शिखर वाले भवन के बीच वाले शिखर के नीचे की भूमि पर हमारे आराध्य भगवान श्रीराम का अवतार हुआ था और यही श्रीराम जन्मभूमि है।"

"8. In 1932 when I was a bit grown up and developed some understanding, I obtained more information about temples from my father. I had visited Ayodhya along with my father in the year 1932 on the occasion of 'Sri Ram Vivah' and after taking a dip in the Saryu I went to offer prayer at SriRam Janmbhumi for the first time, when my father told me that the incarnation of our revered Lord Rama took place at the land beneath the mid dome of the three dome building, and this was SriRam Janmbhumi." (E.T.C.)

“9. श्रीराम जन्मभूमि पर जाने के लिए पूरब की ओर मुख्यद्वार था जो हनुमतद्वार के नाम से विख्यात है इसमें काले कसौटी पत्थर के दो खम्भे लगे हुए थे जिनमें जय-विजय की खण्डित मूर्ति बनी हुई थी हनुमतद्वार पर ही एक पत्थर और लगा हुआ था जिस पर संख्या-1 और “जन्मभूमि नित्य यात्रा” लिखा हुआ था।”

“9. *There is a main gate on the east to enter the SriRam Janmbhumi, which is famous as ‘Hanumatdwar’. It has two pillars of black touch stone, which contain the broken idol of Jai-Vijai. There is another stone at the ‘Hanumatdwar’, which has number ‘1’ and ‘Janmbhumi Nitya Yatra’ written on it.*” (E.T.C.)

“10. मुख्य प्रवेशद्वार हनुमतद्वार से दक्षिण तरफ वाराह भगवान की एक मूर्ति दीवार में ही लगी हुई खण्डित अवस्था में थीं हनुमत द्वार से अन्दर जाने पर बायें यानी दक्षिण तरफ राम चबूतरा था जिस पर राम दरबार के विग्रह तथा श्रीरामलला की मूर्ति विराजमान थी। उसके दक्षिण पश्चिम कोने पर नीम व पीपल का पेड़ एक ही में लगा हुआ था जहाँ अर्धगोलाकार चबूतरा था चबूतरे पर शिव, पार्वती, गणेश, कार्तिकेय, शिवजी का अर्धानन्दी की मूर्तियों विराजमान थी।”

“10. *An idol of Lord Varah is installed in the wall to the south of main entrance gate ‘Hanumatdwar’, which was in a broken state. After entry through the Hanumatdwar, there was the Ramchabutara on the left i.e. towards south, over which the ‘Vigrah’ (individual form or shape) of ‘Ram Durbar(Court)’ and the idol of Sri Ramlala were present. To its south-west corner, Neem and Pipal trees were planted together. There was a semi-circular platform over which the idols of Shiva, Parvati, Ganesh, Kartikey and Shivji’s ‘Ardhanandi’ were present.*” (E.T.C.)

“11. हनुमतद्वार के दाहिने अर्थात् उत्तर की ओर भण्डारगृह था जिसमें अन्न, बर्तन आदि रखे जाते थे और साधु-वैरागी रहते थे। श्रीराम जन्मभूमि पर साधु-वैरागी प्रत्येक समय रहते थे और अखण्ड कीर्तन चौबीसों घण्टे

चलता रहता था।”

“11. To the right of ‘Hanumatdwar’ i.e. towards north, was the store room where food grains, utensils etc. were kept and saints-recluses used to live. Saints-recluses were always present at SriRam Janmbhumi and the ‘Akhand Kirtan’ (Non-stop prayer) continued round the clock.” (E.T.C.)

“12. श्रीराम जन्मभूमि पर उत्तर की ओर भी एक द्वार था जिसको सिंहद्वार कहा जाता था सिंहद्वार के ऊपर दो शेरों की मूर्तियाँ तथा उसके बीच में गरुण की एक मूर्ति बनी हुई थी।”

“12. There was also a gate towards north of SriRam Janmbhumi, which was called ‘Singhdwar’. The statues of two lions and one ‘Garun’ (mythological carrier of Lord Vishnu) in between, were there at the ‘Singhdwar’.” (E.T.C.)

“13. सिंहद्वार से अन्दर जाने पर सीता रसोई जिसको कौशल्या रसोई अथवा छठीपूजन स्थल भी कहा जाता है, था वहाँ चौका बेलन, चूल्हा और चरण चिन्ह बने हुए थे।”

“13. On entry through the ‘Singhdwar’ fell the ‘Sita Rasoi’, which is also called ‘Kaushalya Rasoi’ or ‘Chhati Pujan Sthal’. The symbols of ‘Chauka- Belan’ (utensils used in Indian kitchen), hearth and feet existed there.” (E.T.C.)

“14. रामचबूतरा के पश्चिम एक दीवार थी जिसमें लोहे के बड़े-बड़े जंगले लगे हुए थे जिसको सींकचे वाली दीवार कहा जाता था। सींकचे वाली दीवार में दो दरवाजे लगे थे। एक दरवाजा हनुमत द्वार के सामने पड़ता था दूसरा उससे थोड़ा उत्तर हटकर था। इन्हीं दरवाजों से होकर अन्दर जाने पर तीन शिखरों वाला भवन श्रीराम जन्मभूमि था। जिसके मध्य वाले शिखर के नीचे की भूमि ही वह भूमि है जो परम्परागत आस्था एवं विश्वास के अनुसार भगवान

श्रीरामचन्द्र जी की जन्मभूमि मानी जाती है।”

“14. To the west of Ramchabutara was a wall with large iron grills, and was called grill wall. There were two gates in the grill wall. One gate faced the Hanumatdwar and the other was a bit away on the north. These gates were the entry points to the three dome building, SriRam Janmbhumi, **under the middle dome of which is the land, which on the basis of customary faith and belief is considered to be the birthplace of Lord Rama.**” (E.T.C.)

“15. तीन शिखर वाले भवन के मध्य वाले प्रवेशद्वार में काले कसौटी के चार खम्भे लगे हुए थे और मध्य शिखर वाले भाग से दक्षिण वाले शिखर में जाने के लिए जो प्रवेशद्वार था उसमें भी काले कसौटी पत्थर के चार खम्भे लगे थे तथा मध्य शिखर वाले भाग से उत्तर के शिखर वाले भाग में जाने के लिए जो प्रवेश द्वार था उसमें भी काले कसौटी पत्थर के चार खम्भे लगे हुए थे इस प्रकार कुल 12 खम्भे लगे हुए थे जिन पर कलश, फूलपत्ती, देवी-देवताओं की मूर्तियाँ, ताण्डव मुद्रा, पद्मासन मुद्रा में थी।”

“15 There were four black touch stone pillars at the middle gate of the three dome building, and there were four black touch stone pillars at the gate for entry to the southern dome side from the middle dome side and there were four black touch stone pillars at the gate for entry to the northern dome side from the middle dome side. As such there were 12 pillars in all, over which the ‘Kalash’ (pot), flowers-leaves, idols of Gods-Goddesses in ‘Tandav’ pose, ‘Padmasan’ pose were present.” (E.T.C.)

“16. परम्परागत आस्था एवं विश्वास के कारण हिन्दू श्रद्धालु रामभक्त तथा मेरे परिवार के लोग और मैं भी उस स्थल को जहाँ भगवान श्रीराम का जन्म अनादिकाल से माना जाता रहा है उसे **स्वयंभू देव मानकर दर्शन-पूजा, साष्टांग प्रणाम करते हैं** तथा पूरे परिसर की परिक्रमा अयोध्या में रहने वाले तथा देश-विदेश से अयोध्या आने वाले दर्शनार्थी-तीर्थयात्री करते हैं।”

“16. *Out of customary faith and belief, the Hindu devotees of Rama, my family members and myself offer prayer and worship at the place which is considered from time immemorial as the birthplace of Lord Rama. (We) perform darshan-worship, offer prostration by considering it to be self-originating God and the Ayodhyaites and the devotees-pilgrims from country- abroad circumambulate the entire premises.*” (E.T.C.)

“17. मैंने भी अनेकों बार जन्मभूमि का दर्शन-पूजा अर्चना तथा परिक्रमा किया है। वर्ष 1934 में अयोध्या में हिन्दू-मुसलमानों के मध्य दंगा हुआ था। क्योंकि फैजाबाद तथा बाहर के बहुत से मुसलमान रामजन्मभूमि पर कब्जा करने के उद्देश्य से इकट्ठे हुए थे। जन्मभूमि पर हजारों हिन्दू श्रद्धालु रामभक्तों तथा वैरागी साधुओं ने उन्हें मारपीट कर भगा दिया था। सरकार ने अयोध्यावासी हिन्दू जनता पर दण्डस्वरूप दंगा टैक्स भी लगाकर हजारों रूपया वसूल किया था।”

“17. *I have offered prayer and worship at the Janmbhumi on numerous occasions and have also circumambulated around it. In 1934 a riot had broken out between Hindus-Muslims in Ayodhya because number of Muslims of Faizabad and other places, had gathered with the intention of capturing the Ramjanmbhumi. Thousands of Hindu devotees of Rama and recluse saints beat and drove them away. The Government imposed riot tax on the Hindu public of Ayodhya as a punishment, and recovered tax to the tune of thousands of rupees.*” (E.T.C.)

“18. सन् 1932 के बाद कभी भी कोई मुसलमान जन्मभूमि परिसर में नहीं जा पाया उस परिसर में नमाज पढ़ने का सवाल ही नहीं पैदा होता क्योंकि वैरागियों के डर व दहशत के कारण कोई भी मुसलमान जन्मभूमि के निकट रामकोट मोहल्ले में जाता ही नहीं था।”

“18. *After 1932 no Muslim was ever able to enter the Janmbhumi premises and as such there is no question of*

offering of Namaz in that premises because on account of fear and terror of the recluses, no Muslim went to the Ramkot locality near the Janmbhumi.” (E.T.C.)

“19. यदि भूले भटके कोई मुसलमान श्रीराम जन्मभूमि परिसर की ओर आते हुए दिखायी भी दे जाता था तो भी साधु-वैरागी उसे मारने के लिए दौड़ा लेते थे और उन्हें भगा देते थे। सन् 1932 से सन् 1949 तक कभी भी किसी मुसलमान को श्रीराम जन्मभूमि परिसर की ओर आते जाते भी नहीं देखा। साधु-वैरागियों के डर और दहशत के कारण मुसलमान श्रीराम जन्मभूमि परिसर की ओर आता ही नहीं था।”

“19. *If by mistake any Muslim was spotted coming towards the SriRam Janmbhumi premises, then also the saints- recluses used to chase and drive them away. I never even saw any Muslim coming towards the SriRam Janmbhumi premises from 1932 to 1949. No Muslim came towards the SriRam Janmbhumi premises due to fear and terror of saints-recluses.” (E.T.C.)*

“20. इसी प्रकार सन् 1949 से फरवरी 1986 यानी श्रीराम जन्मभूमि का ताला जिला जज फैजाबाद के आदेश से खोले जाने तक न तो मैंने किसी मुसलमान को श्रीराम जन्मभूमि परिसर की ओर आते हुए देखा न ही सुना और न ही मुसलमानों द्वारा श्रीराम जन्मभूमि परिसर या उसके आस-पास नमाज पढ़ने का प्रश्न ही पैदा नहीं होता है।”

“20. *Similarly, from the year 1949 to February, 1986 i.e. till the opening of lock of SriRam Janmbhumi under order of District Judge, Faizabad, I neither saw nor heard about any Muslim going towards the SriRam Janmbhumi premises and there is no question of Muslims offering Namaz at or near the SriRam Janmbhumi premises.” (E.T.C.)*

336. D.W. 1/3 Dr. Sahdev Prasad Dubey, aged about 74 years in August 2003, is resident of village and post Khirauni, Tahsil and District Faizabad. His Examination-in-chief by way of

affidavit dated 04.8.2003 followed by cross-examination is as under :

- (a) 04.08.2003- by Nirmohi Akhara, defendant no. 11, through Sri R.L. Verma, Advocate (p. 10-20)
- (b) 05/06.08.2003- by defendant no. 11 through Sri Abdul Mannan, Advocate (p. 21-36)
- (c) 06/07/11/13/14.08.2003-by defendant no. 10, Sunni Central Waqf Board, through Sri Zafaryab Jilani, Advocate (p. 36-110)
- (d) 14/19/21.08.2003- by plaintiff no. 7 (Suit-4) and defendant no. 5 (Suit-5) Sri Mohd. Hashim, through Sri Mushtaq Ahmad Siddiqui, Advocate (p. 110-140)
- (e) 21.08.2003-defendant no. 26 (Suit-5) through Sri Sayad Irfan, Advocate and defendants no. 6/1 and 6/2 in Suit-3 through Sri Fazale Alam, Advocate adopted the cross examination already done by Sri Abdul Mannan, Sri Zafaryab Jilani and Sri Mushtaq Ahmad Siddiqui, Advocates (p. 140)

337. He did High School in 1950, Intermediate in 1952, Graduation in 1955 from Subhash National Degree College, Unnao affiliated to Agra University, B.Ed. and M.Ed. in 1956-57 and 1962-63 respectively from Lucknow University, M.A. from Awadh University, Faizabad in 1977 and Ph.D. in 1981 from the same University. The subject of research was “*Ram Kavya Parampara Mein Vaidehi Vanvas*”. He was appointed as Teacher in R.D. Inter College, Suchitaganj, District Faizabad in 1958, promoted in Lecturer's grade (Education) in 1963, worked as Principal of the said College from September 1984 to February 1985, and on attaining the age of superannuation, retired on 30.6.1990. He is also a follower of Sanatan religion

having faith in God and Goddess and perform Darshan and Pooja (worship) in accordance with religious tenets. He also stated about his special study on the literature and religious books etc. giving details thereof in para 10 of his affidavit dated 4.8.2003 and said as under :

“10. मैंने भी भगवान श्री राम की प्रेरणा व आर्शीवाद से “राम काव्य परम्परा में वैदेही वनवास का विशिष्ट अध्ययन” नामक शोध प्रबन्ध अवध विश्व विद्यालय, फैजाबाद से अपने आराध्य एवं प्रभु श्री राम के आर्शीवाद से 1981 में पूर्ण किया। इस शोध कार्य में मैंने लगभग 127 हिन्दी ग्रन्थों जिनमें अंगद पैज, अग्निपरीक्षा, अधखिला फूल, अलंकार मंजूषा, अशोकवन, अष्टयाम, अष्टयाम पूजा विधि, आंजनेय, उर्मिला, कल्पलता, भूमिजा, कैकेयी, प्रियप्रवास, बरवे रामायण, बालिवध, भक्ति का विकास, भूमिजा, मञ्जली रानी, मानस का हंस, मानस अष्टयाम, मेघनाद, रसकलस, रसिक रहस्य, राजरानी सीता, रामकथा (उत्पत्ति एवं विकास), रामकथा और तुलसी, राम की शक्ति पूजा, राम चन्द्रिका, राम की सवारी, रामचन्द्रोदय काव्य, रामचरित मानस, रामचरित चिंतामणि, राम रसायन, रामराज्य, रामस्वयंवर रामाश्वमेध, रामरक्षा स्त्रोत्र, रामजन्म, रामभजनमंजरी आदि प्रमुख हैं एवं अन्य सम्बन्धित पुस्तकों का समीक्षात्मक अध्ययन किया।

संस्कृत ग्रन्थों में मैंने लगभग 56 संस्कृत ग्रन्थों जिनमें अग्निपुराण, अथर्ववेद, अद्भुत रामायण, आध्यात्म रामायण, आनंद रामायण, अष्टयाम, उदारराघव कल्कि पुराण, कालिकापुराण, नृसिंह पुराण, पद्मपुराण, ब्रह्मपुराण, यजुर्वेद, रघुवंश, कालिदास कृत रामचरित, ऋग्वेद, वाराह पुराण आदि हैं तथा 3 पाली ग्रन्थों अनामकम जातकम, दशरथ कथानम व दशरथ जातकम व 5 प्राकृत ग्रन्थों 1. पउमारियं 2. राम ललनचरियं 3. कलावली 4. सीयाचरियं 5. रामलखनचरियं तथा 3 अपभ्रन्श ग्रन्थ 1. पउमाचरिउ (स्वयंभू) 2. पउमाचरिउ (पुष्पदन्त) 3. पद्म पुराण (बलभद्र पुराण) रङ्गू: के अध्ययन के अतिरिक्त डा० ग्रियरर्सन लिखित “लिंग्विष्टिक सर्वे आफ इण्डिया को अंग्रेजी में पढ़ा एवं मनन किया है।”

“10. In 1981, I completed my research work on “Ram Kavya Parampara Mein Vaidehi Vanvaas Ka Vishisht Adhayayan” from the Awadh University Faizabad with the inspiration and the blessings of Lord Sri Rama. For this

research work I made a critical study of 107 Hindi treatises, mainly including Angad Paij, Agnipariksha, Adhkhila Phool, Alankar Manjoosha, Ahsok Van, Ashtyaam, Ashtyaam Poojavidhi, Aanjneya, Urmila, Kalplata, Kaikeyi, Priyaprawas, Barwai Ramayana, Balivadh, Bhakti Ka Vikas, Bhumija, Majhli Rani, Manas Ka Hans, Manas Asthyaam, Meghnad, Raskalash, Rasik Rahasya, Raj Rani Sita, Ramkatha (Utpatti Evam Vikas), Ram Katha Aur Tulsi , Ram Ki Shakti Pooja, Ramchandrika, Ram Ki Sawari, Ramchadrodaya Kavya, Ram Charit Manas, Ram Charit Chitnamani, Ram Rasayan, Ram Rajya, Ram Svyamvar, Ramashwamedh, Ram Raskha Strotra, Ramjanam, Rambhajanmanjari, etc., and also of other relevant books.

Apart from nearly 56 Sanskrit treatises including Agnipurana, Atharva Veda, Adbhut Ramayana, Aadhyatm Ramayana, Anand Ramayana, Ashtyaam, Udaar Raghav, Kalki Purana, Kalika Purana, Nrisingh Purana, Padm Purana, Brahm Purana, Yajurveda, Raghuvansh, Kalidas written Ram Charit, Rigveda, Varah Purana, etc. and three Pali treatises – Anamakam Jatakam, Dashrath Kathanam and Dashrath Jatakam - and 5 Prakrit treatises – 1- Paumariyam 2- Ram Lalanchariyam 3- Kalawati 4-Siya Chariyam and 5- Ramlakhanchariyam – and three Upbhransh works – 1-Paumachariu (Swayambhoo) 2- Paumachariu (Pushpdant) 3- Padma Purana (Balbhadra Puranah Raithooh) – I also studied “Linguistic Survey of India” by Dr, Grierson in English and meditated upon it.”
(E.T.C.)

338. About his knowledge regarding birth of Lord Ram and his

birthplace as well as the existence of temple at the disputed site, DW 1/3 said in paras 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17 and 18 of the affidavit as under:

“6. हमारा परिवार सनातन धर्मी है तथा समस्त देवी-देवताओं में आस्था रखता है। मैं भी जन्म से ही सनातनधर्मी हूँ तथा देवी-देवताओं में आस्था रखता हूँ एवं उनका दर्शन व पूजन करता हूँ।”

“6. My family is an orthodox (sanatandharmi) family and believes in all gods-goddesses. I am also an orthodox since birth and believe in gods-goddesses and offer my prayer-worship to them.” (E.T.C.)

“7. अयोध्या विश्व का महानतम तीर्थस्थल है और अयोध्या के आस-पास का समस्त क्षेत्र “अवध” के नाम से जाना जाता है। मैं इसी अवध क्षेत्र के जनपद फैजाबाद के ग्राम खिरौनी का स्थायी निवासी हूँ जहाँ हमारे पूर्वज रहते रहे हैं। अयोध्या का महात्म्य इसलिये है कि यह मर्यादा पुरुषोत्तम भगवान राम की पावन जन्म स्थली है जिसके उत्तर में पवित्र सरयू नदी बहती है। पौराणिक ग्रन्थों व लाखों वर्षों की आस्था के अनुसार अयोध्या के रामकोट मोहल्ले में जन्मभूमि व जन्म स्थान अवस्थित है। यों तो समस्त अयोध्या क्षेत्र ही मर्यादा पुरुषोत्तम श्री राम की जन्म स्थली के रूप में देवतुल्य पूज्य है किन्तु जिस स्थान को शास्त्रों ने श्री राम की जन्मस्थली माना है उसकी महिमा का बखान धार्मिक, साहित्यिक, व ऐतिहासिक पुस्तकों में किया गया है। इनके अतिरिक्त जनमानस की आस्था व विश्वास के आधार पर रामकोट स्थित जन्मभूमि मन्दिर, जिसे विवादित कर दिया गया है वही मर्यादा पुरुषोत्तम श्री रामचन्द्र जी की जन्मभूमि मानी जाती है, जिसे चिन्हित कर भव्य मन्दिर का निर्माण आदिकाल में हुआ था। जबसे निरंतर उस स्थान तथा वहाँ विराजमान एवं स्थापित भगवान श्री राम की मूर्ति का दर्शन-पूजन एवं जन्मस्थान की परिक्रमा होती चली आ रही है।”

“7. Ayodhya is the greatest pilgrimage on earth and Ayodhya along with its entire adjoining area is known as Oudh. I am a native of village Khirauni, district Faizabad of this very Oudh area, and my ancestors had also resided

there. The importance of Ayodhya is in view of the fact that it is the sacred birthplace of Lord Rama, to the north of which flows the holy river Saryu. As per the religious treatises and faith of lakhs of years, the Janmbhumi and the birthplace are situated in Ramkot locality of Ayodhya. Although the entire Ayodhya is worth reverence as the birthplace of Maryada Purshottam Sri Rama, but the greatness of the place, which has been considered as the birthplace of Sri Rama in the Shastras, has been described in the religious, literary and historical books. Besides these, the Janmbhumi temple situated at Ramkot as per the faith and belief of general public, which has been made subject matter of dispute, has been considered as the janmbhumi (birthplace) of Maryada Purshottam Sri Ramchandra and after identifying the same, a grand temple was built there in early ages. Since then, the prayer-worship of the deity of Lord Sri Rama present over there as well as the circumambulation of the Janmsthan has been performed.” (E.T.C.)

“8. पौराणिक तथा समस्त सनातनधर्मावलम्बी जनमानस की आस्था एवं विश्वास के अनुसार इस स्थान पर जन्मभूमि के प्रतीक स्वरूप मन्दिर की स्थापना असंख्य वर्षों पूर्व हुई थी तथा कालान्तर में महान पराक्रमी राजा विक्रमादित्य का शासनकाल जो कालगणना के अनुसार वर्तमान समय से 2060 वर्ष पूर्व माना जाता है और इसी कालगणना को विक्रम संवत् के नाम से जाना जाता है। उन्होंने उक्त स्थान पर भव्य मन्दिर का निर्माण किया।”

“8. According to the religious treatises and faith and belief of orthodox general public, a temple was built at this place innumerable years ago as symbol of Janmbhumi. With passage of time a grand temple was built at the said place during the reign of great emperor Vikramaditya, which is believed to have existed about 2060 years ago and

this very period is known as Vikram Samvat. He had built a grand temple at that place.” (E.T.C.)

“9. भारतीय कालगणना के अनुसार इसे चार युगों में बांटा गया है जिन्हें सतयुग, त्रेता, द्वापर व कलयुग के नाम से जाना जाता है, जिसका प्रारम्भ आज से पांच शताब्दी पूर्व अर्थात् पांच हजार वर्ष से कुछ अधिक से माना जाता है। भारतीय पंचांग की इसी कालगणना के अनुसार त्रेता युग में चैत्र शुक्ल नवमी को मर्यादा पुरुषोत्तम भगवान श्री राम का जन्म अवध के महाराजा दशरथ के ज्येष्ठ पुत्र के रूप में हुआ, चैत्र शुक्ल नवमी को मर्यादा पुरुषोत्तम भगवान श्री राम चन्द्र का जन्म होने के कारण इसे रामनवमी कहा जाता है। मर्यादा पुरुषोत्तम भगवान श्री रामचन्द्र जिनके बालरूप का वर्णन धार्मिक एवं साहित्यिक ग्रन्थों में हुआ है तथा हजारों वर्षों के ज्ञात इतिहास में प्रत्येक वर्ष विक्रमी संवत् के अनुसार चैत्रशुक्ल राम नवमी के दिन के 12 बजे मर्यादा पुरुषोत्तम श्री रामचन्द्र जी का जन्मोत्सव प्रत्येक सनातनधर्मी रामभक्त परिवार में तथा मन्दिरों में मनाया जाता है। मन्दिरों में जाकर रामभक्त आराधन, दर्शन, पूजन, आरती व विराजमान श्रीराम के विग्रह की परिक्रमा कर अपने को धन्य मानते हैं।”

“9. According to the Indian system of period calculation, it has been divided in four Yugas (periods) known as Satyug, Treta, Dwaper and Kalyug, which began about five centuries ago i.e. a bit more than five thousand years. As per this calculation of period of the Indian Panchang, Maryada Purshottam Lord Sri Rama was born on Chaitra Shukla Navami (ninth day of lunar fortnight commencing from no moon night of the month of chaitra) in the Treta Yuga, as the eldest son of king Dashrath. Since Maryada Purshottam Lord Sri Rama was born on Chaitra Shukla Navami, it is known as Ramnavami. The descriptions of the childform of Maryada Purshottam Lord Sri Rama, are found in religious and literary works and in the known history of thousand years, the birth celebration of Maryada Purshottam Sri Ramchandra takes place at 12 noon on

Chaitra Shukla Navami every year in the Vikrama era, in every orthodox family and temples. The devotees of Rama go to temples to offer prayer, worship, arti and consider themselves to be fortunate by performing circumambulation of the deity of Sri Rama present over there.” (E.T.C.)

“11. अयोध्या स्थित रामकोट मोहल्ले में श्री राम जन्म भूमि मन्दिर एक ऊँचे टीले पर अवस्थित है जिसके नीचे धरातल तक प्राचीन मन्दिरों के अवशेष विद्यमान हैं जिनका निर्माणकाल कई शताब्दियों के अन्तराल पर हुआ है क्योंकि मन्दिरों का पुनरुद्धार एवं पुनर्निर्माण आवश्यकतानुसार किया जाता रहा है। 6 दिसम्बर 1992 को मन्दिर का जो भवन गिर गया है उसके नीचे बारहवीं शताब्दी के मन्दिर के अवशेष विद्यमान हैं जिसका निर्माण गहरवार वंशीय राजा ने ग्यारहवीं शताब्दी के आसपास किया था।”

“11. *The Sri Ramjanmbhumi temple in Ramkot locality of Ayodhya, is situated over a high mound, beneath whose floor are present the remains of ancient temples, which had been built at intervals of many centuries because the temples were renovated and re-built as per requirement. The building of temple, which collapsed on 6th December, 1992, had the remains of a 12th century temple beneath it, which had been built by a Gaharwal dynasty king around 11th century.*”

“12. राम जन्मभूमि मन्दिर 6 दिसम्बर 1992 को विद्यमान भवन के गिर जाने के बाद भी भगवान श्री राम उसी पहले वाले स्थान पर विराजमान हैं और उनकी पूजा अर्चना आरती, परिक्रमा निरंतर श्रद्धालु भक्तगण व शपथी स्वयं भी करता चला आ रहा है।”

“12- *Even after the collapse of existing building of Ramjanmbhumi temple on 6th December, 1992, Lord Sri Rama is still present at the earlier place and His prayer-worship, arti, circumambulation are regularly being*

performed by the devotees as well as the deponent."

(E.T.C.)

"13. श्री राम जन्मभूमि स्थित मन्दिर में प्रवेश के लिये पूर्व दिशा में हनुमत द्वार 6 दिसम्बर 1992 के पूर्व था, द्वार के दोनों ओर कसौटी के खम्भे लगे थे जो गिनती में दो थे इन पर देवी देवताओं की मूर्तियां उभरी थीं। उत्तर की ओर सीतारसोई व इसके पूर्व में जन्मभूमि मन्दिर का भण्डारगृह व राम चबूतरा था, सीतारसोई के उत्तरी दिशा में सिंहद्वार था दक्षिण व पश्चिम दिशा में परती जमीन थी जिसके भक्तगण मन्दिर परिसर अर्थात् राम जन्म भूमि स्थित मंदिर की परिक्रमा करते थे।"

"13. *Prior to 6th December, 1992 Hanumatdwar existed in east for entry to the temple situated at Sri Ramjanmbhumi. There were touchstone pillars on both sides of the gate, which were two in number with deities of Gods-Goddesses engraved over them. There was Sita rasoi in the north and to its east were the store room of the janmbhumi temple and Ramchabutara. To the north of the Sita rasoi, was the Singhdwar and vacant land in south and west, over which the devotees used to perform circumambulation of the temple premises i.e. the temple situated at Ramjanmbhumi.*" (E.T.C.)

"14. अयोध्या में नित्य हजारों रामभक्त विश्व के सभी देशों एवं देश के प्रत्येक भाग से निरंतर आते रहते हैं जो सरयू में स्नानोपरान्त अयोध्या स्थित हजारों मन्दिरों में दर्शन-पूजन, आराधना करते हैं जन्म स्थान एवं जन्मभूमि मन्दिर, हनुमान गढ़ी, कनक भवन प्रत्येक रामभक्त एवं आराधक विशेष रूप से जाता एवं वहां का दर्शन कर अपने को सौभाग्यशाली मानता है।"

"14. *Thousands of devotees of Rama from within the country and abroad used to visit to Ayodhya everyday and after having a dip in the Saryu, they used to have prayer-worship at thousands of temples situated in Ayodhya. Every*

devotee and worshipper of Rama particularly visited the Janmsthan, Janmbhumi temple, Hanumangarhi, Kanak Bhawn and after having a darshan over there, used to consider himself to be fortunate.” (E.T.C.)

“15. हर साल सावन मेला के अवसर पर अयोध्या असंख्य रामभक्तों से पट जाती है। श्रद्धालु रामभक्त श्रावण माह की प्रतिपदा से आना आरम्भ कर देते हैं और रक्षाबन्धन तक भक्तों का आना निरंतर बना रहता है आने वाला प्रत्येक श्रद्धालु रामभक्त सरयू स्नान, अयोध्या स्थित मन्दिरों का दर्शन व पूजन एवं आराधना, जन्मभूमि परिसर व जन्मभूमि परिसर मन्दिर में विराजमान रामलला का दर्शन, पूजन व आराधन व परिक्रमा कर अपने जीवन को सार्थक मानता है।”

“15. *Every year Ayodhya was flooded with innumerable devotees of Rama on the occasion of Shravna (a lunar month of Hindu calender) fair. The devotees started visiting from the Pratipada (first day of a lunar month) of the month of Shravna and kept coming till Rakshabandhan. Every visitor devotee of Rama used to consider his life to be worth-while on having dip in Saryu, offering prayer-worship at the temples situated at Ayodhya and performing the darshan, prayer-worship, circumambulation of the Janmbhumi premises and Ramlala present in the temple at the Janmbhumi premises.” (E.T.C.)*

“16. प्रत्येक वर्ष कार्तिक मास में अयोध्या में कार्तिक मेला होता है इसमें भी विश्व के अधिकांश देशों व भारत के कोने कोने से लाखों की संख्या में श्रद्धालु व रामभक्त अयोध्या में एकत्र होते हैं सरयू स्नान कार्तिक मेले का मुख्य पर्व होता है श्रद्धालु रामभक्त पंचकोसी एवं चौदहकोसी परिक्रमा के उपरान्त सरयू नदी के पवित्र जल में स्नान के बाद राम राम जन्मभूमि परिसर स्थित मन्दिर तथा इसके उपरान्त अयोध्या स्थित अन्य मन्दिरों में दर्शन, पूजन व अर्चन कर प्रभु श्री राम के चरणों में अपनी आस्था निवेदित करते हैं।”

“16. *Every year in the month of Kartika (a lunar month*

of Hindu calender), a Kartika fair is held at Ayodhya. It was also attended by lacks of devotees and followers of Rama both from within and outside the country. The Saryu Snan was the main occasion of the Kartika fair. After performing Panch kosi (distance of five kose, one kose being equal to two miles) and chaudah kosi (distance of fourteen kose) circumambulation, the devotees of Rama used to take dip in holy water of river Saryu followed by prayer-worship at the temple situated at the Ramjanmbhumi premises and other temples situated at Ayodhya and used to pay their reverence at the feet of their Lord Sri Rama.” (E.T.C.)

“17. अयोध्या में चेत्रशुक्ल नवमी अर्थात् रामनवमी को भी प्रत्येक वर्ष भगवान श्री रामलला का जन्मोत्सव बड़ी धूमधाम व श्रद्धा एवं विश्वास के साथ मनाया जाता है इस पुनीत अवसर पर भी विदेश से एवं देश के कोने कोने से असंख्य श्रद्धालु रामभक्त अयोध्या आकर जन्मभूमि परिसर स्थित मन्दिर, कनक भवन, व अयोध्या स्थित अन्य मन्दिरों में एकत्र होकर पूरी निष्ठा एवं भक्ति के साथ भवबन्धन से पार लगाने वाले परमपूज्य श्री भगवान श्रीराम का जन्मोत्सव मनाते एवं बाद में अन्य राम नगरी अर्थात् अयोध्या स्थित मन्दिरों का दर्शन कर उनमें पूजन, आराधन कर अपने व अपने परिवार पर श्री राम प्रभु का वरदहस्त बने रहने की कामना करते हैं।”

“17. **The birth function of Lord Sri Ramlala is also celebrated every year at Ayodhya on Chaitra Shukla Navami or Ramanavami, with great pomp and show and faith and belief. Innumerable devotees of Rama from abroad and various corners of the country, used to visit Ayodhya on this pious occasion and gather at the temple situated at the Janmbhumi premises, the Kanak Bhawan and other temples at Ayodhya and used to celebrate the birth function of their revered Lord Sri Rama with full**

devotion. Thereafter, they had the darshan at various temples situated at Ayodhya and after offering their prayer-worship, they used to pray for the blessings of Lord Sri Rama for themselves and their families” (E.T.C.)

“18. अयोध्या तीर्थस्थली अन्य सभी तीर्थस्थलों में प्रमुख रूप से मानी जाती है क्योंकि यहां ही मर्यादा पुरुषोत्तम भगवान श्री राम ने मानव रूप में अवतार लेकर समस्त मानव जाति के लिये कल्याणकारी काम किये हैं। भगवान श्री राम और अयोध्या में स्थित उनकी जन्मस्थली जिसे रामजन्म भूमि मन्दिर व परिसर के रूप में कोटि-कोटि भारतीय व रामभक्त श्रद्धा, विश्वास व आस्था का पुंज मानकर पूजा करता चला आ रहा है। शपथी भी इसी श्रद्धा, विश्वास एवं आस्था से अभिभूत भगवान श्री राम व उनकी जन्मभूमि व परिसर की वन्दना, अर्चना व उसमें पूजा करता चला आ रहा है व आजीवन करता रहेगा।”

“18. Ayodhya is considered to be the main pilgrimage amongst all the other pilgrimages, because Maryada Purshottam Lord Sri Rama had incarnated here in human form and had carried out welfare acts for the human kind. Lord Sri Rama and His birthplace at Ayodhya known as Ramjanmbhumi temple and premises, have been revered by crores of Indians and devotees of Rama as the source of faith, devotion and belief. The deponent has also been offering his prayer-worship to Lord Sri Rama, His birthplace and premises out of this very devotion, faith and belief and would continue to do so in my whole lifetime.”
(E.T.C.)

339. D.W. 2/1-1, Rajendra Singh is 60 years of age (at the time of swearing of affidavit dated 1.12.2004). He was cross examined in the followed manner :

Part-I:(a) 01.12.2004- by Nirmohi Akhara, plaintiff (Suit-3) through Sri R.L. Verma, Advocate (p. 13-19)

(b) 02.12.2004- by Mohd. Faruk, defendant no. 11 (Suit-3)

through Sri Abdul Mannan, Advocate (p. 20-28)

(c/1) 02/ 03/ 07/ 08/ 09/ 10/ 14/ 15.12.2004- by Sunni Central Waqf Board, defendant no. 9 through Sri Zafaryab Jilani, Advocate (p. 28-102)

Part-II:(C/2) 16/ 17/ 20/ 21/ 22/ 23.12.2004, 03/ 04/ 05/ 06/ 07/ 10.01.2005- by Sunni Central Waqf Board, defendant no. 9 through Sri Zafaryab Jilani, Advocate (p. 103-221)

(d) 10/ 11/ 12/ 13/ 17/ 18/ 19/ 20.01.2005- by defendant no. 7 (Suit-4) through Sri Mustaq Ahmad Siddiqui, Advocate (p. 222-308)

(e) 20.01.2005- defendant no. 6/1 (Suit-3) through Sri Irfan Ahmad, Advocate and defendant no. 6/2 (Suit-3) through Sri Fazale Alam, Advocate and defendant no. 26 (Suit-5) through Sri C.M. Shukla, Advocate adopted the cross examination already done by Sri Abdul Manna, Sri Zafaryab Jilani and Sri Mustaq Ahmad Siddiqui, Advocates (p. 308)

340. He is resident of 293, Sector-16, Faridabad, Haryana. He passed Higher Secondary in 1962 from Government Higher Secondary School, Kalka Ji, New Delhi, obtained technical training in the Trade 'Miller' from I.T.I., Arab Ki Sarai, New Delhi in 1963 and training in Tool and Cutter Grinding from S.I.S.I., Okhla, New Delhi in 1963-64. He also got training in 'Blue Printing' in 1965 from the above institution. He is a Sikh and follows the religious cultural tenets thereof, has studied religious cultural and historical literature of Sikhism since his childhood and has always made efforts to collect maximum information and knowledge of Sikhism. He is engaged in writing work since 1967. He is author of several articles published in

provincial and national level journals and papers from time to time, editing a quarterly magazine “Vishvakarma Sangh” since 1987, has studied several books on Sikh faiths and history which includes :

1. Adi Sakhian
2. Puratan Janam Sakhi Sri Guru Nanak Dev Ji Ki
3. Pothi Janamsakhi : Giyan Ratnawali
4. Sri Guru Nanakdev Ji Di Janamsakhi
6. Sachkhand Pothi : Janamsakhi Sri Guru Nanak Dev Ji
8. Guru Nanak Bans Prakash
9. Sri Guru Tirath Sangrahi
10. Tvarikh Guru Khalsa : Bhag 1

341. Based on the aforesaid studies etc., he says in para 5 of the affidavit as under :

“5. इन ग्रन्थों से प्राप्त जानकारी से यह पूर्णतः प्रमाणित होता है कि विवादित भूमि भगवान् श्री रामचन्द्र जी की जन्मस्थली है तथा श्री गुरु नानकदेव जी ने अयोध्या जाकर श्री राम जन्मभूमि मन्दिर के दर्शन किये थे। इन्हीं ग्रन्थों से यह भी प्रमाणित होता है कि कालान्तर में श्री गुरु तेग बहादुर और उनके पुत्र श्री गुरु गोविन्द सिंह ने भी अयोध्या जाकर श्रीराम जन्मभूमि मन्दिर के दर्शन किये थे।”

“5. *From knowledge acquired from these treatises it is absolutely proved that the disputed land is the birth place of Lord Sri Rama Chandra and that Sri Guru Nanak Dev went to Ayodhya and had darshan of Sri Rama Janam Bhumi temple. From these very treatises it is also established that Guru Teg Bahadur and his son, Sri Guru Govind Singh, also visited Ayodhya and had darshan of Sri Ram Janam Bhum temple later on.*” (E.T.C.)

342. In paras 6 and 7 DW 2/1-1 gives certain details of the

contents of some books and then says that from the aforesaid, it is evident that Sri Guru Nanak Dev Ji visited the most pious and religious place Ayodhya. In paras 8 to 13, he refers to some other books and contents thereof and then in para 14, he says that from the study of those books and according to his research, he is clearly of the opinion that the disputed place is the birth place of Lord Ram and has been treated as such traditionally. In para 15, again referring to certain books, he says that Babar was a cruel invader, not only murdered Hindus but also damaged several temples. The averments in para 6 to 16 of the affidavit are as under :

“6. यह कि “जनमसाखी भाई बाला” (रचनाकाल : 1715 विक्रमी = 1658 ईसवी, डा0 गुरबचन कौर द्वारा सम्पादित, भाषा विभाग, पंजाब, पटियाला, 1987 ईसवी, पृष्ठ 172) के अनुसार श्री गुरु नानकदेव तलवण्डी राय भोए भट्टी नामक नगर के निवासी मेहता श्री कालू बेदी और माता तृप्ता जी के घर कार्तिक पूर्णिमा 1526 विक्रमी = 20 अक्टुबर 1469 ईसवी के शुभ दिन अवतरित हुए थे। सोढी मनोहर दास मेहरबान कृत “सचखण्ड पोथी: जनमसाखी श्री गुरु नानकदेव जी” (रचनाकाल : लगभग 1669 विक्रमी = 1612 ईसवी, प्रो0 कृपाल सिंह द्वारा सम्पादित, खालसा कालेज, अमृतसर, 1962 ईसवी, पृष्ठ 89) से ज्ञात होता है कि सुल्तानपुर में नवाब दौलत खां लोदी के मोदीखाने में मोदी के रूप में कार्यरत श्री नानकदेव जी को काली वेंई नदी में स्नान करते समय भाद्रपद पूर्णिमा 1564 विक्रमी = 1507 ईसवी के शुभ दिन परमेश्वर के दर्शन हुए थे। तब उन्होंने तीर्थयात्रा पर जाने का शुभ संकल्प किया (पृष्ठ 111) उक्त पुस्तकों के संदर्भित अंशों की छायाप्रति इस शपथ पत्र का संलग्नक 1 व 2 है।”

“6. That as per “JanamSakhi Bhai Bala” (Time of composition : 1715 Vikrami = 1658 AD, edited by Dr. Gurbachan Kaur , Language Department, Punajb, Patiala, 1987 AD, page 172), Sri Guru Nanak Dev appeared on the auspicious day of Kartik Poornima 1526 Vikrami, i.e. 20th October, 1469 at the house of Sri Kalu Bedi (father) and

Tripta (mother), residents of Talvandi Rai Bhoje Bhatti town. From Sodhi Manohar Das Meharban written "Sach Khand Pothi : Tanam Sakhi Sri Gurunanak Dev Ji" (Time of composition : circa 1669 Vikrami = 1612 AD, edited by Prof Kripal Singh, Khalsa College, Amritsar, 1962 AD, page 89), it is known that Sri Nanak Dev, working at the grocery of Nawab Dailat Khan Lodi in Sultanpur, had darshan of God on the auspicious day of Bhadrapad Poornima 1564 Vikrami i.e. 1507 AD while taking a dip in Kali Venyee river. Then he resolved to go on a pilgrimage (page 111). Photocopies of referred portions of the said books are enclosed with this affidavit and are marked as annexures 1 and 2." (E.T.C.)

“7. यह कि “आदि साखीआं” (रचनाकाल : 1758 विक्रमी = 1701 ईसवी, डा० प्यार सिंह द्वारा सम्पादित, लाहौर बुक शाप, लुधियान, 1983 ईसवी, पृष्ठ 168) में लिखा है : “फेरि बाबा जी अगलिआ तीरथा नो चलिआ। गंगा गुदावरी गइआ। पिराग बनारसी गोमती अजुधिआ दुआरका जगंनाथ उडीसा अठसठ तीरथ कीए। सभना का फलु लीआ। असनानु कीआ सभ धरती देखी।”

इसी प्रकार पुरातन जनमसाखी श्री गुरु नानकदेव की (रचना काल : 1791 विक्रमी = 1734 ईसवी, श्री शमशेर सिंह अशोक द्वारा सम्पादित, धर्म प्रचार कमेटी, श्री अमृतसर, 1969 ईसवी, पृष्ठ 64) में भी लिखा है: “फेर बाबा अगलिआ तीरथा नू चलिआ। गंगा, गुदावरी गइआ, पिरागु, गोमती, अजुधिआ, दुआरका, जगननाथि, उडीसा, अठसठ तीरथ कीए। सभना का फलु लीआ। इसनानु कीआ, सभु धरती देखी।”

उपरोक्त उद्धरणों से यह ज्ञात होता है कि श्री गुरु नानक देव ने पावन तीर्थस्थली अयोध्या की भी यात्रा की थी। उक्त पुस्तकों की संगत पृष्ठ की दायाप्रति इस शपथ पत्र के संलग्नक 3 व 4 हैं।”

“7. That in “Adi Sakhian” (Time of composition : 1758 Vikrami = 1701 AD, edited by Dr. Pyar Singh , Lahore Book Shop, Ludhiana, 1983 AD, page 168), it is written :

"Feri Baba Ji agliya tiratha no chaliya. Ganga Gudavari gaiya. Pirag Banarasi Gomti Ajudhiya Duarka Jagannath Udisa athsath tirath kiye. Sabhna ka falu liya. Asnanu kia sabh dharati dekhi." " Similarly, in "Janamsakhi Sri Guru Nanak Dev Ki" (Time of composition : 1791 Vikrami = 1734 AD, edited by Sri Shamsheer Singh Ashok, Dharm Prachar Committee, Sri Amritsar, 1969 AD, page 64) also, it is written: "Fer Baba agliya tiratha nu chaliya. Ganga Gudavari gaiya, Piragu, Gomti Ajudhiya Duwarka Jagannath Udisa athsath tirath kiye. Sabhna ka falu liya. Isnanu kia sabhu dharati dekhi."

*From the afore-said quotatons it is known that **Sri Guru Nanak Dev also travelled to the pious site of pilgrimage called Ayodhya.** Photocopies of relevant pages from the said books are enclosed with this affidavit and are marked as annexures 3 and 4." (E.T.C.)*

"8. यह कि "पोथी जनम साखी : गिआन रतनावली" (रचनाकाल : लगभग 1787 विक्रमी =1730 ईसवी आज़ानुसार मीयां चरागदीन साज दीन, मुसतफाई छाया खाना, पत्थर छापा संस्करण, 1947 विक्रमी =1890 ई० पृष्ठ 213) में श्रीगुरु नानकदेव द्वारा अयोध्या दर्शन के संदर्भ में लिखा है : "तब बाबा जी अयुधिया को जात भए अर कहा कि मरदानिआ! एह अजुधिया नगरी श्री रामचन्द्र जी की है। सोचल इसका दरसन करीए। तब बाबा जी नदी ते जाई उतरे।" उक्त पुस्तकों की छाया प्रति इस शपथ पत्र का संलग्नक 5 है।"

"8. That in "Pothi Janam Sakhi : Gian Ratnavali" (Time of composition : 1787 Vikrami = 1730 AD, edited by Dr. Gurbachan Kaur , Musatfai Chayakhana, Patthar Chhapa Sanskaran, 1947 Vikrami = 1890 AD, page 213), it is written in reference to visit to Ayodhya by Sri Guru Nanak Dev: " Tab Baba ji Ayudhiya ko jat bhaye ar kaha ki Mardaniya eh Ajudhiya Nagari Shri Ram Chandra Ji ki

hai. Sochal iska darshan kariye. Tab Babaji nadi te jai utare." The photocopies of the said books form annexure 5 to this affidavit." (E.T.C.)

"9. यह कि श्री गुरु नानक देव द्वारा अयोध्या दर्शन के अभिप्राय का रहस्य खोलते हुए भाई बाले वाली "जनमसाखी" (प्रकाशक : भाई चतरसिंह—जीवन सिंह, बाजार भाई सेवा, अमृतसर, 1940 विक्रमी = 1883 ई0 पृष्ठ 261) में बताया गया है: "गुरु जी अयुधिया को गए। श्री गुरु नानकदेव जी ने कहा : भाई बाला इह भी नगरी श्री रामचन्द्र जी की है। ऐसे श्री रामचन्द्र जी ने अवतार धार के चरित्र कीते हन सो देख के ही चलीए। तां श्री गुरु जी सरजू नदी के किनारे पर जाई बैठे।" उक्त पुस्तक की छायाप्रति इस शपथ पत्र का संलग्नक 6 है।"

"9. *That unravelling the mystery of Ayodhya darshan by Sri Guru Nanak Dev, Bhai Bole written "Janam Sakhi" (Publisher : Bhai Chatar Singh 7 Jeevan Singh, Bazar Bhai Seva, Amritsar, 1940 Vikrami i.e. 1883 AD, page 261) says : "Guru Ji Ayudhiya Ko Gaye". Sri Guru Nanakdev Ji said: "Bhai Bala Ieh Nagari Sri Ramchandra Ji ki hain aithe Sri Ramchandra Ji ne avtaar dhaar ke charitra kite han so dekh ke hi chaliye. Ta Sri Guru Ji Sarju nadi ke kinare par jai baithe." The Photocopy of the said book is enclosed with this affidavit as annexure no. 6.*" (E.T.C.)

"10. यह कि उपरोक्त धारा 8 और 9 में वर्णित दोनों "जनमसाखियों" के सम्मिलित पाठ से स्पष्ट हो जाता है कि अयोध्या दर्शन से श्री गुरु नानकदेव का अभिप्राय श्री राम के सभी लीला स्थलों के दर्शन करना था। अयोध्या में श्रीराम लीलास्थलों में सर्वाधिक महत्वपूर्ण लीलास्थल था: श्रीराम जन्मभूमि मन्दिर। इसी महत्वपूर्ण लीला स्थल पर अवतार धारण करके श्रीराम ने अपनी बाल-लीलाएं की थी जिसे देख के ही चलने की बात श्री गुरु नानकदेव ने दृढ़तापूर्वक कही है। ऐसे दृढ़ निश्चयी गुरुजी के कनिष्ठ पुत्र श्री लक्ष्मीचन्द्र के आठवें वंशज बाबा सुखबासी राम बेदी अपनी रचना "गुरु नानक बंस प्रकाश" (रचनाकाल : 1886 विक्रमी=1829 ई0, डा0 गुरमुख सिंह द्वारा सम्पादित, पंजाबी यूनीवर्सिटी, पटियाला, 1986 ईसवी,

पृष्ठ 151) में बताते हैं:

“चले तहां ते सतिगुरु मरदाना ले संगि। आए अउध पुरी बिखे
सरजू नदि जिह संगि।।

सरजू जल मंजन कीआ दरसन राम निहार। आतम रूप अनंत प्रभ
चले मगन हितु धार।।”

उपरोक्त छन्द में “दरसन राम निहार” शब्द यह भली भाँति स्पष्ट कर देते हैं कि अयोध्या में श्रीराम जन्मभूमि मन्दिर नामक लीलास्थल में सुप्रतिष्ठित “राममूर्ति” के श्री गुरु नानकदेव ने निहार कर अर्थात् ध्यानपूर्वक दर्शन किए थे। इससे यह सिद्ध होता है कि महत्वपूर्ण लीलास्थल “श्रीराम जन्मभूमि मन्दिर” के रूप में श्री गुरु नानक के प्रारम्भिक तीर्थयात्रा काल में विद्यमान था। उक्त पुस्तक के संगत पृष्ठ की छायाप्रति इस शपथ पत्र का संलग्नक 7 है।”

“10. That from the combined reading of both “Janam Sakhis” mentioned in the afore-said paras 8 and 9, it transpires that by Ayodhya darshan Sri Guru Nanak Dev meant 'having darshan of all Leela Sthals of Sri Rama' (places where Rama performed His roles in a human form). The most important Leela Sthal of Sri Rama in Ayodhya was : Sri Ram Janam Bhumi temple. Sri Rama incarnated himself at this very important Leela Sthal and acted as a child. Sri Guru Nanak Dev has asserted to have darshan of it. Baba Sukhvasi Ram Bedi, 8th lineal descendent of Sri Laxmi Chandra, younger son of so resolute Guru Ji, in his work 'Guru Nanak Vans Prakash' (Time of composition : 1886 Vikrami = 1829 AD, edited by Dr. Gurumukh Singh, Punajbi Unversity Patiala, 1986 AD, page 151) says :

"Chale tahan te Satiguru Mardana le sangi. Aaye Awadh Puri bikhe Sarju nadi jih sangi.

Sarju jal manjan kiya darsan Ram nihar. Aatam roop anant Prabhu chale magan hitu dhaar."

The expression “Darshan Ram Nihar” in the afore-said

verse duly shows that Sri Guru Nanak Dev had a close darshan of 'Ram Murti' (idol of Rama) installed on the Leela Sthal named Sri Ram Janam Bhumi temple in Ayodhya. It goes to prove that the important Leela Sthal existed in the shape 'Sri Ram Janam Bhumi temple at the time of the first pilgrimage of Sri Guru Nanak Dev. Photocopy of the relevant page of the said book is enclosed with this affidavit and is marked as Annexure no. 7.' (E.T.C.)

“11. यह कि भाद्रपद पूर्णिमा 1564 विक्रमी=1507 ईसवी के शुभ दिन अपने हृदय में परमेश्वर का प्रकाश पाकर श्री गुरु नानकदेव जी तीर्थयात्रा पर जाने के लिए उद्यत हुए। तब वे सुल्तानपुर से चल कर दिल्ली, हरिद्वार इत्यादि स्थानों से होते हुए अयोध्या पहुंचे। इस यात्राकाल में लगभग 3-4 वर्ष व्यतीत हुए। इस प्रकार 1567-1568 विक्रमी=1510-1511 ईसवी में श्री गुरुनानक देव ने श्रीराम जन्मभूमि मन्दिर के दर्शन किये थे। यह उल्लेखनीय है कि इस समय तक भारत वर्ष पर आक्रान्ता बाबर का आक्रमण नहीं हुआ था।”

“11. On the auspicious day of Bhadrapad Poornima 1564 Vikrami = 1507 AD, Sri Guru Nank Dev was prompted to go on a pilgrimage on his heart being illumined with the light of God. Then he proceeded from Sultanpur and reached Ayodhya through Delhi, Hardwar, etc. This journey lasted nearly 3-4 years. **In this way Sri Guru Nanak Dev had darshan of Sri Rama Janam Bhumi temple in 1567-1568 Vikrami i.e. 1510-1511 AD.** It is pertinent to mention that by that time invader Babur had not invaded India.” (E.T.C.)

“12. यह कि सोढ़ी मनोहरदास मेहरबान की रचना “सचखण्ड पोथी: जनमसाखी श्री गुरु नानकदेव जी (रचनाकाल: लगभग 1667 विक्रमी=1610 ईसवी, प्रो० कृपाल सिंह द्वारा सम्पादित, खालसा कालेज, अमृतसर, 1962 ईसवी, पृष्ठ 186-187, 190) में लिखा है : “तब गुरु बाबा नानक उसु नगर

ते उसु पटेल कंउ नामु दिड़ाई करि पूरब की धरती नगरि अजोधिआ में जाई बसे। . . . तब अजोधिआ बिखे गुरु बाबा नानकु बैठा भगति करता है। . . . तब बाबा नानकु जुहदी अजोधिया महि बैठा परली दखण की तरफ, एकु पंज तीरथी थी उसके ऊपर एक मटु था, उस ही महि बैठा नामु सिमरनु करता था।”

यहाँ अयोध्या में दक्षिण दिशा की ओर पंचतीर्थों के ऊपर एक मठ में श्रीगुरु नानक द्वारा तपस्या करने की बात ज्ञात होती है। स्कन्दमहापुराण, वैष्णवखण्ड, अयोध्यामाहात्म्य के पहले दो अध्यायों में वर्णित पंचतीर्थों के नाम हैं: चक्र, ब्रह्मकुण्ड, ऋणमोचन, पापमोचन और सहस्रसार। सहस्रसारतीर्थ से दक्षिण दिशा में चक्रतीर्थ की ओर जाते हुए चौथे स्थान पर ब्रह्मकुण्डतीर्थ पड़ता है। इसी ब्रह्मकुण्डतीर्थ के पास वह मठ था जहाँ बैठकर जुहदी=तपस्वी नानक जी ने तपस्या की थी। श्री गुरु नानकदेव की इस पावन तपस्थली के ठीक सामने सड़क के दक्षिण में “गुरुद्वारा ब्रह्मकुण्ड साहिब” बना हुआ है जो श्रीराम जन्मभूमि से लगभग 150–200 गज की दूरी पर स्थित है।

सोढ़ी मनोहरदास मेहरबान कृत “सचखण्ड पोथी: जनम साखी श्री गुरु नानकदेव जी” (पृष्ठ 187, 191–197, 198–99) के अनुसार अयोध्या में इस पावन तपस्थली पर रहते हुए श्री गुरु नानक देव जी ने पाँच शब्दों (पदों) की संगीतबद्ध रचना की, भक्तजनों में उनका गायन किया और भावार्थ समझाया। इससे प्रभावित होकर अनेक श्रद्धालु लोग श्री गुरु जी के सिक्ख हुए और नानकपन्थी बने। उक्त पुस्तक के संगत पृष्ठ की छायाप्रति इस शपथ पत्र का संलग्नक 8 व 9 है।”

“12. That in the work of Sodhi Manohar Das Meharban “Sach Khand Pothi : Janam Sakhi Sri Guru Nanak Dev Ji” (Time of composition : circa 1667 Vikrami i.e. 1610 AD, edited by Prof Kripal Singh, Khalsa College, Amritsar, 1962 AD, pages 186-187 and 190), it is written :

“Tab Guru Baba Nanaku usu nagar te usu Patel kau namu didai kari purab ki dharti nagari Ajodhiya mein jai base. Tab Ajodhiya bikhe Guru Baba Nanaku baitha bhagati karta hai. Tab Baba Nanaku juhdi Ajodhiya mahi baitha parli dakhad ki taraf, eku panj teerathi thi uske upar

ek matu tha, us hi mahi baitha namu simaranu karta tha."

It comes to knowledge that Sri Guru Nanak Dev performed 'tapasya' (practice of austerities) in a monastery above Panchteertahs in the north here in Ayodhya. Names of Panchteerthas mentioned in the first two chapters of Skandha-Mahapurana, Vaishnavakhand, Ayodhya-Mahatmya are : Chakra, Brahmakund , Rinmochan, Paapmochan, Sahasrasar. While going towards Chakrateertha to the south of Sahasrasar-Teertha, we find Brahmakund Teertha at the fourth place. Near this very Brahmakund was a monastery where ascetic Nanak Ji seated himself and practised austerities. In the south of the road exactly opposite to Sri Guru Nanak Dev's pious site of austerity stood "Gurudwara Brahmakund Sahib", which is nearly 150-200 yards away from Sri Ram Janam Bhumi.

As per Sodhi Manohar Das Meharban's work "Sachkhand Pothi : Janam Sakhi Sri Guru Nanak Dev Ji" (pages 187, 191-197, 198-199), Sri Guru Nanak Dev Ji while staying on this pious site of austerity in Ayodhya composed a musical composition of five verses, and sang it in the midst of devotees and made them understand its meaning. Impressed by it many devotees became Sikhs as disciples of Sri Guru Ji and adopted the Nanak-Panth. The photocopy of the relevant page of the said book is enclosed with this affidavit and is marked as Annexures 8 and 9."

(E.T.C.)

"13. यह कि इतिहासकार ज्ञानी ज्ञान सिंह के विद्यागुरु पण्डित तारा सिंह नरोत्तम (1879-1948 विक्रमी=1822-1891 ईसवी) की रचना "श्री गुरु तीरथ संग्रहि" (मूल रचनाकाल:1941 विक्रमी=1884 ईसवी, श्री निर्मल पंचायती अखाड़ा, कनरवल, द्वितीय संस्करण 1975 ईसवी, पृष्ठ 121, 130) में पृष्ठ 121 पर श्री गुरु तेगबहादुर के अयोध्या आने का उल्लेख करते हुए

आगे पृष्ठ 130 पर लिखा है कि श्री गुरु गोविन्द सिंह "इहां आपणी कुल के ब्रिध पुरख राम के जनम थान में आए।"

ज्ञानी ज्ञान सिंह अपनी प्रसिद्ध रचना "तबारीख गुरु खालसा:भाग 1" (गुरु गोविन्द सिंह प्रेस, सियालकोट, 1948 विक्रमी=1891 ईसवी, पृष्ठ 283-284) में लिखते हैं कि गुरु गोविन्द सिंह ने "शहर काशी रामनगर दा सैल प्रदक्खणा कीती। एथों चल मिरजापुर आदिक नगरा नूं देख दे होए अजुध्या जी बसिष्ट कुण्ड, जो बसिष्ट जी दा घर ते होम करण दी जगा है, जा ठहिरे। फिर सूरजकुण्ड, हनुमानगढ़ी, रामचन्द्र दे मन्दर, सीता दी रसोई आदिक अस्थान देखे ते स्वरगद्वारी गुप्तारघाट सरजू दे इशनान दान कीते।" उक्त पुस्तक के संगत पृष्ठ की छायाप्रति इस शपथ पत्र का संलग्नक 10 व 11 है।"

"13. That in his book "Sri Guru Teerath Sangrahi" (originally written in 1941 Vikrami i.e. 1884 AD, Sri Nirmal Panchayati Akhada, Kanarval, second edition 1975 AD, pages 121 and 130), Pt. Tara Singh Narottam (1879-1948 Vikrami i.e. 1822-1891 AD), teacher of historian Gyani Gyan Singh, has on page 121 made mention of Sri Guru Teg Bahadur's pilgrimage to Ayodhya and has on page 130 further written that Sri Guru Govind Singh "Ehan apadi kul ke bidh purkha Ram ke janam than mein aaye."

Gyani Gyan Singh in his famous work "Tabarikh Guru Khalsa : Part I" (Guru Govind Singh Press, Sialkot, 1948 Vikrami = 1891 AD, page 283-284) writes that Guru Govind Singh "Shahar Kashi Ramnagar da sail pradakhana kiti. Aitho chal Mirjapur aadik nagara nu dekh de hoye Ajudhya Ji Bashitha Kund, jo Bashistha Ji da ghar te hom karan di jaga hai, ja thahire. Fir Surajkund, Hanumangarhi, Ramchandra de mandar, Sita di Rasoi aadik asthan dekhe te swargdwari Guptarghat Sarju de ishnan dan kite." The photocopy of the relevant page of the said book is enclosed here with and is marked as

Annexures 10 and 11.” (E.T.C.)

“14. यह कि उपरोक्त पुस्तकों के अध्ययन व अपने शोध के आधार पर मेरा यह निश्चित मत है कि विवाद ग्रस्त भूमि ही भगवान श्री रामचन्द्र जी की जन्मस्थली है, जो परम्परागत रूप से उसी रूप में मानी जाती रही है।”

“14. That from the study of the afore-said books and on the basis of my research I am of a definite view that the disputed land itself is the birth-place of Lord Sri Ram Chandra which has been traditionally taken to be such.”
(E.T.C.)

“15. यह कि उपरोक्त वर्णित पुस्तकों में से “आदि साखीआं”, “पुरातन जनमसाखी श्री गुरु नानकदेवे जी की” और “सचखण्ड पोथी : जन्मसाखी श्री गुरु नानक देवजी के अध्ययन से यह भी ज्ञात होता है कि आकान्ता बाबर ने भारतवर्ष पर अपने तीसरे आक्रमण में, जब वह सियालकोट को विजित करता हुआ आया, तब उसने 1578 विक्रमी=1521 ईसवी में सैदपुर के ग्रामों को तबाह कर डाला, पुरुषों का कत्लेआम किया, स्त्रियों को बन्धक बनाया, और लोगों के घरों को लूटा। ये ही ग्रन्थ यह भी बताते हैं कि इन विपदा भरी घटना के प्रत्यक्षदर्शी स्वयं गुय नानकदेव जी थे। उन्होंने इस दुर्भाग्यपूर्ण घटना पर गहरा दुख प्रकट करते हुए चार शब्दों (पदों) की रचना की जिनमें बाबर को साक्षात् शैतान और उसकी सेना को पाप की बारात बताया है। श्री गुरु ग्रन्थ साहिब जी में उनके ये चार शब्द पृष्ठ 722-23, 417-18 और 360 पर प्राप्त होते हैं। श्री गुरु ग्रन्थ साहिब जी, आसा महला 1 पृष्ठ 418 पर श्री गुरु जी बताते हैं कि इस क्रूरतापूर्ण आक्रमण के अवसर पर आकान्ता बाबर ने सैदपुर के थानों को, मुकामों को और वज्र के समान सुदृढ़ मन्दिरों को जला दिया और राजकुमारों को काट-काट कर धूल में रूला दिया।”

“15. That from the study of “Adi Sakhian” , “Puratan Janam Sakhi : Sri Guru Nanak Dev Ji Ki”, and “Sach Khand Pothi : Janam Sakhi Sri Guru Nanak Dev Ji Ki”, it also transpires that in his third invasion on India, invader Babur, after having conquered Sialkot, reached Saidpur in 1578 Vikrami i.e. 1521 AD and devastated its villages, slew

men, held women hostages and plundered the houses of the people. These very treatises also reveal that Guru Nanak Dev Ji himself was an eyewitness to this calamitous incident. Expressing his deep anguish over this unfortunate incident, he composed four verses describing Babur as a manifest demon and his army as a Barat (party) of sinners. These four stanzas of Sri Guru Granth Sahib are available on pages 722-723, 417-18 and 360. Sri Guru Ji in his book "Sri Guru Granth Sahib Ji, Asa Mahla 1, page 418 says that in this cruel attack, invader Babur gutted the police stations, halts and steely temples of Saidpur, and decimated the princes and brought them to dust." (E.T.C.)

"16. यह कि संलग्नक 1 ता 11 में उद्धृत मूल पुस्तकों को मैंने पढ़ा है जो मेरे पास उपलब्ध है।"

"16. That I have read the original books quoted in Annexures 1 to 11 and they are available with me." (E.T.C.)

343. DW 2/1-2, Ram Saran Srivastava, aged about 68 years (vide affidavit dated 20.01.2005). He was cross examined in the following manner:

(a) 20/24.01.2005- by Nirmih Akhara, plaintiffs (Suit-3) through Sri Tarunjeet Verma and Sri R.L. Verma, Advocates, Advocate (p. 7-24)

(b) 25/31.01.2005, 01.02.2005- by Mohd. Faruk, defendant no. 11, through Sri Abdul Mannan, Advocate (p. 26-44)

(c) 01/02/03/04/07/08/09/10/11.02.2005- by plaintiffs no. 1, 6/1, 8/1 Sunni Central Board of Waqf, Jiyauddin and Maulana Mahafujurrhman through Sri Zafaryab Jilani, Advocate (p. 45-150)

(d) 11/15/16.02.2005- by plaintiff no. 7 (Suit-4) through Sri Mustaq Ahmad Siddiqui, Advocate (p. 150-183)

(e) 16.02.2005- defendant no. 6/1 (Suit-3) through Sri Irfan Ahmad, Advocate and defendant no. 6/2 (Suit-3) through Sri Fazale Alam, Advocate and defendant no. 26 (Suit-5) through Sri C.M. Shukla, Advocate adopted the cross examination already done by Sri Abdul Manna, Sri Zafaryab Jilani and Sri Mustaq Ahmad Siddiqui, Advocates (p. 184)

344. He is M.Com. L.L.B. and worked as 'Teacher' for about two years, wrote a book "Ankechar Parichay" published in 1959. He was selected and appointed as District Industry Officer, and worked as such for one year, whereafter selected in U.P. Provincial Civil Service in 1961, promoted in Indian Administrative Service in 1984. He worked during his tenure (as a member of Indian Administrative Service) as District Magistrate, Hardoi, Faizabad and Kanpur, Special Secretary in Public Works Department, Education and Social Welfare and Director, Department of Government Estate and retired on 31.03.1994. He joined as District Magistrate at Faizabad on 19.07.1987 and remained thereat for about three and half years. Claiming to have studied the dispute minutely in his capacity as District Magistrate, Faizabad, he said in paras 7, 8 and 9 about the sources from which he got knowledge as under:

“7. मैंने श्रीराम जन्म भूमि विवाद के सम्बन्ध में उपलब्ध गजेटियर तथा राजस्व अभिलेखों का कई बार अध्ययन किया तथा वहां के स्थानीय सभी संवर्ग के लोगों से हर प्रकार की जानकारी के साथ ही विवाद से संबंधित पक्षों से भी समय-समय पर जानकारी प्राप्त करता रहा।”

“7. On number of occasions, I have studied the gazetteers available in context of Sri Ramjanmbhumi dispute as well as the revenue records, and also gathered all kinds of information from local people of all class besides the concerned parties to the dispute.” (E.T.C.)

“8. मैंने अपने जिलाधिकारी के कार्यकाल के दौरान प्रश्नगत प्रकरण के संबंध में स्थानीय हिन्दू व मुसलमान बन्धुओं से तथा संत महात्माओं, विद्वानों एवं उलेमाओं से भी समय-समय पर बातचीत की।”

“8. *During my tenure as District Magistrate, I had discussions from time to time with local Hindus, Muslims, Saints, Scholars and Ulemas in reference to the dispute in question.*” (E.T.C.)

“9. मेरे कार्यालय में प्रश्नगत प्रकरण राष्ट्रीय व अन्तरराष्ट्रीय स्तर पर काफी संवेदनशील मुद्दा था जिस जिस क्रम में विभिन्न पक्षों व संवर्गों से संबंधित इतिहासकार, पुरातत्ववेत्ता विद्वान आदि से भी मेरा सम्पर्क होता रहा तथा उनसे विभिन्न प्रकार की जानकारियाँ मिलती रही। संवेदनशील प्रकरण होने के कारण देश-विदेश के पत्रकारों, विद्वानों व धर्मगुरुओं से भी इस प्रकरण में बात-चीत करने का अवसर मिला तथा मैंने स्वयं उपलब्ध जानकारी व सन्दर्भ के आधार पर इस विषय का अध्ययन किया।”

“9. *The matter in question was a very sensitive matter of my office at National and International level and in this behalf I entered into contact with Historians, Archaeologists, Scholars etc. concerned with different parties and classes and gathered different kinds of information. As the matter was sensitive, I had the opportunity to discuss this matter with journalists of country-abroad, scholars and religious teachers and on basis of available information and references, I myself studied this matter.*” (E.T.C.)

345. DW 2/1-2 claims to have written a book titled as “Sri Ram Janam Bhoomi/Babri Masjid Vivad-Ek Drishtikon” published in 1997. In para 11 of the affidavit he says that the information contained in this book is based on the knowledge he gathered during his tenure as District Magistrate, Faizabad through government record, available evidence, information, his own view etc. He claims to have studied the following

gazetteers/settlement reports:

1. A Gazetteer of the Territories under the Government of East India Company by Edward Thornton published in 1858 and republished in 1993.
2. Historical Sketch of Faizabad with the Old Capital of Ajudhia and Faizabad by P. Cargegy, Officiating Commissioner and Settlement Officer, published in 1870.
3. Gazetteer of the Province of Awadh, 1877.
4. Imperial Gazette of India-United Province of Agra and Awadh-Faizabad Division.
5. District Gazetteer, Barabanki, 1902 Edition, Vol. 48.
6. Faizabad Gazetteer, 1902 Edition, Vol. 43.
7. District Gazetteer of united Provinces of Agra and Awadh, 1905.

346. Based on his study of the above Gazetteers, DW 2/1-2 states in para 16 as under:

'16. उपरोक्त गजेटियर के अध्ययन से स्पष्ट होता है कि विवादित स्थल हिन्दुओं के आराध्य भगवान श्रीराम की जन्मस्थली है जहां हिन्दुओं द्वारा सदैव से अपने आराध्य भगवान श्रीराम की जन्मभूमि के रूप में पूजा की जाती रही है तथा इसी स्थल पर श्रीराम जन्मभूमि मंदिर पूर्व काल में भी स्थित था जिसे 1528 ई० में ध्वस्त करके विवादित ढांचा बाबर के आदेश पर मीरबाकी द्वारा बनाया गया।'

"16. From the study of aforesaid gazetteer, it is apparent that the disputed site is the birthplace of Hindus' revered Lord Sri Rama, which was continuously worshiped by Hindus as the birthplace of their revered Lord Sri Rama, and the Sri Ramjanmbhumi temple had existed at this site in earlier times as well, and after

demolishing the same, the disputed structure was built in the year 1528 AD by Mir Baqi under order of Babar.”
(E.T.C.)

347. He claims to have inspected the revenue and nazul record of the disputed land. Virtually there are three settlements (revenue settlements) i.e., 1861, 1893-94 and 1936-37. The revenue and nazul record of the land in District Faizabad was corrected accordingly. Regarding preparation of revenue records, in para 18 he said:

‘18. फ़ैजाबाद के राजस्व अभिलेखों के समबन्ध में विशेषतः नजूल सम्पत्तियों, उनके रख-रखाव, व्यवस्था व इन्द्राजात आदि के संबंध में जे० डब्लू० होज तत्कालीन कलेक्टर द्वारा विस्तृत आख्या तैयार की गई है तथा उसी संबंध में तत्कालीन कमिश्नर एवं सेटिलमेंट आफिसर श्री पी० कार्नेगी ने भी विस्तृत व्यवस्था दी है।’

“18. J.W. Hodge, erstwhile Collector had prepared a detailed report regarding the revenue records of Faizabad particularly the Nazul properties, their management, arrangement and entries etc.. The erstwhile Commissioner and Settlement Officer Sri P. Cornegi had also given a detailed report in that behalf.” (E.T.C.)

348. The conclusion drawn by DW 2/1-2, based on the study of the above settlements and revenue records, is mentioned in paras 19, 20 and 21 as under:

“19. सन् 1861 ई० के सेटिलमेंट के मुताबिक जन्मस्थान व उससे संबंधित भूखण्डों को मौजा कोट रामचन्द्र मुख्यतः आबादी के रूप में प्रदर्शित किया गया है और इसी क्रम में संबंधित मौजे के खसरा किस्तवार में भी जन्मस्थान का उल्लेख किया गया है।’

“19. As per the settlement of the year 1861, the Janmsthan and the plots related thereto, have been shown mainly as inhabitation in village Kot Ramchandra and in this continuation the Janmsthan has been mentioned in the

Khasra Kistwar of the concerned village.” (E.T.C.)

‘20. मैंने अपने कार्यकाल में श्रीराम जन्मभूमि/बाबरी मस्जिद विवाद के संबंध में राजस्व अभिलेखागार फ़ैजाबाद तथा तहसील सदर फ़ैजाबाद में उपलब्ध सभी अभिलेखों को कई बार देखा तथा इस संबंध में सभी संबंधित राजस्व अधिकारियों से जानकारी प्राप्त की। सभी अभिलेखों का सूक्ष्म अध्ययन करने के बाद यह स्पष्ट हुआ कि विवादित स्थल राजस्व व नज़ूल अभिलेखों में जन्म-स्थान के रूप में अंकित है।’

“20. During my tenure, I saw all the records available in Revenue Record Room Faizabad and Tehsil Sadar Faizabad, concerning the Sri Ramjanmbhumi/ Babri mosque dispute, on number of occasions and also obtained information in this behalf from all concerned Revenue Officers. After careful study of all the records it became clear that the disputed site was entered in the revenue and nazul records as Janmsthan.” (E.T.C.)

‘21. शिलान्यास के समय भी सभी अभिलेखों का निरीक्षण करने के पश्चात प्रश्नगत भूखण्ड जन्मस्थान के रूप में होना प्रमाणित हुआ था तथा इस संबंध में संगत सूचना राज्य व केन्द्र सरकार को समय-समय पर दी जाती रही है।’

“21. On the occasion of ‘Shilanyas’ (laying of foundation stone) also, the plot in question had been established as Janmsthan from inspection of all the records and the necessary information in this behalf was furnished to the State and Central Government from time to time.” (E.T.C.)

349. Regarding the place in dispute and other facts, in paras 22, 23 and 24, DW 2/1-2 said as under:

“22. मुझे अपने कार्यकाल में जो भी तथ्य उपलब्ध हो सके, उनके आधार पर तथा मेरी स्वयं की जांच तथा विभिन्न एजेंसियों द्वारा प्राप्त सूचनाओं के आधार पर यह निष्कर्ष निकाला कि प्रश्नगत स्थल पर हिन्दुओं के आराध्य भगवान श्रीराम का जन्म स्थान है जहां पर श्रीराम जन्मभूमि मंदिर था जिसे बाबर द्वारा अपने आक्रमण काल में

अपने प्रतिनिधि सेनापति मीरबाकी द्वारा ध्वस्त कराकर उसी स्थान पर विवादित ढांचा (जो अब ध्वस्त हो चुका है) बनाया गया था।”

“22. On the basis of the facts ascertained during my tenure and further on basis of my own inquiry and the information received from various agencies, (I) derived the conclusion that **the site in question was the birthplace of Hindus’ revered Lord Sri Ram and that Sri Ram Janmbhumi temple existed there, which was got demolished by Babar, during his invasion period, through his representative Mir Baqi and the disputed structure (which has now been demolished) was built at that very place.**” (E.T.C.)

‘23. विवादित स्थल पर जो ढांचा था उसमें मेरी स्वयं अध्ययन व जानकारी के अनुसार वर्ष 1934 ई0 के पश्चात कभी नमाज नहीं पढ़ी गई है, न ही उसका प्रयोग मुस्लिम सम्प्रदाय द्वारा सामूहिक अथवा व्यक्तिगत रूप से ही नमाज पढ़ने के लिए हुआ।”

“23. As per my studies and information, Namaz was never offered after the year 1934 AD in the structure at the disputed site, nor was it used by the Muslim community either collectively or individually to offer Namaz.” (E.T.C.)

“24. विवादित ढांचे में लगे काले पत्थर के खम्भों पर, कलश, आम के पल्लव, कमल, देवी-देवताओं एवं मानव आकृतियां स्पष्ट थीं तथा उसी परिसर में सीता रसोई, चरण-चिन्ह, चौका-बेलन, चूल्हा, रामचबूतरा था । उक्त स्थल हिन्दुओं के पूज्य स्थली के रूप में था एवं विवादित स्थल सदैव से भगवान राम के जन्मस्थल के रूप में पूज्य था।”

“24. The pitcher, mango leaves, lotus and figures of God-Goddesses and human beings, were clear over the black stone pillars in the disputed structure and within the same premises, were the Sita Rasoi, footmarks, ‘Chauka-Belan’ (utensils used in Indian kitchen), stove and Ramchabutara.

The above place was a worship place of Hindus and the disputed site was always revered as birthplace of Lord Rama.” (E.T.C.)

350. DW 2/1-3, Mahant Ram Vilas Das Vedanti is aged about 51 years (as per his affidavit dated 16.02.2005). He was cross examined in the followed manner :

(a) 16/17/18.02.2005-by Nirmohi Akhara, plaintiff (Suit-3) through Sri Tarunjeet Verma, Advocate (p. 12-46)

(b) 18/21.02.2005- by plaintiff no. 9 and 10/1 Mahmood Ahmad and Mohd. Faruk Ahmad through Sri Abdul Mannan, Advocate (p. 47-63)

(c) 21/23/24/25/28.02.2005, 01/02/03/04/07/09.03.2005- by plaintiffs no. 1, 6/1, 8/1 Sunni Central Board of Waqf, Jiyauddin and Maulana Mahafujurrhman through Sri Zafaryab Jilani, Advocate (p. 63-204)

(d) 09.03.2005- by plaintiff no. 7 (Suit-4) through Sri Mustaq Ahmad Siddiqui, Advocate, who also adopted the cross examination done by Zafaryab Jilani, Advocate (p. 204-205)

(e) 09.03.2005- defendant no. 6/1 (Suit-3) through Sri Irfan Ahmad, Advocate and defendant no. 6/2 (Suit-3) through Sri Fazale Alam, Advocate and defendant no. 26 (Suit-5) through Sri C.M. Shukla, Advocate adopted the cross examination already done by Sri Abdul Manna, Sri Zafaryab Jilani and Sri Mustaq Ahmad Siddiqui, Advocates (p. 205)

351. He is resident of Vashistha Bhawan, Hindu Dham, Naya Ghat, Ayodhya, District Faizabad and claims to be Mahant and Sarvarahkar, Vashistha Pithadhishwar of Vashistha Bhawan, Naya Ghat, Ayodhya. Born in District Riwa (Madhya Pradesh)

he is residing permanently at Ayodhya since 1968. He passed Shastri examination in the subject of Grammar from Varanasi Sanskrit Vishvavidyalaya and was conferred the degree of Vedantacharya in 1979-80 in the subject "Sri Ramanuj Vedant". He completed Ph.D. in 1982 from Sampurnanand Sanskrit Vishvavidyalaya, Varanasi in the subject of "Valmikiya Ramayane Dharm Niti". He claims to have studied from student's life about Lord Ramchandra Ji and Sri Krishna, read several religious, literary books, legends etc. and still continuing with the same, was elected as member of Parliament from Machchhalishahar and Pratapgarh constituencies in 11th and 12th Parliamentary Elections. He claims to have regularly visited the disputed site, a birthplace of Lord Ram and has performed Bhajan, Pujan, Parikrama etc. thereat since 1968. He has given details of location and construction of the disputed site and its vicinity in paragraphs 10, 11, 12, 13, 14, 15, 16 and 18 of the affidavit as under:

'10. यह कि श्रीराम जन्मभूमि परिसर में विवादित ढांचा गिरने के पूर्व प्रवेश हेतु मुख्यद्वार पूरब से था जिसे हनुमान द्वार के रूप में जाना जाता था। मुख्य द्वार पर दोनों ओर काले कसौटी के दो खम्भे लगे हुए थे, जिन पर फूलपत्ती, जय विजय के चित्र उकेरे गये थे। जिस प्रकार के कसौटी के खम्भे बाहर मुख्य द्वार पर थे उसी प्रकार के 12 काले कसौटी के खम्भे अन्दर मुख्य भवन में भी लगे थे। जिन पर घट, पल्लव, अमृत कलश, स्वास्तिक, फूल पत्ती, मोर, देवी-देवताओं के चित्र उकेरे गये थे।'

"10. That prior to the demolition of the disputed structure at the SriRam Janmbhumi premises, the main gate for entry was in the east, which was called the 'Hanumatdwar'. Two black touch stone pillars were standing on both sides of the main gate, over which the pictures of flowers-leaves, Jai-Vijai had been carved out. 12 black touch stone pillars similar to the ones at the main gate, were there inside the

main building, over which the picture of 'Ghat' (pitcher), 'pallav' (leaf), 'Amrit Kalash' (pot of nectar), flower-leaf, peacock, God-Goddess had been carved out." (E.T.C.)

“11. यह कि प्रश्नगत ढांचे के मुख्य द्वार से अन्दर जाने पर दक्षिण की तरफ एक चबूतरा था जो राम चबूतरा के नाम से जाना जाता था। जहाँ भगवान राम, लक्ष्मण, सीता आदि की मूर्तियाँ थी जिनकी भी नियमित पूजा अर्चना हिन्दू दर्शनार्थियों द्वारा की जाती थी। राम चबूतरे के नीचे गुफा मन्दिर था। राम चबूतरा के दक्षिण पूरब कोने पर एक पीपल का पेड़ था, जिसके नीचे गणेश जी, शंकर जी, कार्तिकेय जी आदि की मूर्तियाँ और पिण्डी थी। जिसे भी दर्शनार्थियों द्वारा दर्शन पूजन किया जाता था। मुख्यद्वार से अन्दर उत्तर तरफ संत निवास के रूप में तीन शेड था, जिसमें कुछ सन्त स्थायी रूप से रहते थे तथा बाहर से आने जाने वाले सन्त भी ठहरते थे। उसी के एक अंश में अनाज, बर्तन आदि रखा जाता था।”

“11. *That on entry in the disputed structure through the main gate, there was a platform towards south called Ramchabutara, where the idols of Lord Ram, Laxman, Sita etc. were present and were worshipped regularly by Hindu devotees. Below the Ramchabutara, was the 'Gufa' (cave) temple. There was a Pipal tree to the south east corner of the Ramchabutara, under which were the idols of Lord Ganesh, Lord Shankar, Lord Kartikey, which were also worshipped by the devotees. To the north of the main gate, was a tin shed as residence of saints, in which some saints used to live permanently and the visiting saints of other places also used to stay there. In a portion of the same, the food grains, utensils etc. were stored." (E.T.C.)*

“12. यह कि रामचबूतरा व मण्डप के पश्चिम मुख्य परिसर के सामने एक सींकचों वाली दीवार थी एवं अन्दर भगवान श्रीराम का जन्म स्थान जिसे सनातन धर्मी हिन्दू धार्मिक परम्परानुसार गर्भगृह कहते थे, बीच वाले गुम्बद के नीचे स्थित था। मुख्य परिसर में स्थित ढाँचा तीन गुम्बद वाला था जिसमें मध्य वाले गुम्बद के नीचे की भूमि पर भगवान श्रीराम का जन्म हुआ

था, ऐसी परम्पर आस्था एवं विश्वास हिन्दू जनमानस का है तथा वेदों, धर्मशास्त्रों, पुराणों आदि के अनुसार भी यह सिद्ध है। इसी आस्था एवं विश्वास के आधार पर परम्परागत ढंग से देश विदेश के असंख्य हिन्दू रामभक्त व जन सामान्य द्वारा विवादित स्थल को भगवान श्रीराम की जन्मस्थली व जन्मभूमि मन्दिर मानते हुए पूजन, दर्शन करता चला आ रहा है तथा शपथकर्ता भी उसे उसी रूप में अति पवित्र एवं भगवान राम की पूज्य जन्मस्थली मानता है।”

“12. *That there was a grill wall opposite the main premises and to the north of the Ramchabutara and the ‘Mandap’, and inside it and below the mid dome, was the birthplace of Lord Rama, which is customarily called ‘Garbh-grih’ by the orthodox Hindus. The structure standing within the main premises, was of three dome and according to the customary faith and belief of Hindus and as proved by Vedas, Dharmshastras, Puranas etc., Lord Rama was born on the land below the mid dome, It is on basis of this very faith and belief that the prayer and worship of Lord SriRama’s birthplace and Janmbhumi temple has been customarily continuing through innumerable Hindu devotees of Rama and general public of country-abroad and the deponent also adheres to the Janmbhumi as a very sacred worship place of Lord Rama.*” (E.T.C.)

“13. यह कि श्रीराम जन्मभूमि परिसर में प्रश्नगत ढाँचा गिरने के पूर्व उत्तर की ओर भी एक प्रवेश द्वार था जिसे सिंह द्वार कहा जाता था। सिंहद्वार के ऊपर बीचो बीच में गरुण देव तथा उनके दोनों तरफ दो सिंह बने हुए थे। सिंहद्वार से अन्दर जाने पर तीन गुम्बद वाले भवन के उत्तर अर्थात् परिसर के उत्तर पश्चिम कोने पर सीता रसोई थी, जहाँ चौका बर्तन, चूल्हा, चरण चिन्ह आदि थे, जिनकी दर्शन पूजन भी दर्शनार्थी करते थे, तथा वहीं हवन कुण्ड भी था।”

“13. *That prior to the demolition of the disputed structure*

within the SriRam Janmbhumi premises, there was an entry gate towards the north east, which was called the 'Singhdwar'. Above the 'Singhdwar' was the 'Garundev' in centre with two lions on both sides. After entry through the 'Singhdwar' there was the Sita Rasoi in the north of the three dome building or to the north east corner of the premises, where there were symbols of kitchen utensils, stove, feet etc., and prayer and worship was offered there by the devotees. A 'Hawan Kund' (prism shaped vessel used in ceremony for offering oblations to the fire God)."
(E.T.C.)

"14. यह कि मध्य वाले गुम्बद के नीचे स्थित स्थल पर ही सनातन धर्मी हिन्दू मतावलम्बियों की प्राचीन परम्परा एवं प्रथा तथा उनकी आस्था एवं विश्वास के अनुसार महाराज दशरथ के पुत्र भगवान श्रीराम का जन्म हुआ था, इसलिए यह स्थल अति पवित्र एवं पूज्य है एवं इसी आस्था एवं विश्वास के आधार पर अनादिकाल से करोड़ों सनातन धर्मी हिन्दू अयोध्या आकर श्रीराम जन्मभूमि स्थल का दर्शन पूजन एवं परिक्रमा करते चले आ रहे हैं। मुख्य प्रवेश द्वार पर एक पत्थर लगा हुआ था, जिस पर "जन्मभूमि नित्य यात्रा" लिखा था।"

"14. That according to ancient traditions, customs, faith and belief of orthodox Hindus, king Dashrath's son Lord Sri Rama was born at the very place below the middle dome, so this place is most sacred and revered and on the basis of this faith and belief from time immemorial crores of orthodox Hindus have been visiting Ayodhya and performing 'Darshan', worship and circumambulation of birthplace of Lord Rama. On the main gate of entry a stone was installed with 'Janmbhumi Nitya Yatra' (daily visit of birthplace) written thereon." (E.T.C.)

"15. यह कि विवादित स्थल के दक्षिण पूर्व कोने पर लगभग 200-300 फुट की दूरी पर दक्षिण पूरब कोने पर "सीता कूप" नामक प्रसिद्ध एवं

पवित्र कूप था, जिसका जल तीर्थयात्री पीते थे और सिर पर रखते थे एवं प्रसाद स्वरूप घर ले जाते थे।” (पेज- 5)

“15. *That at a distance of about 200-300 feet on the south east corner of the disputed site, was a famous and sacred well called Sita ‘Koop’ (well), whose water was drunk and applied on head by the pilgrims and was also taken home by them as blessings.*” (E.T.C.)

“16. यह कि श्रीराम जन्मभूमि परिसर के अन्दर मध्य वाले गुम्बद में काली कसौटी के 12 खम्भे लगे हुए थे, उन पर कलश, फूल-पत्ती, यक्ष – यक्षिणी, घट-पल्लव, देवी-देवताओं की आकृतियों, अमृत कलश एवं स्वास्तिक पत्थर में ही उकेरी गयी थी।”

“16. *That there were 12 black touch stone pillars in the middle dome inside the SriRam Janmbhumi premises and the pictures of ‘Kalash’, flower-leaf, ‘Yaksha-Yakshani’, ‘Ghat-Pallav’, Gods-Goddesses, ‘Amrit Kalash’, ‘Swastik’ had been carved out over the stone.*” (E.T.C.)

“18. यह कि विवादित परिसर जहाँ स्थित है उसके चारो ओर हिन्दुओं के प्रतिष्ठित तमाम मन्दिर हैं जिसमें जन्म स्थान सीता रसोई, कनक भवन, वेद मन्दिर, विश्वामित्र आश्रम, सियापिया केलिकुन्ज, मत्त गजेन्द्र, कोटेश्वर महादेव, राम खजाना मन्दिर, लोमस आश्रम, सुग्रीव किला, गोकुल भवन, रंग महल, लवकुश मन्दिर, वशिष्ठ कुण्ड, कुबेर टीला, ब्रह्मकुण्ड गुरुद्वारा आदि हैं।”

“18. *That the disputed premises is surrounded on all sides by many reputed temples of Hindus including ‘Janmsthan, Sita Rasoi, Kanak Bhawan, Veda temple, Vishwamitra Ashram, Siyapiya Kelikunj, Matt Gajendra, Koteswar Mahadev, Ram Khajana temple, Lomus Ashram, Sugriv Kila, Gokul Bhawan, Rang Mahal, Luv Kush temple, Vashishta Kund, Kuber mound, Brahm Kund, Gurudwara’ etc.*” (E.T.C.)

352. In paragraphs 9 and 19 he has said that Hindus in the

country and abroad, traditionally and culturally, believe and have faith that the disputed site is birthplace of Lord Ram, and, are worshipping the said place accordingly, in para 17 he has said that no Muslim has ever offered any Namaz (Prayer) thereat and atleast from 1934 :

“9. यह कि विवादित स्थल देश विदेश के असंख्य हिन्दुओं द्वारा भगवान श्रीराम चन्द्र की जन्मभूमि के रूप में प्रथागत, परम्परागत आस्था एवं विश्वास से अनादि काल से पूजित होता चला आ रहा है। हिन्दू सनातनधर्मी विवादित स्थल को अपने आराध्य भगवान श्रीराम चन्द्र जी की जन्म स्थली व जन्मभूमि मन्दिर के रूप में पूजते हैं।”

“9. *That out of customary faith and belief, the disputed site has been worshipped by innumerable Hindus since ancient times as the birthplace of Lord SriRamchandra. The orthodox Hindus have worshipped the disputed site as birthplace and Janmbhumi temple of Lord Rama.*” (E.T.C.)

“17. यह कि विवादित परिसर मे कभी कोई मुसलमान नहीं जाता था, और न ही किसी मुसलमान द्वारा वहाँ नमाज पढ़ी जाती थी, मेरी जानकारी के अनुरूप वर्ष 1934 के बाद श्रीराम जन्मभूमि परिसर की तरफ अगर कोई मुसलमान दिखाई पड़ गया तो साधू वैरागी उसे लाठी डण्डा से दौड़कर मारते पीटते थे। भयवश कोई मुसलमान परिसर की ओर नहीं जाता था। तथा 1934 से विवादित स्थल पर कभी नमाज नहीं पढ़ी गई और न ही कोई इस्लाम मजहब का अनुयायी अन्दर गया।”

“17. *That neither any Muslim ever went inside the disputed premises nor offered Namaz there. According to my information if any Muslim was spotted towards the SriRam Janmbhumi premises after the year 1934, he was chased away by the saints- recluses. No Muslim used to go towards the premises out of fear and after 1934 Namaz was never offered at the disputed site and no follower of Islam went inside.*” (E.T.C.)

“19. यह कि मेरे अध्ययन व जानकारी के अनुसार अयोध्या स्थित

विवादित स्थल ही भगवान श्रीराम चन्द्र जी की जन्मभूमि है। अयोध्या में भगवान श्रीराम का जन्म राजा दशरथ के पुत्र के रूप में होना सर्वविदित एवं सर्वमान्य है एवं विवादित स्थल सनातन धर्मी हिन्दुओं द्वारा भगवान श्रीराम की जन्मस्थली के रूप में अनन्तकाल से धार्मिक आस्था, परम्परा, प्रथा एवं विश्वास के अनुसार मान्यता प्राप्त है, जो उसी रूप में अनन्त काल से पूजित होती चली आ रही है। हिन्दू धर्मशास्त्र के अनुसार मूर्ति एवं स्थल समान रूप से पूज्य होते हैं, जिसकी पूजा अर्चना से मनुष्य को मोक्ष की प्राप्ति होती है।”

“19. *That according to my studies and information, the disputed site at Ayodhya is the birthplace of Lord Sri Ramchandra. The birth of Lord Rama as son of king Dashrath is universally known and accepted and since ancient times, the disputed site has been recognized by the orthodox Hindus as the birthplace of Lord Sri Ram on basis of religious faith, custom, tradition and belief. According to Hindu religious books, the idol and place are equally worshipable, by worship of which a person attains ‘Moksha’ (salvation).*” (E.T.C.)

353. In paragraphs 20 to 27 DW2/1-3 he has referred to certain literature claiming that the same referred to the place of birth of Lord Ram at the disputed site and therefrom it can be ascertained that the disputed site is a place of birth of Lord Ram, as under:

‘20. यह कि बाल्मीकि रामायण, अथर्ववेद, यजुर्वेद, स्कन्द पुराण एवं गोस्वामी तुलसीदास जी के साहित्य में अयोध्या में विवादित स्थल पर भगवान श्रीराम के जन्म होने का विवरण मिलता है। तुलसी दास द्वारा रचित तुलसी दोहा शतक में भी बाबर के आदेश पर मीर बाकी द्वारा श्रीराम जन्मभूमि मन्दिर ध्वस्त कर मस्जिद बनवाने का उल्लेख है। गोस्वामी तुलसी दास कृत कवितावली में भी मुगलकालीन शासकों के कुकृत्यों एवं अत्याचार का उल्लेख है तथा उनकी कृति दोहावली में तत्कालीन सामाजिक, राजनैतिक स्थितियों का वर्णन

किया गया है।”

“20. *That in the literature of Valmiki Ramayan, Atharva Veda, Yajur Veda, Skanda Purana and Goswami Tulsidas, description is found about the disputed site in Ayodhya being the birthplace of Lord Sri Rama. Even in the ‘Tulsi Doha Shatak’ of Tulsi Das, there is mention about construction of mosque by Mir Baqi after demolishing the Sri Rama Janmbhumi temple on the command of Babar. The ‘Kavitavali’ composed by Goswami Tulsidas contains references of the excesses and atrocities committed by the Mughal emperors and the ‘Dohawali’ composed by him gives a clear picture of the then social and political situation.*” (E.T.C.)

“21. यह कि बाल्मीकि रामायण हिन्दुओं का अति प्राचीन एवं मान्यता प्राप्त ग्रन्थ है जिसकी रचना भगवान श्रीरामचन्द्र जी के समय की है। बाल्मीकि रामायण के बालकाण्ड के सर्ग 18 में भगवान श्रीराम चन्द्र जी के जन्म का विवरण देते हुए उनके जन्म का समय ऋतु ग्रहण नक्षत्र आदि का महर्षि बाल्मीकि द्वारा वर्णन किया जाता है एवं उसी क्रम में महर्षि बाल्मीकि ने विवादित स्थल को भगवान राम की जन्मस्थली मानते हुए उस स्थल को “सर्वलोक नमस्कृतम्” शब्द से व्यक्त किया है। भगवान श्रीराम की जन्मस्थली के सम्बन्ध में बाल्मीकि रामायण में निम्नलिखित स्पष्ट वर्णन है—

ततो यज्ञे समाप्ते तु ऋतुनां षट् समत्ययुः।

ततश्च द्वादशे मासे चैत्रे नावमिके तिथौ ॥

नक्षत्रेऽदिति दैवत्ये स्वोच्च संस्थेषु पंचसु।

ग्रहेषु कर्कट लग्ने वाक्याताविन्दुना सह ॥

प्रोद्यमाने जगन्नाथं सर्वलोक नमस्कृतम्।

कौशल्या जनपद् रामं दिव्य लक्षण संयुतम् ॥”

“21. *That Valmiki Ramayana is a very old and recognized treatise of the Hindus, composed during the times of Lord Rama. In ‘Sarg’ (chapter) 18 of ‘Balkaand’ of Valmiki Ramayana, Maharshi Valmiki has described the birth of*

Lord Sri Ramchandra along with the relevant time of birth, season, planet position etc. and in that continuation Maharshi Valmiki has referred the disputed site as the birthplace of Lord Rama and has described it by the term 'Sarvlok Namaskritam' (revered by all). The Valmiki Ramayana contains following specific descriptions about the birthplace of Lord Rama:

After conclusion of king Dashrath's 'Putreshti Yagya' (a sacrifice/ceremony for acquiring a son) and on expiry of 6 seasons, on the ninth day of 'Chaitra' 'Shukla Paksh'(moonlit fortnight) in the 12th month thereafter in 'Punarvasu Nakshtra', 'Kark Lagna' when the Sun, Mars, Saturn, Jupiter and Venus all the five planets were in their respective higher place along with Moon were looking, at that time and place. Kaushalya gave birth to Lord Rama, who incarnated with divine virtues at that very place, and is the master of the entire world and revered by all." (E.T.C.)

"22. यह कि भगवान श्रीराम का अयोध्या में महाराजा दशरथ के यहाँ माँ कौशल्या के गर्भ से जन्म, अयोध्या में महाराज दशरथ का राज्य, भगवान राम का राज्याभिषेक, बनगमन आदि का विस्तृत वर्णन करते हुए अयोध्या हिन्दुओं की मुख्य तीर्थ स्थलों के रूप में वर्णित है।"

"22. That describing about the birth of Lord Rama in the palace of king Dashrath at Ayodhya through mother Kaushalya, the kingdom of king Dashrath in Ayodhya, the enthroning of Lord Rama, exile in forest etc., Ayodhya has been described as the main pilgrimage of Hindus." (E.T.C.)

"23. विवादित स्थल भगवान राम के जन्मस्थल के रूप में वर्णित है। धर्मग्रन्थ पूर्व राम तापयोपनिषद व वेद-वेदांगों में भगवान राम के धाम

बिना दानेन तपसा बिना तीर्थैर्बिना मखैः	॥ 20 ॥
नवमीदिवसे प्राप्ते व्रतधारी हि मानवः	
स्नानदानप्रभावेण मुच्यते जन्मबन्धनात्	॥ 21 ॥
कपिलागोसहस्राणि यो ददाति दिनेदिने	
तत्फलं समवाप्नोति जन्मभूमेः प्रदर्शनात्	॥ 22 ॥
आश्रमे वसतां पुंसां तापसानां च यत्फलम्	
राजसूयसहस्राणि प्रतिवर्षाग्निहोत्रतः	॥ 23 ॥
नियमस्थं नरं दृष्ट्वा जन्मस्थाने विशेषतः	
मातापित्रोर्गुरुणां च भक्ति मुद्वहतां सताम्	॥ 24 ॥
तत्फलं समवाप्नोति जन्मभूमेः प्रदर्शनात्	॥ 25 ॥

(Hindi translation of the above Shloka hereunder as appended by the witness himself along with his affidavit)

“सम्पूर्ण कामनाओं की सिद्धि के लिये विधि पूर्वक आदरपूर्वक, तस्यायाः=अयोध्यायाः राम जन्मभूमौ अर्थात् राम जन्मभूमि का आदरपूर्वक पूजन करके दर्शनम् कार्ययम्=दर्शन करना चाहिए। और वहाँ पर=राम जन्मभूमि पर आपि=भी विधिवत् पूजन करने से शुभ अर्थात् पुण्य की प्रदः-प्राप्ति होती है।” (10)

“चैत्र शुक्ल पक्ष नवरात्रि में तृतीया के दिन वर्ष में यात्रा कर्तव्यः=यात्रा करनी चाहिए और सुन्दर प्रयत्नपूर्वक गीत वादन से युक्त होकर इसे मनाना चाहिए। सभी अवसरों पर परमार्थ को प्रदान करने वाले सुख और सन्तान की प्राप्ति के लिए अनेक संगीत वादन और नृत्य पूर्वक मनोहर उत्सव मनाना चाहिए।” (11)

“इस प्रकार उपर्युक्त रीति से कार्य कने पर हमेशा रक्षा होती है इसमें कोई भी सन्देह नहीं है।” (12)

“एतत्=राम जन्मभूमि के पश्चिम दिशा में पिण्डारक इस नाम से ख्यातो=प्रसिद्ध परम पुरुष बीर परम मुनि का स्थान वर्तते=हैं। उस पूजनीय स्थान का गन्ध पुष्प अक्षत आदि से प्रयत्नपूर्वक पूजन करना चाहिए।” (13)

“जिसके पूजन के कारण मनुष्यों के हाथ में सिद्धि प्राप्त हो जाती है। इसलिए उसकी पूजा मनुष्यों को विधि पूर्वक

करना चाहिए।” (14)

“सरयू जल में स्नान करके पिण्डारक की पूजा करनी चाहिए। मतिमंद मोह से ग्रसित पापियों को सदा करना चाहिए।” (15)

“उसकी यात्रा नवरात्रि के पुष्य नक्षत्र में करनी चाहिए। तत्=राम जन्मभूमि के पश्चिम दिशा के भाग में विघ्न को दूर करने वाले श्रीगणेश जी का पूजन करना चाहिए।” (16)

“जिसके दर्शन से मनुष्यों का विघ्न=कष्ट, दुःख थोड़ा भी नहीं रहता इसलिए विघ्नेश्वर सम्पूर्ण कामनाओं के फल को प्रदान करने वाले पूज्यायः=पूज्यनीय हैं।” (17)

“उस स्थान के ईशान कोण पर राम जन्मभूमि है (जहाँ पर इस समय राम लला) विराजमान हैं। इदम्=इसी राम जन्मभूमि को जन्म स्थान=राम जन्मभूमि स्थान के नाम से प्रामृमं—जाना जाता है अथवा उक्त प्रकार से व्यक्त किया गया है जो मूक्षादि फल को देने वाला है।” (18)

“विघ्नेश्वरात्=विघ्न को दूर करने वाले गणेश जी के पूर्व भाग में तथा वशिष्ठकुण्ड के उत्तर भाग में, लोमश के पश्चिम भाग में जन्म स्थानं=जन्मभूमि का स्मृतम्=स्मरण करना चाहिए।” (19)

“जिस राम जन्मभूमि पर विराजमान श्रीराम लला का दर्शन करने के बाद मनुष्य को पुनर्जन्म से मुक्ति मिल जाती है। बिना दान, बिना तपस्या और बिना यज्ञ के ही केवल राम जन्मभूमि के दर्शन मात्र से ही मुक्ति प्राप्त हो जाती है अर्थात् फिर से गर्भ में जन्म नहीं लेना पड़ता।” (20)

“जो मनुष्य नवमी तिथि को व्रत धारण करता है और सरयू में स्नान और अयोध्या में दान करता है उसके प्रभाव से जन्मबन्धन से मुक्ति मिल जाती है।” (21)

“एक हजार कपिला गाय जो प्रतिदिन दान करता है उस दान का जो फल मनुष्य को मिलता है वही फल श्रीराम जन्मभूमि के दर्शन करने से प्राप्त होता है।” (22)

“आश्रम में निवास करने वाले मनुष्यों को और तपस्वियों को जो फल प्राप्त होता है, एक हजार राजसूय यज्ञ करने वालों को और प्रति वर्ष अग्निहोत्र में हवन करने वालों को वो फल प्राप्त होता है।” (23)

“नियम में स्थित रहकर जो मनुष्य विशेष रूप से जन्मस्थाने=श्रीराम जन्मभूमि पर स्थित राम जी के दर्शन से प्राप्त होता है। माता-पिता गुरुओं और सज्जनों की भक्तिपूर्वक सेवा करने से जो फल प्राप्त होता है वहीं फल रामजन्मभूमि के दर्शन से प्राप्त होता है।” (24)

“वही फल श्रीराम जन्मभूमि का एवं श्रीरामजन्मभूमि में विराजमान भगवान रामलला के दर्शन से प्राप्त होता है।” (25)

(English Translation)

"24- That the importance of Ayodhya has been mentioned in 'Vaishnava' part of 'Skanda Purana', famous treatise of Hindus, wherein categorical descriptions are contained about Lord Rama's birthplace. The relevant verses of 'Vaishanava' part relating to importance of Ayodhya, are as under:

“For fulfillment of all desires, we should have Darshan of Ayodhya-situated Ram Janam Bhumi worshipping it duly and respectfully. By duly worshipping Ram Janam Bhumi located there we can attain good results.” (10)

“On the third day of Chaitra Shukla Navaratri we should make a kartavya yatra (journey of duties) and should celebrate it singing and playing instruments in a beautiful manner and with efforts. On all the occasions we should observe several fascinating celebrations coupled with singing, playing instruments and

dancing, for attainment of great bliss and also of children.” (11)

“In this manner, a man is always protected by working in the afore-said manner. There is no doubt in it.” (12)

“On the west of Ram Janam Bhumi lies a place of Pindara, a famous and great sage and great human being. We should worship this adorable place with scent, flowers, rice-grains, etc.” (13)

“Due to that worship human beings can attain Siddhi(accomplishment). Hence, human beings should duly worship it.” (14)

“After taking a dip in the water of Saryu one should worship Pindarak. The sinners suffering from weak understanding and from attachment should always do the said worship.” (15)

“Journey to it should be done in the Pushpa Nakshatra of Navratri. In the west part of Ram Janam Bhumi, we should worship Ganesha Ji, remover of obstacles.” (16)

“As a result of whose darshan human beings do not have any obstacle and pain, even a little sorrow such Vighneshwar is worthy of worship as provider of results of all desires.” (17)

“On the north-east of that place lies Ram Janam Bhumi (where at present Ram Lala is presiding). The same Ram Janam Bhumi is known as Ram Janam Bhumi Sthan or expressed in the said manner and it is a

provider of liberation, etc.” (18)

“We should remember Janam Bhumi as located in the east part of 'Ganesha Ji' , remover of obstacles, and in the north part of Vashishtha Kunda and in the west part of Lomash.” (19)

“After having darshan of Sri Ram Lala presiding at that very Ram Janam Bhumi one is liberated from rebirth. Even without making any gift, without practising austerities and without making sacrifices, one attains liberation only with darshan of Ram Janam Bhumi, that is to say, one does not have to take birth from mother's womb again.” (20)

“One who keeps fast on the ninth day, has a dip in Saryu and offers gifts in Ayodhya, gets liberated from the bondage of birth.” (21)

“The darshan of Sri Ram Janam Bhumi provides the same results that a man may have by gifting one thousand Kapila cows everyday.” (22)

“The result that hermits and ascetics residing in Ashrams have, is the same that people have on performing one thousand Rajsuya Yajnas have and on offering 'havans' in fire-pits.” (23)

“From the darshan of Ram Janam Bhumi one may get the same results as one may get from having darshan of Ram Ji particularly at Sri Ram Janam Bhumi or from rendering

dedicated service to parents, teachers and gentle persons.” (24)

“One may get the same results from darshan of Lord Ram Lala presiding at Sri Ram Janam Bhumi.” (25)

(E.T.C)

“25. यह कि अथर्ववेद में अयोध्या को देवी देवताओं की पुरी के रूप में संबोधित किया गया है जो निम्न प्रकार से है:—

“पुरं यो ब्रह्मणो वेद यस्याः पुरुष उच्यते । 28 ।

यो वै तां ब्रह्मणो वेदामृते पावृतां पुरम्

तस्मै ब्रह्मास्त्रं चक्षुः प्राणम् प्रजां ददुः । 29 ।

न वै तं चक्षुर्जहाति न प्राणोजरसः पुरा

पुरं यो ब्रह्मणो वेद यस्याः पुरुष उच्यते । 30 ।

अष्टचक्रा नवद्वारा देवानां पुरीयोध्या

तस्यां हिरण्ययः कोशः स्वर्गो ज्योतिषावृतः । 31 ।”

(Hindi translation of the above Shloka hereunder as appended by the witness himself alongwith his affidavit)

“उस ब्रह्म पुर को जिस ब्रह्म पुर में ब्रह्म शयन् करते हैं अर्थात् उस अयोध्यापुरी में जिसमें श्रीराम निवास करते हैं। वह पुरुषार्थ के भागी होते हैं।” (28)

“जो ब्रह्मपुर अर्थात्—अयोध्यापुर वेदों में जाना जाता है वह पुरी अमृत से आवृत है=परिपूर्ण है। वैदिक देवता उसे चक्षु प्राण, प्रजा अर्थात् सन्तान प्रदान करते हैं।” (29)

“ब्रह्मपुर अयोध्या को जानता है उसको भी चक्षु एवं ज्ञान—विज्ञान नहीं त्यागते अति वृद्धावस्था के पूर्व प्राण उसको नहीं त्यागते जिसके कारण ब्रह्म पुरुष हो जाता है अर्थात् उस पुर को=अयोध्या को जानने वाला तथा उस अयोध्या के पुरुष श्रीराम को जानने वाला चक्षुस्मान दीर्घायु एवं प्रजावान होता है।” (30)

“जो आठ चक्रों से युक्त नौ द्वारों वाली देवादिदेव भगवान राम की अयोध्या पुरी है उस अयोध्यापुरी में वह स्वर्णमय शेषागार जहाँ ज्योति से सम्पन्न भगवान श्रीराम प्रथम बार

बालक बनकर पधारे थे उस मंत्र में हिरण्यमयः कोशः स्वर्गः शब्द से भगवान श्रीराम के जन्मभूमि का स्पष्ट संकेत किया गया है। इस मंत्र में हिरण्यः कोशः स्वर्गः इन तीन शब्दों से भगवान श्रीराम लला की जन्मभूमि का स्पष्ट संकेत है।”

(31)

“25. That Atharva Veda addresses male and female deities of Ayodhya as 'Puri' in the following manner:-

“People living in that Brahmapur where Brahma takes rest, that is to say, those living in Ayodhyapuri where Sri Rama resides, attain 'prusharthas'(objectives of life).”

(28)

“The Brahmapur, that is, Ayodhya Pur, known in the Vedas, is filled with nectar. The Vedic deities provide eyes, souls and subjects, that is, progenies.”

(29)

“One who knows Brahmapur, that is, Ayodhya does not lose eyes and knowledge – special knowledge. Such a person does not lose his soul before getting extremely old due to which he becomes a Brahma-Purush. That is to say, such a person – knower of Ayodhya or knower of Ayodhya's Purush Sri Rama – is blessed with eyes, long life and subjects/progenies.”

(30)

“With eight wheels and nine gateways, there is Ayodhyapuri of the most revered deity of deities, Lord Rama, which has a 'Sheshagaar' of gold, where Sri Rama, scintillating with light, appeared as a child for the first time. The words "Hiranyamay krodhah swargah" occurring in that hymn, clearly points to the

birthplace of Lord Sri Rama. These three words "Hiranyamay krodhah swargah" in the hymn, clearly refers to the birthplace of Sri Ram Lala."

(31)

(E.T.C)

"26. यह कि हिन्दू धर्म के प्रसिद्ध ग्रन्थ "रुद्रयामल" के अध्याया 30 श्लोक 54 में अयोध्या पुरी को सप्त प्रमुख पुरी के रूप में वर्णित करते हुए अयोध्या को सभी तीर्थों का मस्तक कहा गया है तथा "वशिष्ठ संहिता" नामक प्रसिद्ध धर्म ग्रन्थ में 'अयोध्या नगरी नित्या सच्चिदानन्दरूपिणी' के सम्बोधन के द्वारा साक्षात् सतचित आनन्द रूपी भगवान का स्वरूप एवं विग्रह रूप में परिभाषित करते हुए अयोध्या को गो लोक एवं वैकुण्ठ से भी अधिक प्रतिष्ठित माना गया है। इसी प्रकार का विवरण गोस्वामी तुलसीदास कृत रामचरित मानस में भी है।"

"26. That the famous treatise of Hinduism titled "Rudryamal" in verse 54 of chapter 30 depicts Ayodhyapuri as one of the seven main 'puris' (towns) and terms it as the head of all sites of pilgrimage. In the famous religious treatise titled "Vashishtha Samhita", Ayodhya Nagari is addressed as 'Nitya Sachchidanand-rupini' and is defined as the form and individual shape of God, a manifestation of existence, consciousness and bliss, and is regarded as more revered than even 'Go Lok' and 'Vaikuntha'(abodes of God). The same type of description also occurs in the Ram Charit Manas composed by Goswami Tulsidas." (E.T.C.)

"27. यह कि 'रुद्रयामल' हिन्दुओं का अति प्राचीन आध्यात्मिक धर्म ग्रन्थ है जिसमें विवादित स्थल को भगवान श्रीराम की जन्मभूमि को स्पष्ट रूप से वर्णन किया गया है तथा इसी ग्रन्थ में अयोध्या को भगवान वासुदेव, ब्रह्माजी व रुद्र का रूप माना गया है। उक्त ग्रन्थ की संगत पंक्तियों निम्न प्रकार हैं:

अकारो वासुदेवस्यात् यकारस्य ते प्रजापतिः

ऊँकारो रुद्र रूपस्य तु, ताम ध्यायन्ति मुनीश्वरः । ”

(Hindi translation of the above Shloka hereunder as appended by the witness himself alongwith his affidavit)

“इस श्लोक में अयोध्या शब्द का अर्थ बताया गया है। अकार, यकार, ऊँकार और ध्या की व्याख्या है। अकार=वासुदेव, वासुदेव=राम कण-कण में निवास करने वाले राम। यकार का अर्थ प्रजापति ब्रह्मा से है और ऊँकार का अर्थ रुद्र रूप से है=शंकर रूप से है तथा ध्या शब्द का अर्थ मुनीश्वर लोग इन तीनों देवताओं का ध्यान करते हैं अर्थात् इसका भावार्थ यह है कि अयोध्या=ब्रह्मा, विष्णु, महेश तीनों का रूप जिसे मुनीश्वर लोग=साधू, संत महात्मा लोग अयोध्या में सदा इन तीनों देवताओं का ध्यान करते रहते हैं।”

“27. That 'Rudryamal' is a very ancient spiritual religious treatise of Hindus which clearly depicts the birth place of Lord Sri Rama at the disputed site and this very treatise regards Ayodhya as the form of Lord Vasudeva, Brahma Ji and Rudra. The relevant lines of the said treatise are as follows:

“This verse gives the meaning of the word Ayodhya. it explains 'Akar, Yakar, Omkar, and Dhya'. Akar stands for 'Vasudeva', that is, Vasudeva-Rama who pervades every atom. Yakar means Brahma, creator of the world, and Omkar means Rudra, i.e. Shankara, and Dya stands for sages who meditate about these Trinities. That is to say, it means that Ayodhya is the manifestation of Trinities-Brahma, Vishnu and Mahesh-whom sages, ascetics and saints keep meditating about these Trinities in Ayodhya.” (E.T.C.)

354. He claims in para 28 of the affidavit that Muslims and

Hindus both live together cordially in Ayodhya and Faizabad, and local Muslims except of a very few believe that the disputed site is the birthplace of Lord Ram and in support thereto has referred to the response given by some of Muslims in Section 145 Cr.P.C. proceedings initiated in 1949. Further in para 30 he says that neither the disputed site had any characteristics or requirement necessary for making it a mosque nor the Muslims in general treat it as such and since time immemorial it is most pious place of Hindus worshipped as birthplace of Lord Ram. Paragraphs 28 and 30 of the affidavit reads as under:

“28 यह कि अयोध्या फैजाबाद में स्थानीय तौर पर सदैव से साम्प्रदायिक सद्भाव रहा है तथा दोनों वर्गों में परस्पर सहयोग तथा मधुर सम्बन्ध रहे हैं तथा आज भी दोनों वर्गों में अत्यधिक सौहार्द है। स्थानीय मुसलमान (केवल कुछ गिने चुने निहित स्वार्थी कट्टरपन्थी मुसलमानों को छोड़कर) विवादित स्थल को हिन्दुओं के आराध्य भगवान श्रीराम की जन्मभूमि मानते हैं तथा विवादित स्थल को मस्जिद के रूप में कभी मानने को तैयार नहीं हैं।”

“28. *That communal harmony has always prevailed at local level in Ayodhya, Faizabad and the relations between both the communities have always remained cordial and cooperative and even today, there is great harmony between the two communities. Local Muslims (except for few orthodox Muslims with vested interests) consider the disputed site to be the birthplace of Lord Rama, the ideal deity of Hindus and are not prepared to treat the disputed site as a mosque.*” (E.T.C.)

“30. यह कि शपथकर्ता के अब तक के सामाजिक, धार्मिक, राजनीतिक जीवन में तमाम इस्लाम मजहब के अनुयायी, उनके उलेमाओं तथा विद्वानों से बातचीत हुयी। वे सब लोग विवादित स्थल को इबादत गृह के रूप में स्वीकार नहीं करते उनका यह भी मानना है कि मस्जिद में मीनार व वजू के लिए समुचित व्यवस्था होना आवश्यक है। विवादित स्थल पर स्थित ढाँचा में न तो मीनारें थी, और न ही वजू की कोई व्यवस्था थी। विवादित

स्थल भगवान श्रीराम की जन्मभूमि है जो धर्म शास्त्रों जनश्रुतियों प्रथाओं आदि के आधार पर प्रमाणित है तथा अनादि काल से उस स्थान को भगवान श्रीराम की जन्मभूमि के रूप में पूजित किया जाता चला आ रहा है।”

“30. That in the till date social, religious and political career of the deponent, he had discussions with a number of followers of Islam, their Ulemas and scholars. They all do not accept the disputed site as ‘Ibadatgah’ (Muslim place of worship). It is also their belief that a mosque must have minarets and proper arrangement for Wazoo. In the disputed structure over the site, neither there were any minarets nor any arrangement for Wazoo. The disputed site is the birthplace of Lord Rama which is proved by scriptures, hearsay, traditions etc. and from time immemorial that place has been continuously worshipped as the birthplace of Lord Rama.” (E.T.C.)

355. DW 3/1, Mahant Bhaskar Das, 75 years of age (as per affidavit dated 29.08.2003), He was cross examined in the following manner :

- (a) 29.08.2003- by Ramesh Chandra Tripathi, defendant no. 17 and Umesh Chandra Pandey, defendant no. 22 (Suit-4) through Sri Vireshwar Dwivedi, Advocate (p. 30-35)
- (b) 01.09.2003- by plaintiffs (Suit-5) through Sri Ved Prakash, Advocate (p. 36-44)
- (c) 01.09.2003- by Ramjanam Bhumi Punruddhar Samiti, defendant no. 20, through Km. Ranjana Agnihotri, Advocate (p. 44-47)
- (d) 01/02.09.2003- by defendant no. 11 through Sri Abdul Mannan, Advocate (p. 47-58)
- (e) 02/03/04/05/08/09/10/11/12/15/16/17/18.09.2003- by

Sunni Central Board of Waqf, defendant no. 9, through Sri Zafaryab Jilani, Advocate (p. 58-234)

(f) 18/19/22.09.2003- by plaintiff no. 7 (Suit-4) and defendant no. 5 (Suit-5) Mohd Hashim through Sri Mustaq Ahmad Siddiqui, Advocate (p. 234-268)

(g) 22.09.2003- defendants no. 6/1 through Sri Irfan Ahmad, Advocate and and defendant no. 6/2 through Sri Fazale Alam, Advocate adopted the cross examination already done by Sri Abdul Manna, Sri Zafaryab Jilani and Sri Mustaq Ahmad Siddiqui, Advocates (p. 268)

356. He is resident of Hanumangarhi Naka Muzaffara, Pargana Haveli Awadh, District Faizabad. He is Sarpanch of Sri Manch Ramanandiya Nirmohi Akhara, Ram Ghat, Ayodhya, plaintiff (Suit-3). Para 2, 5, 6, 7, 13, 14, 40, 41, 42, 43, 44, 56 and 75 of the affidavit basically relates to the details of Nirmohi Akhara, about its formation, constitution, tenets, traditions of working, property it possess etc. and, therefore, shall be referred separately while considering the relevant issue no.17 (Suit-3) pertaining to the constitution and status of Nirmohi Akhara.

357. He (DW 3/1) came to Ayodhya in 1946 at Hanuman Garhi. At that time Sri Baldev Das was Mahant of hanuman Garhi and Panch Nirmohi Akhara Ramghat, Ayodhya. He was also priest of Sri Ramjanambhumi, Ayodhya. He became pupil of Mahant Baldev Das after performing Manch Sanskar. He claim that the disputed premises is believed to be the birthplace of Lord Ram throughout the world and said :

8. विवादित मंदिर, प्राचीन नाम रामजन्मस्थान रहा। शुरु में इसी नाम से प्रचलित रही है, लेकिन सामान्यतः पूरे संसार में रामजन्मभूमि के नाम से प्रसिद्ध है। रामजन्मभूमि का वैदिक व सनातन महत्व हिन्दू धर्म के अनुसार इसलिए बहुत ज्यादा है कि विष्णु अवतार भगवान रामचन्द्र का जन्म व अवतार इसी स्थल पर हुआ। इस आस्था का प्रमाण मुझे बाल्मीकि रामायण,

स्कन्द पुराण, रुद्रयामल, तुलसीकृत रामचरितमानस और विभिन्न ऐतिहासिक व साहित्यिक ग्रन्थों में है, जिसका विवरण आगे दूँगा।”

“8. *The ancient name of the disputed temple was Ramjanmsthan. Initially it was famous by this name, but usually is famous as Ramjanmbhumi in the whole world. The Vedic and Sanatan importance of Ramjanmbhumi is even more on the ground that Vishnu incarnate Lord Ramchandra had been born or descended at this place. The evidence of this belief has been found by me in Valmiki Ramayana, Skand Purana, Rudrayamal, Tulsidas composed Ramcharit Manas and other historical and literary works, which shall be referred by me later.*”
(E.T.C.)

358. The Ramjanambhumi Temple and the premises was in possession and ownership of plaintiff, Nirmohi Akhara and in paras 9, 15, 16, 29, 30, 31, 32 and 35 DW 3/1 has said as under:

‘9. मुख्य व रामलला, लक्ष्मणजी, हनुमानजी, सालिगराम भगवान विवादित मंदिर श्रीराम जन्मभूमि व उसके इर्द-गिर्द जितने छोटे-बड़े मंदिर व धार्मिक स्थल हैं, जैसे-छठी पूजा स्थल, रामचबूतरा मंदिर स्थान, षष्ठमुखी शंकर भगवान, गणेशजी, सीताकूप मंदिर, गुफा मंदिर, सुमित्रा मंदिर, लोमस समाधि आदि जितनी जायदाद हैं, ये सब मिल्कियत वादी निर्मोही अखाड़ा है और उसके कब्जे व इन्तजाम में कई सौ साल पहले से कुर्की और अधिग्रहण के समय तक बराबर रही है बहैसियत सर्वराकार महन्त निर्मोही अखाड़ा पंचों की राय से देखते रहे हैं। इस मंदिर में विराजमान भगवान रामलला के प्राण-प्रतिष्ठा, मानव स्मृति के पहले निर्मोही अखाड़े के किसी महन्त ने कराई थी, और ऐसे ही रामचबूतरे पर भगवान रामलला की मानव स्मृति के पहले निर्मोही अखाड़े के किसी महन्त ने रामचबूतरे पर भी प्राण-प्रतिष्ठा कराई थी। वह भी वैदिक रीति से हुई थी। और इसी प्रकार छठी स्थल पर चारों भाइयों की चरण-चिन्ह की प्रतिष्ठा मानव स्मृति के पहले निर्मोही अखाड़े के किसी महन्त ने कराई थी।”

“9. *The main disputed Sri Ramjanmbhumi temple,*

Ramlala, Laxman ji, Hanuman ji, Saligram, all the big-small temples and religious places in the vicinity viz. Chhathi worship place, Ramchabutara temple, six faced Lord Shankar, Ganesh ji, Sitakooop temple, cave temple, Sumitra temple, Lomash Samadhi etc., were all the ownership of plaintiff Nirmohi Akhara and till the attachment and acquisition it has been under its control and management for hundreds of years in the capacity of Sarvrakar Mahant Nirmohi Akhara on advice of Panch. The 'Pran Pratishtha' of Lord Ramlala present in this temple, had been carried out by some Mahant of Nirmohi Akhara in period beyond human memory. Similarly, the 'Pran Pratishtha' of Lord Ramlala at Ramchabutara had been carried out by some Mahant of Nirmohi Akhara in period beyond human memory. It had also been carried out as per Vedic rites. Similarly, the 'Pratishtha' of footmarks of the four brothers at Chhathi place had been carried out by some Mahant of Nirmohi Akhara in period beyond human memory." (E.T.C.)

'15. 10 मार्च, 1949 के दस्तावेज में मंदिर रामजन्मभूमि का पूरा विवरण दिया गया है।

1. एकदम बाहरी दीवाल लगभग 135-140 फिट होगी। बीचोबीच में गेट है।
2. सीखचे वाली दीवाल भी लगभग 100 फिट लम्बी है।
3. सीखचे वाली पूर्वी दीवाल में दो दरवाजा रहे हैं।
4. दोनों दरवाजे बराबर थे, जो आपस में 90 या 92 फिट के फासले पर थे।"

"15. In the record dated 10th March, 1949, the complete description of Ramjanmbhumi temple has been given.

1. The immediate outer wall would be about 135-140 feet. There is a gate at the centre.

2. *The grill wall is also about 100 feet long.*

3. *There were two gates in the eastern grill wall.*

4. *Both the gates were equal at a distance of about 90 or 92 feet from each other.” (E.T.C.)*

‘16. मुख्य मंदिर के सामने सहन है सीखचे वाली दीवाल है और उसके बाद बाहरी भाग में रामचबूतरा मंदिर दक्षिण पूर्व कोने पर हाते के अन्दर शिव दरबार पीपल के पेड़ के नीचे स्थित है, और छठी स्थल सीखचे वाली दीवाल के उत्तर है। बाहरी भाग में सीखचे वाली दीवाल के पूर्व रामचबूतरा मंदिर के उत्तर निर्मोही अखाड़े का कोठार व भण्डार है व साधुओं के रहने के स्थान थे। भीतरी व बाहरी भाग सदैव निर्मोही अखाड़े के कब्जे में रहा है। बाहरी भाग में उत्तरी दीवाल है जो लगभग 2 फुट चौड़ी है बाहरी और भीतरी भाग में प्रवेश के लिए पहला दरवाजा उत्तर तरफ सिंहद्वार कहलाता है सिंहद्वार से थोड़ा उत्तर पूर्व हटकर सीढ़ियां बनी थीं। इसके अलावा भीतरी-बाहरी भाग का एकदम बाहर से कोई दरवाजा नहीं है। विवादित मंदिर के पीछे परिक्रमा मार्ग है, जो लगभग 5 या 6 फिट चौड़ा है। परिक्रमा मार्ग के पश्चिम व थोड़ी दूर दक्षिण ढाई तीन फुट उँची एक फुट चौड़ी मुंडेरी बनी थी। मुंडेरी से पश्चिम 25 से 30 फिट का दुकान है। उत्तर दरवाजा टिन का था जो कि अक्सर बन्द रहता था अयोध्या में प्रसिद्ध तीन मेला चैत्र राम नवमी के दिन कार्तिक पूर्णिमा व परिक्रमा में लगभग 15 दिन और सावन झूला में 15 दिन दर्शनार्थी बढ़ने के कारण खोला जाता था। पूर्व दरवाजे में फाटक नहीं था वह खुला रहता था। लेकिन उस दरवाजे से भी केवल हिन्दू दर्शनार्थी ही प्रवेश पाते थे क्योंकि रामजन्मभूमि की नित्य यात्रा होती है जिसमें दर्शनार्थी आते-जाते थे। रंगीन एलबम चित्र नं० 69.70 छट्ठी पूजा बेलना, 104 से 108, से 114 तक कसौटी पत्थर है, से 127 तक तथा 136 से 138 से 144 तक तथा 144 से 147 तक, 152 व 156 खम्भा कसौटी मय घण्टा टंगा है। 160 से 162 तक कसौटी खम्भा है। 181 से 186 कसौटी खम्भा मयचित्र के 187 से 198 मय चित्र के, 193 से 200 तक खम्भा पूर्व वाले दरवाजे के अगल-बगल कसौटी पत्थर के दो खम्भे लगे थे।”

“16. *Opposite the main temple, is the courtyard, the grill wall and thereafter is the Ramchabutara temple in the south east corner of the outer part and the Shiv Darbar is*

situated below the Pipal tree inside the premises. The Chhathi place is to the north of grill wall. The granary and store room and saints' accommodation of Nirmohi Akhara is situated in north of the Ramchabutara temple to east of the grill wall in the outer part. The inner and outer part always remained in possession of Nirmohi Akhara. In the outer part, is the northern wall which is 2 feet wide. The first gate in the north for entering the inner and outer part, is called Singhdwar. There were steps a bit away from the Singhdwar in the north east. Apart from this there was no immediate gate from outside leading to the inner-outer part. Behind the disputed temple, is the circumambulation path about 5-6 feet wide. To the west of the circumambulation path and at a short distance in south, there was a 2 ½ – 3 feet high and 1 foot wide 'Munderi'. There was a shop at a distance of 25-30 feet to the west of the 'Munderi'. The northern gate was of tin, which mostly remained closed and was opened due to increase in number of devotees on the occasion of three main fairs of Ayodhya viz. 'Chaitra Ramnavami', for 15 days during Kartik Purnima and circumambulation and 15 days during Sawan Jhula. There was no door in the eastern gate and it remained open. However, the Hindu devotees entered through that gate as well because devotees used to visit on occasion of 'Nitya Yatra' of the Ramjanmbhumi. The photograph nos. 66, 70 of the coloured album are 'Chhathi Puja Belna', nos. 104 to 108, to 114 are touchstones, and the touchstone pillar with gong is from (-) to 127, from 136 to 138, to 144 and from 144 to 147, 152 and 156. The touchstone pillar is from 160 to 162. From 181 to 186

touchstone pillar along with picture from 187 to 198 along with picture, pillar from 193 to 200. On sides of the eastern gate were two pillars of touchstone.” (E.T.C.)

“29. रामचबूतरा के उत्तर बाहरी भाग में हाते के अन्दर टिनशेड डालकर बाहरी दीवाल से सटे कोठार निवास, धूनी व जल पिलाने के लिए बना हुआ था जो प्राचीनकाल से कायम चला आ रहा था मेरे वहां जाने से पहले से कायम था, यह बात मुझे मेरे गुरुजी ने बताई थी।”

“29. In the northern outer part of Ramchabutara, the granary, accommodation, smoke-fire and watering place existed inside the premises by putting a tin shed, which existed since ancient times. It was there before I visited that place, and this was told to me by my master.” (E.T.C.)

“30. अन्दर वाले भाग में गर्भगृह है, जिसमें ऊपर तीन शिखर बने थे, जो गोल थे, मंदिर में गोल शिखर भी होते हैं और भीतरी भाग के बाहर अन्दरुनी सहन में सीखचे वाली दीवाल तीन तरफ हैं। उत्तर और पूर्व पूरी हैं। लेकिन दक्षिण तरफ थोड़ा सीखचे वाला बाकी दीवाल से बन्द हैं। सीखचे वाली दीवाल से गर्भगृह जाने के लिए सीखचे वाली उत्तरी दीवाल के उत्तर छठी पूजन स्थल है जो पहले बयान कर चुका हूँ। जो मेरे वहां जाने के पहले से है, जिसको मेरे गुरुजी ने बताया है।”

“30. The 'Garbh-grih' existed in the inner part, over which there were three domes round in shape. Round domes are found in temples as well. The grill wall exists on three sides in the inner courtyard outside the inner part. However, the southern direction is bounded a bit by the grill wall and rest by wall. As already stated, the 'Chhathi' worship place is to the north of the northern grill wall leading to the 'Garbh-grih'. It existed there prior to my visit, and was told to me by my master.” (E.T.C.)

‘31. जब कुर्की की कार्यवाही हुई तो 145 का मुकदमा मेरे गुरु बाबा बल्देव दास जी निर्मोही अखाड़ा की तरफ से पैरवी करते थे, मैं भी बराबर

साथ जाता था और फर्द बनी कुर्की की मय दो अष्टधातु की भगवान रामलला एक बड़ी एवं एक छोटी छः भगवान सालिक राम, चॉदी के सिंहासन पर दो फिट ऊँचे पर विराजमान थे। एक मूर्ति हनुमान जी की पाषाण की है, दो चित्र पर रामजानकी, एक छोटी फोटो बद्रीनाथ, एक छोटी फोटो रामजानकी की, इसके अलावा पार्षद भगवान के वस्त्र और जेवरात हैं। कुर्की मात्र भूगर्भ वाले भाग व भीतरी भाग का हुआ जिसकी फर्द में चौहद्दी निम्नलिखित तौर पर है। उत्तर हाता, छट्टी चरण चिन्ह निर्मोही अखाड़ा, दक्षिण परती जमीन परिक्रमा मार्ग, पूरब चबूतरा मंदिर रामजी बाकब्जा निर्मोही अखाड़ा, पश्चिम परिक्रमा। इस कुर्की में मंदिर पूजन छठी पूजन स्थल, मंदिर रामचबूतरा, कोठार संत निवास, षष्टमुखी भगवान यानी हाते के अन्दर का समस्त बाहरी भाग कुर्की में नहीं था। ये समस्त हाते के अन्दर का बाहरी भाग यानी रामचबूतरा छठी पूजन स्थल, कोठार भण्डार, षष्टमुखी भगवान निर्मोही अखाड़ा के कब्जे में चिरकाल से चला आ रहा था।”

“31. *At time of the attachment, the case under section 145 was being pursued by my master Baba Baldev Das on behalf of Nirmohi Akhara. I always accompanied him . A memo of attachment was prepared which included two, one big and one small Ashtadhatu idol of Lord Ramlala, six Salikram present over two feet tall silver throne, one stone idol of Hanuman ji, two photographs of Ram Janki, one small photograph of Badrinath, one small of Ram Janki and attire and jewellery of Parshad Bhagwan. The attachment was carried out only of the ground part and inner part, whose boundary was given in the memo as under. North-courtyard, Chhathi footmark Nirmohi Akhara, South-vacant land, circumambulation path, East-Chabutara temple of Rama ji under possession of Nirmohi Akhara, West- circumambulation. The temple worship, Chhathi worship place, Ramchabutara temple, granary, saints' accommodation, six faced deity i.e. the*

complete outer part inside the courtyard was not included in this attachment. All this i.e. the entire outer part inside the courtyard viz. Ramchabutara, Chhathi worship place, granary, store, six faced deity had been in possession of Nirmohi Akhara since time immemorial.” (E.T.C.)

“32. निर्मोही अखाड़े की रीति रिवाज के अनुसार अखाड़े के पंच भी जन्मभूमि मंदिर के इर्द गिर्द अपने छोटे-छोटे मंदिर बनाकर तथा ऋषियों के नाम पर समाधि कायम करके रहते थे। जिसमें से सुमित्रा भवन, सीताकूप मंदिर, रामलला मंदिर, सालिक राम मंदिर आदि कायम चले आ रहे थे।”

“32. According to customs of Nirmohi Akhara, the Panch of Akhara also used to live near the Janmbhumi temple by building small temples and establishing ‘Samadhis’ in the names of ‘Rishis’ (ascetics), out of which Sumitra Bhawan, Sitakoop temple, Ramlala temple, Salik Ram temple continued to exist.” (E.T.C.)

“35. श्रीराम जन्मभूमि के पूर्वी दरवाजे के दर्शनार्थियों को फल-फूल, बताशे आदि चढ़ाने का ठेका सालाना होता था। जो काम चिरकाल से निर्मोही अखाड़े के पहले के महन्थान करते चले आ रहे थे और ठेका लेने वालो से इकरारनामा लिखा लेते थे और सीताकूप से यात्रियों/दर्शनार्थियों को पवित्र जल, पिलाने के लिए ब्राह्मणों को ठेका दिया जाता था। जिसका महसूल महन्त अखाड़ा लिया करते थे। जितने बचे हुए उपलब्ध इकरारनामे थे जिनको मैंने दाखिल किया है और बहुत से कागजात लूट लिये गये थे जिनकी रिपोर्ट हुई थी।”

“35. The contract of offering flower-fruits, sweets etc. of the devotees of the eastern gate of Sri Ramjanmbhumi, was given on annual basis and since time immemorial this work had been done by the earlier Mahants of Nirmohi Akhara and the contractors were required to execute an agreement. The contract to provide holy water to the visitors/devotees from the Sita Koop, was given to the

Brahmans and its consideration was received by the Mahant. The available agreements have been filed by me and many have been looted away, whose report had been lodged.” (E.T.C.)

359. DW 3/1 denied user of premises in dispute inside or outside the courtyard by Mislms as mosque, tried to prove photographs as that of disputed premises, admits of being prosecuted in 1950 on the charge of destruction of certain graveyards but acquitted in appeal, was doing pairavi on behalf of Nirmohi Akhara in the proceedings initiated under Section 145 Cr.P.C. In paras 77, 78 and 81 he specifically said further about the possession and ownership of Nirmohi Akhara at the disputed premises as under:

“77. भगवान रामलला विराजमान मुख्य मंदिर श्रीराम जन्मभूमि का सेवयति अधिकार निर्मोही अखाड़ा पंचायती मठ का सदैव से रहा है और सदैव बतौर सर्वराकार निर्मोही अखाड़ा द्वारा महन्त अखाड़ा, मसविरा पंचान अखाड़ा, भगवान की सेवा पूजा, राजभोग, उत्सव समैया रामानन्दीय वैरागी सम्प्रदाय के परम्परा के रीति-रिवाज जो प्रचलित है, कुर्की की तारीख 29. 12.1949 तक करती आयी है। और बाहरी भाग यानी कुर्कशुदा भीतरी भाग के पूर्व-उत्तर व दक्षिणी भाग अन्दर बाहरी चहारदीवारी में रामचबूतरा मंदिर में विराजमान भगवान रामलला व दीगर देवतान का पूजा-पाठ भी निर्मोही अखाड़ा बमौजिब रामानन्दीय वैरागी सम्प्रदाय महन्त अखाड़ा द्वारा व मसविरा पंचान अखाड़ा व पुजारी दूसरी कुर्की फरवरी 1982 तक करते चले आये हैं और बाहरी परिसर का इन्तजाम भण्डारगृह, संत निवास सभी का देखभात निर्मोही अखाड़ा ही करता रहा है।”

“77. *The Sewait right of Sri Ramjanmbhumi temple with Lord Ramlala present, has always been vested in Nirmohi Akhara Panchayati Math and the Mahant Akhara, Masvira Panchan Akhara, worship of God, Rajbhog, Samaiya festival were all performed by Nirmohi Akhara as ‘Sarvarakar’ as per the Ramanand recluse sect till the date*

of attachment i.e. 29.12.1949. The worship of Lord Ramlala present over the Ramchabutara inside the outer boundary in east-north and south of the inner part of the attached portion or the outer part, and other deities was carried out by the Nirmohi Akhara through Ramanand Recluse sect Mahant Akhara and on advice of Panch of Akhara and priests, till the second attachment in 1982 and the management of the outer premises, store room, saints' accommodation was all carried out by Nirmohi Akhara.”
(E.T.C.)

“78. छट्ठी पूजन स्थल व शिव दरबार का इन्तजाम देखभाल निर्मोही अखाड़ा करता रहा है। जो कि फरवरी 1982 तक किया है। हमेशा से निर्मोही अखाड़ा अपने पंच, पुजारी व साधुओं द्वारा बाहरी व भीतरी भाग का इन्तजाम देखते हुए काबिज रहे हैं। मंदिर बाहरी व भीतरी दोनों पर चढ़ावा, द्रव्य, मिष्ठान, फल-फूल आदि निर्मोही अखाड़ा के साधुओं द्वारा ग्रहण होता था तथा प्रसाद व चरणामृत आदि यही लोग भक्तों को देते थे। मंदिर के बाहर पूर्वी गेट पर बताशा-फूल आदि का ठेका निर्मोही अखाड़ा द्वारा बहुत समय से दिया जाता रहा है। मुख्य मंदिर की कुर्की के बाद भी मुख्य गेट के पास वाली दुकान सीता राम यादव को दी गई थी जो 1962 तक वहां रहे।”

“78. The management of ‘Chhathi’ worship place and Shiv Darbar was carried out by the Nirmohi Akhara, till February, 1982. The Nirmohi Akhara has always managed and remained in possession over the outer and inner part through its panch, priest and saints. The offerings, money, sweets, fruits-flowers were accepted by the saints of Nirmohi Akhara both in the inner and outer temple, and they used to distribute the blessings and foot nectar to the devotees. The contract of sweet-flower etc. at the eastern gate outside the temple, was given by the Nirmohi Akhara since much time. Even after the attachment of the main

temple, the shop near the main gate was given to Sita Ram Yadav, who remained there till the year 1962.” (E.T.C.)

“81. भीतरी भाग में भगवान रामलला 1934 के पहले से विराजमान हैं और 1934 ई० से लगातार निर्मोही अखाड़ा द्वारा कब्जा व दखल है जो मुसलमानों की जानकारी में है। वहां ठाकुर जी विराजमान हैं जिसका पूजा-पाठ, राजभोग सभी निर्मोही अखाड़ा की तरफ से होता चला आ रहा है। इस तौर पर 29 दिसम्बर, 1949 को भीतरी भाग की कुर्की के दिन भी अखाड़े का कब्जा रहा है। वह भी मिलिकयत निर्मोही अखाड़ा में धार्मिक न्यास होने के कारण निहित हो गई है।”

“81. Lord Ramlala has been present in the inner part from period prior to the year 1934 and from the year 1934 AD the Nirmohi Akhara has been in possession, within the knowledge of the Muslims. Thakur ji is present there and the worship, Rajbhog have all been carried out on behalf of Nirmohi Akhara. Accordingly, on the day of attachment of the inner part i.e. 29th December, 1949, the Akhara was in possession. That ownership has also vested in the Nirmohi Akhara on account of being a religious trust.” (E.T.C.)

360. **DW 3/2, Raja Ram Pandey**, 87 years old (vide affidavit dated 22.09.2003). He was cross examined in the following manner:

- (a) 22.09.2003- by Ramesh Chandra Tripathi, defendant no. 17 and Umesh Chandra Pandey, defendant no. 22 (Suit-4) through Sri Vireshwar Dwivedi, Advocate (p. 17-19)
- (b) 22/23.09.2003- by plaintiffs (Suit-5) through Sri A.K. Pandey, Advocate (p. 20-23)
- (c) 23.09.2003- by Ramjanam Bhumi Punruddhar Samiti, defendant no. 20, through Km. Ranjana Agnihotri, Advocate (p. 23-24)

(d) 23.09.2003- by defendant no. 11 through Sri Abdul Mannan, Advocate (p. 24-26)

(e) 23/24/25/26/29/30.09.2003,

01/13/14/15/20/21/22.10.2003 - by Sunni Central Board of Waqf, defendant no. 9, through Sri Zafaryab Jilani, Advocate (p. 27-141)

(f) 22/23/24/28/29.10.2003, 13.11.2003- by plaintiff no. 7 (Suit-4) and defendant no. 5 (Suit-5) Mohd Hashim through Sri Mustaq Ahmad Siddiqui, Advocate (p. 141-

211)g) 13.11.2003- defendants no. 6/1 through Sri Irfan Ahmad, Advocate and and defendant no. 6/2 through Sri Fazale Alam, Advocate and defendant no. 26 (Suit-5) through Sri Izhar Husain Siddiqui, Advocate adopted the cross examination already done by Sri Abdul Manna, Sri Zafaryab Jilani and Sri Mustaq Ahmad Siddiqui, Advocates (p. 211)

361. DW 3/2 is resident of Mandir Ramkot, Kaushalya Ghat, Ayodhya, District Faizabad, came to Ayodhya in 1930 and since then daily visiting the temples of Sri Ramjanambhumi, Hanuman Garhi and Kanak Bhawan. The Janambhumi Temple is about 400 yards from his residence. He gave the details of 1934 riot in paras 4 and 5 of the affidavit as under:

“4. सन् 1934 के दंगा मेरी जानकारी में हुआ था जो हिन्दू-मुस्लिम दंगा के नाम से मशहूर है। मार्च में हुआ था। इस दंगे में मुसलमान काफी मारे गये थे और काफी कब्रिस्तान क्षतिग्रस्त किये गये थे। मेरे जानकारी में अयोध्या में रामजन्मभूमि मंदिर के इर्द-गिर्द मोहल्ला सुटहटी में पांच घर आलमगंज कटरा में चार घर टेढ़ी बाजार में तीन-चार घर, पांजी टोला कजियाना में चार पांच घर में मुसलमानों की आबादी थी। इसके अलावा मोहल्ला बेगमपुरा, मुगलपुरा व सैयदवाड़ा मिलाकर तीन चार घर हैं जिसमें कुछ शिया भी हैं।”

“4. The riot of the year 1934 had broken out in my

knowledge, which is famous as Hindu-Muslim riot. It had broken out in March. Many Muslims were killed and a large number of graveyards were damaged in this riot. In my knowledge, in the vicinity of Ramjanmbhumi temple in Ayodhya there were 5 houses of Muslims in Mohalla-Suthati, 4 in Alamganj Katra, 3-4 in Tedhi Bazar and 4-5 in Panji Tola Kaziyana. Besides these, there are in all 3-4 houses in Mohalla- Begumpura, Mughalpura and Saidwada, out of which few are of Shias.” (E.T.C.)

“5. 1934 के दंगे के समय में मैं 19-20 वर्ष का था। उस दंगे में काफी संख्या में मुसलमान मारे गये थे, कब्रें तोड़ी गई थीं, लेकिन श्रीराम जन्मभूमि मंदिर का कोई भाग या शिखर की तोड़ फोड़ नहीं हुई थी। बाहरी दीवार मामूली क्षतिग्रस्त हुई थी। जहां तक मुझे याद है दो मुसलमान दीवान थे, नाम याद नहीं हैं, उस समय कोई अंग्रेज डी०एम० थे। इस दंगे के बाद मुसलमानों में दहशत फैल गई थी और श्रीराम जन्मभूमि मंदिर के तरफ जाते ही नहीं थे।”

“5. I was aged 19-20 years at time of the riot of 1934. A large number of Muslims were killed in that riot, graves were destroyed but no part of the Sri Ramjanmbhumi temple or its dome was damaged. The outer wall was damaged slightly. To the best of my memory, there were two Muslim Diwans, whose names I do not remember. There was some British D.M. at that time. The Muslims were terror stricken after this riot and they stopped going towards the Sri Ramjanmbhumi temple.” (E.T.C.)

362. In paragraphs no. 6, 7, 8, 16, 19, 22 and 27 of the affidavit he has made statement about his continuous worship in the inner and outer courtyard both, idols placed under the central dome (Garbhgrih), other facts in support of the above and about the priest etc. at the above place, as under:

“6. सन 1930 से जब से मैं अयोध्या आया हमेशा से दर्शन करता रहा

हूँ। गर्भगृह भाग का दर्शन भी किया है जहां रामलला जी लकड़ी के सिंहासन पर विराजमान रहे हैं। सन 1934 में सेहन के बाहर लकड़ी के चौखट से जंगले बंधे थे, जहां बाद में लोहे के सीखचे लगा दिये गये। बाहरी भाग में जो दीवाल हाते की दीवाल से घिरा था, में ही आने-जाने के रास्ते बने हुए थे, पूरब वाला गेट खुला रहता था। पूरब वाले गेट में उत्तर-दक्षिण दो खम्भे कसौटी के लगे थे, जिसे मैं सन 1930 से देख रहा हूँ उस खम्भे में मूर्ति उकेरी थी जिसे हनुमानजी की मूर्ति बताते हैं और इसलिए उस द्वार का नाम हनुमतद्वार प्रचलित रहा है और फूल पत्ती चित्रकारी भी थी। सवा फिट चौड़ा और तीन फिट ऊँचा शिलापट लगा हुआ है जिसमें अंक एक लिखा है, और देवनागरी लिपि में लिखा है” श्री जन्मभूमि नित्य यात्रा” व अंग्रेजी में भी जन्मभूमि लिखा यानी पत्थर में खुदा है।”

“6. I always had ‘darshan’, since the year 1930 when I came to Ayodhya. I had the ‘darshan’ of ‘Garbh-grih’ portion also, where Ramlala was present over a wooden throne. In the year 1934, the windows outside the courtyard were fixed in wood-panes, where iron grills were fixed subsequently. The ingress-egress passage existed in the wall surrounded by the courtyard wall in the outer part. The eastern gate remained open. To the north south of the eastern gate, were two touchstone pillars, which I had been witnessing from the year 1930. An idol had been engraved over the said pillar, which is termed as the idol of Hanuman ji and due to this the said gate was famous as Hanumatdwar. The picture of flower-leaves were also present. There is a 1 ¼ feet wide and 3 feet long stone slab, over which the figure 1 and ‘Sri Janmbhumi Nitya Yatra’ is written or engraved in Devnagari script as well as Janmbhumi in English.” (E.T.C.)

“7. रामजन्मभूमि मंदिर की बाहरी दीवाल पूरब उत्तर व दक्षिण जितनी भी बनी थी सबकी ऊँचाई लगभग 8-9 फुट ऊँची व करीब दो फिट चौड़ी

थी। बाहरी हाते के अन्दर भाग में दक्षिण तरफ रामचबूतरा मंदिर है जिसकी लम्बाई चौड़ाई 21' या 22' X 17' या 18' फिट के लगभग हैं। यह चबूतरा करीब 3 फिट ऊँचा है। चबूतरे के ऊपर सिंहासन है जिसमें रामलला विराजमान हैं, यह सिंहासन लकड़ी का है, गंगा जमुनी शैली का है यानी सोने चांदी के पत्तल लगे रहे थे, इस चबूतरे के तीन फिट ऊँचाई वाले भाग में पूरब पश्चिम गुफा मंदिर है, इस गुफा मंदिर में कौशल्या जी काग भुसण्डि जी पूरब वाले में थे तथा पश्चिम गुफा में भरत जी विराजमान थे। इस चबूतरे से पूरब व दक्षिण कोने में पीपल व नीम के एकजाई पेड़ के अर्द्धगोल चबूतरे पर षष्टमुखी शंकर भगवान, नन्देश्वरजी, गणेशजी, पार्वतीजी आदि देवता विराजमान थे। बाहरी भाग में हाते के अन्दर सीखचे वाले दीवाल के उत्तर, उत्तरी फाटक के अन्दर भी छठी पूजन स्थल, एक बित्ता ऊँचे चबूतरे पर बना था। छठी पूजन स्थल जिसमें चार जुगुल चरण चिन्ह, चौका बेलना, चूल्हा बना था, ये चारों चरण चिन्ह भगवान राम के चारों भाइयों के जुगुल चरण चिन्ह थे।”

“7. The eastern, northern and southern outer walls of Ramjanmbhumi temple were all about 8-9 feet high and about 2 feet thick. The Ramchabutara temple is southwards in the inner part of the outer courtyard, whose dimensions are about 21' or 22' x 17' or 18' feet. This Chabutara is about 3 feet high. Above the Chabutara is a throne, over which Ramlala is present. This wooden throne is of Ganga Jamuni style i.e. it has gold-silver plates. The cave temple is in east west of the 3 feet high portion of this Chabutara. Kaushalya ji and Kaagbhushundi ji are in the east cave temple and Bharat ji is present in the western cave. Six faced Lord Shankar, Nandeshwar ji, Ganesh ji, Parvati ji and other deities were present over the semi circular platform of Pipal and Neem tree in east and south corner of this Chabutara. The Chhathi worship place existed over a one palm high platform inside the northern gate, to the north of the grill wall inside the courtyard of the outer

part. Four pairs of footmarks, Chauka-Belna, stove were present at the Chhathi worship place. These four footmarks, were the pair of footmarks of all four brothers of Lord Rama.” (E.T.C.)

“8. छठी पूजन स्थल धार्मिक दृष्टिकोण से पूजनीय स्थल था जिसमें भी आरती होती थी, नियमित होती थी जिसमें हिन्दू धर्म के लोग पूजन व नमन करते थे । गर्भगृह में विराजमान रामलला व रामचबूतरा मंदिर पर विराजमान रामलला व अन्य देवस्थान पीपल एवं नीम के नीचे विराजमान शिव देवतान छठी पूजन स्थल व चरण चिन्ह सभी धार्मिक स्थलों की नियमित पूजन व आरती निर्मोही अखाड़े के पुजारी व सहायक पुजारी करते थे। भक्तों व दर्शनार्थियों द्वारा उपरोक्त सभी स्थलों का दर्शन, पूजन, प्रसाद, फूल, द्रव्य चढ़ाते, मैंने बराबर जिस साल से अयोध्या आया तभी से बराबर 6.12.92 सन 1992 दिसम्बर तक देखता रहा हूँ।”

“8. *The Chhathi worship place was a revered place from religious point of view, where ‘Arti’ was performed regularly and the same was attended by Hindus. The regular worship and ‘Arti’ of all religious places including Ramlala present in ‘Garbh-grih’, Ramlala and other deities present in Ramchabutara temple, Shiva present under the Pipal and Neem tree, the Chhathi worship place and footmarks, were carried out by the priest and assistant priest of Nirmohi Akhara. From the year when I came to Ayodhya to 6th December,1992, I have regularly seen the devotees perform ‘darshan’, worship and offer sweets, flower, money at all the said places.” (E.T.C.)*

“16. वर्ष 1930 में जब मैं पहली बार आया तो निर्मोही अखाड़ा के महन्त नरोत्तम दास थे, उसके बाद महन्त राम चरन दास हुए, मा० रामचरन दास ऊँचे डील डौल के साफा बांधते थे, तलवार लगा घोड़े पर चलते थे और उनसे जन्मभूमि में मिलता भी था। पुजारी उस समय सीता राम जी थे। वर्ष 1934 के दंगे में यही लोग पुजारी व महन्त थे। गर्भगृह के कुर्की के समय महन्त रघुनाथदास जी महन्त निर्मोही अखाड़ा थे व पुजारी महन्त

बलदेव दास जी थे। जो नाका हनुमानगढ़ी फैजाबाद में भी महन्त थे। बलदेव दास जी को मैंने देखा था। निर्मोही अखाड़ा स्वयं में न्यास है। हनुमागढ़ी नाका उक्त अखाड़े से संबंधित हैं।”

“16. When I first came in the year 1930, Narottam Das was the Mahant of Nirmohi Akhara and he was followed by Mahant Ramcharan Das. Mahant Ramcharan Das was sturdily built and used to move with a sword on a horse with turban over his head. I had met him at the Janmbhumi. Sita Ram was the erstwhile priest. They were the priest and Mahant during the riot of the year 1934. At time of attachment of the 'Garbh-grih', Mahant Raghunath Das was the Mahant of Nirmohi Akhara and Mahant Baldev Das was the priest, who was the Mahant in Naka Hanumangarhi Faizabad as well. I have seen Baldev Das. Nirmohi Akhara is a trust in itself. The Hanumangarhi Naka is associated with the said Akhara.” (E.T.C.)

“19. पूरबी गेट में दर्शनार्थी को पहुँचने के लिए हनुमागढ़ी दुराही कुओं से साक्षीगोपाल मंदिर के सामने से गेट में आने के लिए उत्तर पूरब कोने से रास्ता आता था। जो 1930 से 1934 में भी कच्चा रास्ता था। गर्भगृह के कुर्की के 4-5 साल पहले खड़जा लगा।”

“19. In order to reach the eastern gate, the devotees had to take the path from the north-east corner to reach the gate in front of Sakshi Gopal temple from Hanumangarhi Dorahi well, which was unmetalled between the years 1930 to 1934. Bricks had been laid about 4-5 years prior to the attachment of the 'Garbh-grih'.” (E.T.C.)

“22. जब मैं 1930 से 1949 तक गर्भगृह भीतरी भाग में दर्शन करने अन्दर जाता था तो गर्भगृह में कसौटी के पत्थर लगे थे जिसमें देव कन्याओं के कुछ और यक्ष जैसी मूर्तियां उकेरी थीं, कलश फूल, पत्ती इत्यादि बनी थीं। केन्द्रीय सरकार के नियन्त्रण होने पर भी मैं दर्शन करने जाता हूँ। कसौटी के पत्थर वहीं पड़ा है जो दीवाल में लगे थे। और बाकी

कसौटी के खम्भे पता लगा है कि संग्रहीत किये गये हैं।”

“22. *When I went to have the ‘darshan’ of the inner part of the ‘Garbh-grih’ from the year 1930 to 1949, I found that touchstones had been used in the ‘Garbh-grih’, over which the figures of nymphs, Yakshas, pitcher, flower, leaves etc. had been engraved. I go to have ‘darshan’ even after the Central Government took over its control. The touchstones affixed in the walls, are lying there and it is found that the remaining Kasauti pillars, have been preserved.*” (E.T.C.)

“27. मैंने 1930 से लेकर विवादित परिसर को हिन्दुओं की पवित्र मंदिर के रूप में देखा है। जहाँ भगवान पर फूल माला, प्रसाद बराबर चढ़ता रहा है जहाँ यात्रियों को दर्शन होता रहा है।”

“27. *From the year 1930, I have considered the disputed premises as a sacred temple of Hindus and have regularly offered flower, garland, sweet there. The devotees had ‘darshan’ over there.*” (E.T.C.)

363. In favour of the plaintiff (Suit-3), i.e., Nirmohi Akhara, he has stated that their Sadhus/Ascetics used to work as priest etc. and observed worship inside courtyard temple as well as outside, i.e., Ram Chabootara etc. and in paragraphs no. 9, 13, 14, 15, 17, 29, 30 and 31 of the affidavit DW 3/2 said that the disputed premises was in possession of Nirmohi Akhara or its Sadhus who used to perform various religious functions and did not allow any Muslim to enter or visit the disputed premises.

364. DW 3/3, Satya Narain Tripathi is aged about 72 years old (vide affidavit dated 30.10.2003). He was cross examined in the following manner:

(a) 30.10.2003- by Ramesh Chandra Tripathi, defendant no. 17 and Umesh Chandra Pandey, defendant no. 22 (Suit-4) through Sri Vireshwar Dwivedi, Advocate (p. 6-12)

- (b) 30.10.2003- by plaintiffs (Suit-5) through Sri A.K. Pandey, Advocate (p. 12-15)
- (c) 30/31.10.2003- by Mohd. Faruk Ahmad, defendant no. 11 through Sri Abdul Mannan, Advocate (p. 15-23)
- (d) 31.10.2003, 03/04/05/06/07/10.11.2003- by Sunni Central Board of Waqf, defendant no. 9 through Sri Zafaryab Jilani, Advocate (p. 23-74)
- (e) 10/11/12.11.2003- by plaintiff no. 7 (Suit-4) and defendant no. 5 (Suit-5) Mohd Hashim through Sri Mustaq Ahmad Siddiqui, Advocate (p. 74-97)
- (f) 12.11.2003- defendants no. 6/1 through Sri Fazale Alam, Advocate and 6/2 through Sri Irfan Ahmad, Advocate and defendant no. 26 (Suit-5) through Sri T.A. Khan, Advocate adopted the cross examination already done by Sri Abdul Manna, Sri Zafaryab Jilani and Sri Mustaq Ahmad Siddiqui, Advocates (p. 97)

365. DW 3/3's date of birth is 08.09.1931 and is resident of Mauja Mahawan, Tahsil Bikapur, District Faizabad. His village is about 35 km. from Ayodhya. He claims to have visited Ayodhya and gone for Darshan to Sri Ramjanambhumi Temple, Hanuman Garhi, Kanak Bhawan and Nageshwar Nath since childhood. Since 10 years of age, alongwith his parents, he is regularly visiting Ayodhya during the festivals of Ram Navami, Kartik Purnmasi, Chaudah Kosi Parikrama, Pancha Kosi Parikrama, Shrawan Jhoola and Ram Vivah and after attaining majority he himself has regularly visited. About worship in the disputed site, i.e., inside and outside the courtyard, existence of idols of Lord Ram inside the courtyard and other attending facts, he, in paras 4, 7, 8, 9, 10, 11, 12 and 13 of the affidavit said as under:

“4. मैं 10 वर्ष की उम्र से समझने लगा हूँ और तभी से मैं अपने माता-पिता के साथ अयोध्या के पर्व रामनवमी, कार्तिक पूर्णमासी, चौदहकोसी परिक्रमा व पंचकोसी परिक्रमा, श्रावण झूला व राम के विवाह में अपने युवक होने तक बराबर अयोध्या आता रहा हूँ। मंदिर श्रीराम जन्मभूमि जिसका विवाद चल रहा है, दर्शन करता था व आरती तथा चरणामृत प्राप्त करता था। मैं अपने माता-पिता के साथ जब अयोध्या जाता था तो भगवान को प्रसाद व पुष्प आदि चढ़ाता था। मैं युवक होने पर अकेले अपने सहपाठी मित्रों के साथ बराबर श्रीराम जन्मभूमि दर्शन हेतु जाता रहा हूँ जो क्रम अभी भी जारी है।”

“4. I attained understanding from the age of 10 years and since then till I developed into a young man, I regularly went to Ayodhya along with my parents on the occasions of Ramnavami, Kartika Purnamasi, Chaudah kosi circumambulation, Panch kosi circumambulation, Shrawan Jhula and Ram Vivah. I used to have ‘darshan’ at Sri Ramjanmbhumi temple, which is under dispute, and had ‘Arti’ and foot nectar. Whenever I went to Ayodhya along with my parents, I used to offer sweets, flower etc. to Him. On developing into a young man, I have been regularly going alone along with my fellow students to have ‘darshan’ of Sri Ramjanmbhumi and this still continues.” (E.T.C.)

“7. विवादित मंदिर में जाने का मुख्य द्वार पूरब ओर है। जहां जाने पर मुख्य द्वार में कसौटी के पत्थर लगे हुए थे। उत्तर तरफ जो कसौटी पत्थर उसके पास और पहले पूरब ओर एक पत्थर 1½ या पौने दो फुट चौड़ा लगभग तीन फुट ऊँचा मैं बचपन से देख रहा हूँ। जिसमें अंक एक “श्रीराम जन्मभूमि नित्य यात्रा” देवनागरी लिपि और उसके नीचे जन्मभूमि अंग्रेजी में लिखा है और उस कसौटी पत्थर में कलश, मोर, देवी का चित्र, मूर्ति व महावीरी लगा हनुमानजी की मूर्ति देखा था। शुरु में जब पिताजी के साथ जाता था तो कुछ लोग बताने लगे कि इसे हनुमतद्वार कहते हैं।”

“7. The main gate for entering the disputed temple, is in

the east. Touchstones have been used in the main gate. Since my childhood, I have been seeing a 1 ½ or 1 ¾ feet wide and approximately 3 feet high stone slab, near the touchstone in north and eastwards a bit earlier. The figure 1, words 'Sri Ramjanmbhumi Nitya Yatra' in Devnagari script and word Janmbhumi in English were engraved over it. I had seen the figure, idol of pitcher, peacock, Goddess and Hanuman ji over the said touchstone. When I started going there along with my father, few people told that it was called Hanumatdwar." (E.T.C.)

“8. पूर्वी द्वार से अन्दर जाने पर सहन लगभग 28–30 फिट थी जिसके बाद सीखचे वाली दीवाल है और सीखचे वाली दीवाल के पश्चिम थोड़ा सहन छोड़कर गर्भगृह तीन शिखर वाला है। जहां गर्भगृह में ही रामलला विराजमान हैं। जिनका दर्शन व पूजन व प्रसाद व चरणामृत 1941 से लेता, उनके समीप से दर्शन करके दिसम्बर 1949 तक बराबर लेता रहा। 1949 में कुर्की हो जाने के बाद सन 1950 में सीखचे वाली दीवाल से भगवान का दर्शन व पूजन करता रहा हूँ तथा ढांचा गिरने के बाद जनवरी 93 से नियमित केन्द्रीय सरकार के नियन्त्रण वाले रास्ते से दर्शन करता चला आ रहा हूँ और वहीं भगवान रामलला अभी भी कायम हैं। जिनका दर्शन 1941 से अभी हाल तक करता चला आ रहा हूँ।”

“8. After entry through the eastern gate, was the courtyard of size 28 x 30 feet, after which was the grill wall and a bit westward of the grill wall was the three domed 'Garbh-grih' beyond the courtyard. Ramlala was present in the 'Garbh-grih' and I have had His 'darshan' , worship, blessings and foot nectar from the year 1941. I had His 'darshan' from close distance till December, 1949. After the attachment of 1949, I had the 'darshan' and worship of God from the grill wall, from the year 1950 onwards. I have been regularly having the 'darshan' from January, 1993, after the demolition of the structure and the place

being under control of Central Government. Lord Ramlala is still present at the same place and I have had His 'darshan' from the year 1941 till recently." (E.T.C.)

"9. भीतरी भाग जो कुर्कशुदा कहलाता है कुर्की के बारे में मुझे 1950 खिचड़ी के दो-तीन दिन पहले तब देखा और दर्शन सीखचे वाले मध्य दरवाजे से करने दिया पुलिस वालों ने। लेकिन सहन, रामचबूतरा, मंदिर, छठी पूजन स्थल, शिव दरबार जो बाहरी सहन के अन्दर था। उनका दर्शन, पूजा अर्चना निकट जाकर जैसा 1941 में किया था, उसी प्रकार सन 1992 ढांचा गिरने के पूर्व तक किया है लेकिन 1982 में मुझे यह पता चला था कि बाहरी भाग भी निर्मोही अखाड़ा के आपसी विवाद में कुर्क हो गया था और इसके रिसीवर भी वही भीतर वाले भाग वाले रिसीवर थे। यह बात वहां के नियुक्त पुजारी (रिसीवर द्वारा) ने बतलाई थी।"

"9. *The inner part, which is called the attached part, was seen by me 2-3 days prior to 'Makar Sankranti' of the year 1950 and the police men had permitted me to have 'darshan' from the central grill door. However, the courtyard, Ramchabutara temple, Chhathi worship place, Shiv Darbar, which were inside the outer courtyard were worshiped by me till the year 1992, prior to demolition of the structure, in the same manner as done in the year 1941. In the year 1982 I came to know that the outer part had also been attached in mutual dispute of Nirmohi Akhara and the Receiver of the inner part was its Receiver as well. This was told by the priest nominated there (by Receiver).*" (E.T.C.)

"10. 1941 में अपने पिताजी के साथ दर्शन करना चालू किया। भारतवर्ष की आजादी के पहले मुझे यह बात भलीभाँति मालूम थी कि उक्त मंदिर निर्मोही अखाड़ा के आधिपत्य में है और निर्मोही अखाड़ा के ही साधु पुजारी गर्भगृह में भगवान रामलला की पूजापाठ करते हैं और दर्शनार्थियों, भक्तों को आरती व चरणामृत प्रसाद लेकर प्रसाद का चढ़ावा देते हैं। ऐसा करते मैंने सभी दर्शनार्थियों को देखा। ऐसा मैंने दर्शन करते वक्त देखा था।

युवक होने पर मैं स्वयं ही प्रसाद, फूल इत्यादि चढ़ाता था और निर्मोही अखाड़ा के साधुओं से आरती व प्रसाद ग्रहण करता था।”

“10. I started to have ‘darshan’ along with my father in the year 1941. I knew this fact very well even before independence of India that the said temple was in the possession of Nirmohi Akhara and the saints-priests of Nirmohi Akhara used to perform the prayer of Lord Ramlala in the ‘Garbh-grih’ and accept and distribute the blessings amongst the devotees. I saw all the devotees do this. I had seen this at time of having ‘darshan’ . On growing up as a young man, I myself used to offer sweets, flowers etc. and accepted ‘Arti’ and blessings from the saints of Nirmohi Akhara.” (E.T.C.)

“11. इसी प्रकार रामचबूतरा मंदिर पर मेरा व दर्शनार्थियों का दर्शन 1941 से लगातार दिनांक 6 दिसम्बर 1992 ढांचा गिरने के पहले व मेरा नवम्बर 1992 तक हुआ और छठी पूजा स्थल शिव दरबार का पूजन दर्शन ऐसे ही हुआ करता था। उन सभी पूजन स्थलों पर पुजारी, साधु निर्मोही अखाड़ा के रहते थे।”

“11. Similarly, I and devotees regularly had ‘darshan’ at the Ramchabutara temple from the year 1941 to 6th December, 1992 prior to demolition of the structure. I had it till November, 1992. The prayer- worship at Chhathi worship place and Shiv Darbar was also carried out similarly. The priests, saints of Nirmohi Akhara were present at all those worship places.” (E.T.C.)

“12. मैं हाजिर अदालत महन्त भास्कर दास को जानता हूँ। इन्हें मैंने 1946 से ही श्रीराम जन्मभूमि गर्भगृह में बतौर पुजारी तथा रामचबूतरा मंदिर पर छठी पूजा स्थल शिव दरबार में बतौर पुजारी देखता चला आ रहा हूँ क्योंकि 1946 से लेकर 1949 कुर्की के पहले व कुर्की के बाद तक 1941 से मैं दर्शन करने श्रीराम जन्मभूमि जाने लगा तो मेरे माता-पिताजी ने बताया कि यहां के पुजारी निर्मोही अखाड़ा के लोग थे और इनके गुरु बलदेवदास

जी को भी मैं बतौर पुजारी देखा है। बलदेवदास जी से मैं भलीभाँति परिचित इसलिए हो गया था कि नाका हनुमानगढ़ी के महन्त थे। बलदेवदास जी को मैंने देखा है। हनुमानगढ़ी नाका मुजफ्फरा फैजाबाद के महन्त भास्करदास जी हैं जो इस समय निर्मोही अखाड़ा के सरपंच हैं। मैं भास्करदास को विवादित मंदिर के गर्भगृह में बतौर पुजारी देखा है और साथ ही साथ बाहरी भाग के रामचबूतरा मंदिर आदि पर पुजारी के रूप में देखा था लेकिन भीतरी भाग के कुर्क होने के बाद बाहर रामचबूतरे पर महन्त भास्करदास को 1965-66 तक देखा। उसके बाद बाहर वाले भाग में अखाड़े के दूसरे साधू सन्त रहते थे।”

“12. *I know Mahant Bhaskar Das present in Court. I have seen him since the year 1946 as priest at Sri Ramjanmbhumi 'Garbh-grih', Ramchabutara temple, Chhathi worship place and Shiv Darbar i.e. from the year 1946 to 1949, before and after the attachment. I started going to Sri Ramjanmbhumi from the year 1941 to have 'darshan' and my parents told me that the priests here were of Nirmohi Akhara and I also saw their master Baldev Das as priest. I became very well acquainted with Baldev Das, as he was the Mahant of Naka Hanumangarhi. I have seen Baldev Das. Bhaskar Das is the Mahant of Hanumangarhi Naka Muzaffara Faizabad, who is the Sarpanch of Nirmohi Akhara at present. I have seen Bhaskar Das as priest in the 'Garbh-grih' of the disputed temple as also at the Ramchabutara temple in the outer part. However, after the attachment, I saw Mahant Bhaskar Das upto the year 1965-66 at the Ramchabutara in the outer part. Thereafter, other saints of the Akhara lived in the outer part.*” (E.T.C.)

“13. मैंने 1941 से लेकर 1982 फरवरी तक निर्मोही अखाड़ा के साधुओं को हनुमतद्वार के प्रवेश होने पर विवादित परिसर बाहरी सहन में उत्तर स्थित भण्डागृह व संत निवास में रहते व भगवान का प्रसाद बनाते देखा। यह भण्डारगृह और संत निवास हनुमतद्वार से उत्तर कुछ जगह

छोड़कर उत्तर दीवाल तक लम्बा था।”

“13. In between the years 1941 to February, 1982, I had seen the saints of the Nirmohi Akhara enter through the Hanumatdwar and reside in the store room situated in north of the outer courtyard of the disputed premises and the saints’ accommodation and preparation of ‘Prasad’ of the Lord. This store room and saints’ accommodation extended to the northern wall with some gap in north of the Hanumatdwar.” (E.T.C.)

366. DW 3/3 has also made statement regarding the possession and ownership of Nirmohi Akhara and its Mahant/Sarpanch in paras 10, 12, 15 and 16. Paras 15 and 16 are as under:

“15. विवादित पूरे परिसर यानी भीतरी व अन्दर के भाग पर क़मश दोनों कुर्की के पहले निर्मोही अखाड़ा जो एक धार्मिक न्यास है। जिसका मौजूदा सरपंच महन्त भास्करदास जी हैं और मौजूदा महन्त जगन्नाथदास जी हैं, के कब्जे व आधिपत्य में रहा। भगवान रामलला के व्यवस्थापक निर्मोही अखाड़ा है।”

“15. Prior to the attachment, the entire premises i.e., inner and outer part of the disputed premises were both under the possession and ownership of Nirmohi Akhara, which is a religious trust and whose present Sarpanch is Mahant Bhaskar Das and the present Mahant is Jagannath Das. The Nirmohi Akhara is the manager of Lord Ramlala.” (E.T.C.)

“16. विवादित परिसर मस्जिद नहीं है। न मेरे होश से किसी मुसलमान ने नमाज पढ़ी है।

“16. The disputed premises is not a mosque, nor in my senses have I seen any Muslim offer Namaz.” (E.T.C.)

367. In para 3 of the affidavit, DW 3/3 has deposed that he joined service as Teacher in Saraswati Shishu Mandir, Pratapgarh in 1962, remained thereat for 2 years, transferred to

Farrukhabad and stayed there for four years and then transferred to Faizabad in 1967. He thereafter worked at some other places also and retired in 1992 from the post of Headmaster.

368. DW 3/4, Mahant Shiv Saran Das is aged about 83 years (vide affidavit dated 14.11.2003). He was cross examined in the following manner:

- (a) 14.11.2003- by Ramesh Chandra Tripathi, defendant no. 17 and Umesh Chandra Pandey, defendant no. 22 (Suit-4) through Sri Vireshwar Dwivedi, Advocate (p. 9-14)
- (b) 17.12.2003- by plaintiffs (Suit-5) through Sri A.K. Pandey, Advocate (p. 16-22)
- (c) 17/18.12.2003- by defendant no. 20 (Suit-4) through Km. Ranjana Agnihotri, Advocate (p. 22-27)
- (d) 18.12.2003, 22.01.2004- by defendant no. 11, Mohd. Faruk Ahmad through Sri Abdul Mannan, Advocate (p. 27-42)
- (e) 22/23/27/28/29.01.2004, 05/06/09.02.2004- by Sunni Central Board of Waqf, defendant no. 9, through Sri Zafaryab Jilani, Advocate (p. 42-109)
- (f) 18.03.2004- by plaintiff no. 7 (Suit-4) and defendant no. 5 (Suit-5) Mohd Hashim through Sri Mustaq Ahmad Siddiqui, Advocate (p. 110-115)
- (g) 18.03.2004- defendants no. 6/1 and 6/2 through Sri Irfan Ahmad, Advocate and defendant no. 26 (Suit-5) through Sri C.M. Shukla, Advocate adopted the cross examination already done by Sri Abdul Manna, Sri Zafaryab Jilani and Sri Mustaq Ahmad Siddiqui, Advocates (p. 115)

369. His statement in paras 8, 9, 10 and 11 are in respect to his

claim of worshipping Lord Ram's birthplace Temple inside the courtyard (Garbhgrih) and read as under:

“8. श्रीराम जन्मभूमि में 1933 ई० से दर्शन करने जाता रहा हूँ श्रीराम जन्मभूमि मंदिर का निर्माण का परिसर दो भागों में मैंने शुरु से देखा है, पहला भाग भीतरी गर्भगृह जिसके ऊपर तीन शिखर हैं और आगे यानी पूरब तरफ सीखचे वाली दीवाल है जिसमें मुख्य गर्भगृह के सामने पूरब तरफ एक लोहे का दरवाजा था और इस दरवाजे के उत्तर उसी सीखचे वाली दीवाल में लगभग 18 या 20 फिट के बाद एक और लोहे का छड़दार दरवाजा था, यानी सीखचे वाली दीवाल में दो छड़दार दरवाजा था।”

“8. I have been going to Sri Ramjanmbhumi from the year 1933 AD to have 'darshan'. Since beginning, I have seen the built up area of Sri Ramjanmbhumi temple to be in two parts. The first part was the inner 'Garbh-grih', over which there were three domes and after that i.e. eastwards, was the iron rod wall which had a iron door in the east facing the main 'Garbh-grih' and to the north of this door, was another iron rod door in the same iron rod wall at a distance of about 18 or 20 feet, or in other words there were two iron rod doors in the iron rod wall.” (E.T.C.)

“9. मैं भीतरी वाले गर्भगृह में भगवान रामलला के दर्शन करता रहा हूँ रामलला की अष्टधातु की मूर्ति है एक बित्ता ऊँची है, एक अष्टधातु की एक मूठा की और मूर्ति है जिसे लखन लाल कहते हैं, हनुमानजी की सवा फिट या डेढ़ फिट ऊँची हनुमानजी की पाषाण मूर्ति है तथा सालिगराम भगवान 4, 6 रहे हैं जो बराबर मेरे दर्शन में वही मूर्तियां चली आ रही हैं।”

“9. I have had the 'darshan' of Lord Ramlala in the inner 'Garbh-grih'. The idol of Ramlala is made up of 'Ashthadhatu' and is about one palm high. There is another 'ashthadhatu' idol of one 'Mutha', which is called Lakhan Lal. There is stone idol of Hanuman ji about 1 ¼ to 1 ½ feet tall. There are about 4, 6 Saligram and all these

idols have remained present regularly during my 'darshan'.” (E.T.C.)

“10. वहां चांदी का सिंहासन लगभग सवा फिट चौड़ा डेढ़ फिट ऊंचा है जिसमें भगवान रामलला व लखन लाल, सालिग राम भगवान विराजमान रहे हैं, सिंहासन के बाहर हनुमानजी विराजमान रहे हैं।”

“10. A silver throne about 1 ¼ feet wide and 1 ½ feet tall, is present there with Lord Ramlala, Lakhanlal and Salig Ram over it. Hanuman ji was present outside the throne.” (E.T.C.)

“11. उसी मुख्य गर्भगृह में एक झूलानुमा काठ का सिंहासन रखा है जिसपर भी रामलला भगवान आते-जाते रहे हैं, बालरूप होने के कारण यह व्यवस्था भी रही है।”

“11. In the same main 'Garbh-grih', is a wooden swing shaped throne and Lord Ramlala keeps coming over it. This arrangement has been made on account of (His) child form.” (E.T.C.)

370. In paras 12, 14, 15, 18, 20, 22 and 23, DW 3/4 has stated about the ownership and possession of Nirmohi Akhara and its representative over the disputed premises and that they were the Sadhus of Nirmohi Akhara, performing Pooja etc. In paras 16 and 17 he has made a statement about the constitution and function of Nirmohi Akhara which we propose to deal separately while dealing with the issue relating to constitution, status etc. of Nirmohi Akhara.

371. DW 3/5, Raghunath Prasad Pandey, son of late Sri Bindeshwari Prasad Pandey, resident of Village Sariyawan Pure Khaipur, Pargana Mangalsi, Tehsil Sohawal, District Faizabad, is aged about 73 years (as per his affidavit dated 18.11.2003). He was cross examined in the following manner :

(a) 18.11.2003- by Ramesh Chandra Tripathi, defendant no. 17 and Umesh Chandra Pandey, defendant no. 22

(Suit-4) through Sri Vireshwar Dwivedi, Advocate (p. 7-11)

(b) 18/19.11.2003- by plaintiffs (Suit-5) through Sri A.K. Pandey, Advocate (p. 11-21)

(c) 19.11.2003- by defendant no. 20 (Suit-4) through Km. Ranjana Agnihotri, Advocate (p. 21-24)

(d) 19.11.2003- by defendant no. 11, Mohd. Faruk Ahmad through Sri Abdul Mannan, Advocate (p. 24-28)

(e) 19/20/24/25/27/28.11.2003,
01/02/04/05/08/09/10/11.12.2003-by Sunni Central Board of Waqf, defendant no. 9, through Sri Zafaryab Jilani, Advocate (p. 29-174)

(f) 11/12/15/16.12.2003- by plaintiff no. 7 (Suit-4) and defendant no. 5 (Suit-5) Mohd Hashim through Sri Mustaq Ahmad Siddiqui, Advocate (p. 174-213)

(g) 16.12.2003 - defendants no. 6/1 through Sri Fazale Alam, Advocate and 6/2 through Sri Irfan Ahmad, Advocate and defendant no. 26 (Suit-5) through Sri T.A. Khan, Advocate adopted the cross examination already done by Sri Abdul Manna, Sri Zafaryab Jilani and Sri Mustaq Ahmad Siddiqui, Advocates (p. 213)

372. Sri Ramjanambhumi Temple according to his statement is about 16-17 km from his village. He is educated up to Class-VIII, was appointed in Railway Department in Jhansi in 1948 and retired on 31.01.1988. His date of birth is 08.10.1930. He claims to understand the things at the age of 7 years. His parents (mother) was very religious. His father died when he was 6 years of age. He used to visit Ayodhya accompanied with his mother. He has supported the issue that Lord Ram was being worshiped inside the courtyard and the said temple was

maintained and looked after by the Bairagis of Nirmohi Akhara, Hindu people used to worship inside the courtyard and he never saw any muslim to offer Namaz at the premises in dispute. His statement in paras 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18 and 19 of the affidavit is as under:

“6. मैं वैष्णो सनातन धर्मी परिवार का हूँ। मेरी माँ की आस्था भगवान राम में थी और मेरी भी आस्था भगवान राम में है। विवादित परिसर श्री रामजन्मभूमि मन्दिर है। जहाँ भगवान राम का जन्म हुआ। ऐसी मेरी आस्था है। यह आस्था मेरी माँ की भी थी जो उन्होंने मुझे दिया।”

“6. *I belong to a Vaishnav Sanatan Dharmi (orthodox religious) family. My mother had faith in Lord Rama, so do I. The disputed premises is Sri Ramjanmbhumi temple, where Lord Rama had been born. This is my belief. This was the belief of my mother as well, which she passed on to me.*” (E.T.C.)

“7. विवादित श्री रामजन्मभूमि में विराजमान भगवान राम लला का दर्शन आरती, चरणामृत प्राप्त करने व प्रसाद प्राप्त करने का कार्य मैं अपने बचपन से अपनी माँ के साथ जब जब वहाँ दूसरे दर्शन करने वालों को देखता आया हूँ। माँ मेरी मेरे बचपन से ही मन्दिर रामजन्मभूमि में चरणामृत मेरे छोटे हाथों में दिलाती थी। श्रीरामजन्मभूमि का दर्शन अपनी धार्मिक आस्था के कारण बराबर करता चला आ रहा हूँ।”

“7. *From my childhood, I have been seen people have darshan and arti of Lord Ramlala present in the disputed Sri Ramjanmbhumi, and receive charnamrit (foot nectar) and prasad. From my childhood, my mother used to make me receive charnamrit at the Ramjanmbhumi in my little hands. I have been regularly having the darshan of Sri Ramjanmbhumi out of my religious faith.*” (E.T.C.)

“8. यह कि बड़ा होने पर मैं अकेले ही अयोध्या श्री रामजन्मभूमि मन्दिर में दर्शन करने जाता रहा हूँ। हनुमान गढ़ी मन्दिर व कनक भवन मन्दिर भी प्रसिद्ध होने के कारण दर्शन हनुमान जी व कनक भवन में माता सीता जी

का बराबर करता रहा हूँ। श्री रामजन्मभूमि मन्दिर भगवान राम की जन्मस्थली होने के कारण बहुत महत्व रखती हैं मेरी माँ की व मेरी भी आस्था रामजन्मस्थली से बराबर जुड़ी रही। इस कारण श्री रामजन्मभूमि मन्दिर व उसमें विराजमान भगवान राम लला व दीगर धार्मिक चिन्हों का जैसे चरण चिन्ह, छठी पूजन स्थल, राम चबूतरा मन्दिर व शिव दरबार आदि का दर्शन जो विवादित परिसर में है। बराबर करता रहा हूँ।”

“8. *That on growing up, I have been going alone to have darshan of Sri Ramjanmbhumi temple at Ayodhya. On account of being famous, I have also had the darshan of Hanumangarhi temple and Kanak Bhawan temple. The Ramjanmbhumi temple has immense importance on account of being the birthplace of Lord Rama. My mother and myself have always had faith in Ramjanmsthali. Due to this I regularly had the darshan of Sri Ramjanmbhumi temple, Lord Ramlala present therein and of other religious symbols such as foot marks, Chhathi worship place, Ramchabutara temple, Shiv Darbar etc., which are all within the disputed campus.*” (E.T.C.)

“9. यह कि विवादित परिसर दो भाग में है। पहला बाहरी भाग दूसरा भीतरी भाग विवादित उक्त परिसर में भगवान राम लला व छठी पूजा स्थल चरण चिन्ह व राम चबूतरा शिव दरबार का बराबर दर्शन करता चला आ रहा हूँ। वड़ा होने पर अकेले उक्त विवादित मन्दिर श्री रामजन्मभूमि पर दर्शन करता चला आ रहा हूँ। अयोध्या में तीन मेले कार्तिक, सावन, रामनवमी मुख्य तौर पर होता है। अगहन में राम विवाह का मेला होता है। रामनवमी का एक विशेष त्यौहार रहता है। विवादित परिसर भगवान राम की जन्मस्थली व मन्दिर होने के कारण भारत वर्ष के कोने-कोने से तमाम हिन्दू धर्मावलम्बी जनता भगवान राम लला का दर्शन करने प्रसाद फूल माला चढ़ाने पूजा करने व चरणामृत प्राप्त करते मैंने अपने बचपन यानि शुरू से सन् 1937 से लेकर 1948 तक उक्त मन्दिर व धार्मिक स्थल व भगवान का दर्शन बाहरी और भीतरी भाग में देखता रहा हूँ। मुझे यह भी अपने माँ से मालूम हुआ कि निर्मोही अखाड़ा के अन्तर्गत ही श्री राम

जनमभूमि मन्दिर है। निर्मोही अखाड़ा के बारे में मेरी जानकारी मन्दिर हनुमान गढ़ी नाका में दर्शन करने वहाँ जाने से व बाबा बल्देव दास से काफी बढ़ गयी। निर्मोही अखाड़ा एक मठ है। पंचायती मठ है। धार्मिक न्यास है। सारी व्यवस्था पंचायती है। पंचो का निर्णय सर्वोपरि है। महन्थ अखाड़ा का पंचों के प्रस्ताव व बहुमत राय से कार्य करता है महन्थ को अखाड़े की जायदाद बेचने का हक नहीं है। जब तक पंचों का प्रस्ताव न हो महन्थ चुना जाता है। अखाड़े में सैनिक शिक्षा की पद्धति लागू है। ऐसा मैंने जाना है। हनुमान गढ़ी अयोध्या में बाबा को जानता हूँ। उन्होंने भी बताया कि हनुमान गढ़ी निर्वाणी अखाड़ा का मन्दिर है। अखाड़ा के रीति-रिवाज रामानन्दा स्वामी इस सम्प्रदाय के प्रवर्तक रहे हैं। इस सम्प्रदाय के साधु रामानन्दी वैरागी के इष्ट राम हैं। निर्मोही अखाड़ा का एक मन्दिर श्री विजय राधो मन्दिर रामघाट अयोध्या पर है।”

“9. *That the disputed premises is in two parts. The first being the outer part and the second being the internal part. I have been regularly having the darshan of Lord Ramlala, Chhathi worship place, foot marks, Ramchabutara and Shiv Darbar at the aforesaid disputed premises. After growing up, I have been going alone to have darshan of the disputed Sri Ramjanmbhumi temple. The three main fairs at Ayodhya are Kartika, Sawan, Ramnavami. The fair of Ram Vivah is held during the month of Aghan (a month of Hindu calendar). There is a special festival on Ramnavami. From my childhood i.e. from the beginning in the year 1937 to the year 1948, I have seen numerous Hindu public from different corners of the country have darshan of Lord Ramlala and make offerings, offer flowers-garlands, offer prayer and receive charnamrit at the disputed premises, since the same is the birthplace and temple of Lord Rama. I also got to know from my mother that Sri Ramjanmbhumi temple was also under the Nirmohi Akhara. My knowledge about Nirmohi Akhara improved*

greatly by my darshan of temple at Hanumangarhi Naka and meeting Baba Baldev Das. The Nirmohi Akhara is a Math, a Panchayat Math. It is a religious trust. The entire working is as per Panchayat system. The decision of Panch is above all. The Mahant of the Akhara works on advise of Panchas and the majority view. The Mahant has no right to sell the property of the Akhara. The Mahant is elected unless there is a recommendation of the Panchas. I have so come to know that the system of military education is applicable in the Akhara. I know the Baba at Hanumangarhi, Ayodhya. He also told that Hanumangarhi is a temple of Nirvani Akhara. The customs and practices of this Akhara have been laid down by Swami Ramanand, the promoter of this sect. Rama is the Isht of Ramanand Vairagi, a saint of this sect. Another temple of Nirmohi Akhara, Sri Vijay Raghav temple, is at Ramghat Ayodhya.”
(E.T.C.)

“10. मैं 1948 तक लगभग हर माह कई बार उक्त मन्दिर में दर्शन करता रहा लेकिन उसके बाद रेलवे में झांसी तैनात होने पर तीन चार माह में जब भी घर आता रहा भगवान रामलला का पूरे मन्दिर के धर्मस्थल का दर्शन करता चला आ रहा हूँ। और नौकरी से रिटायर्ड होने पर पुनः अपने घर से हर माह दर्शन करने जाता रहा हूँ।”

“10. I had darshan in the said temple on number of times almost every month till the year 1948. However, after my posting at Jhansi under the Railways, I have been having the darshan of the entire temple site of Lord Ramlala, every 3-4 months whenever I come home. Now after retirement from service, I have again started going from my home to have darshan every month.” (E.T.C.)

“12. मैं जब अपनी माँ के साथ विवादित परिसर में दर्शन हेतु गया मेरी माँ ने ही मुझे बताया कि यह रामजन्मभूमि मन्दिर है। अन्दर भीतरी भाग में

भगवान राम लला विराजमान थे व बाहरी भाग में राम चबूतरा मन्दिर व छठी पूजन स्थल चरण चिन्ह चारों भाइयों का रहा है। चूल्हा बेलना-चकला भी था। शिव दरबार भी बाहरी भाग में था। जहाँ शंकर जी पार्वती जी गणेश जी नन्दी व शंकर जी का अरघा था। परिसर के पूर्वी गेट से दर्शनार्थी व भक्तगण आते-जाते थे। उत्तर भी गेट था जो ज्यादातर मेला भीड़ बढ़ने पर खुलता था। पूर्वी गेट से घुसते ही उत्तर तरफ भण्डार गृह सन्त निवास व कोठार था। जिसमें साधुओं वैरागियों को रहते व भगवान का प्रसाद बनाते शुरू से देखा था। धीरे-धीरे कई बार में दर्शन कराते समय मेरी माँ ने बताया था यहाँ पुजारी व साधू लोग रहते हैं। वह निर्मोही अखाड़ा के साधू वैरागी है। और तभी से बराबर भीतरी भाग में 1949 दिसम्बर तक निर्मोही अखाड़ा के साधुओं वैरागियों को पुजारी की तरह कार्य करते व प्रसाद लेकर भोग लगाकर दर्शनार्थियों को प्रसाद भोग लगा देते। भगवान का चरणामृत देते। फूल माला आदि दर्शनार्थियों से लेकर भगवान पर चढ़ा दर्शनार्थियों को फूल माला देते देखा और तभी से देख रहा हूँ। निर्मोही अखाड़ा के साधुओं वैरागियों को राम चबूतरा मन्दिर पर विराजमान राम लला पर भी वैसे पुजारी का कार्य करते देखा जैसे भीतरी भाग में बयान किया है। इसी तरह देखभाल पूजा आरती शिव दरबार व छठी पूजा स्थल चरण चिन्ह चकला बेलना चूल्हा पर भी निर्मोही अखाड़ा के लोगों को पूजा आरती व इंतजाम करते देखा है। निर्मोही अखाड़ा के बारे में मेरी माँ को विशेष जानकारी थी क्योंकि वही मंगल, शनिवार जब अयोध्या नहीं जा पाती थी तो हनुमान गढ़ी नाका मुजफ्फरा पर हनुमान जी का दर्शन करने जाती रही हैं जो मेरे गाँव से 5 या 6 किमी दूरी पर है। नाका मुजफ्फरा पर हनुमान जी मन्दिर प्राचीन से स्थित है। जहाँ नाका मुजफ्फरा के वैरागी ही महंथ थे वहाँ महंथ बल्देव दास बहुत प्रसिद्ध मं० हुए हैं। जिनके शिष्य मं० भाष्कर दास इस समय मं० है। इस कारण से ही निर्मोही अखाड़ा का ही अधिपत्य व्यवस्था विवादित परिसर श्री रामजन्मभूमि पर शुरू से मैंने देखा है।”

“12. Whenever I went to the disputed premises, alongwith my mother, to have darshan, it was my mother who told me that it was Ramjanmbhumi temple. Lord Ramlala was present in the inner part and the Ramchabutara temple, Chhathi worship place and foot marks of the four brothers

were present in the outer part. The stove, belna-chakla were also present. The Shiv Darbar was also in the outer part, where Shankar Ji, Parvati Ji, Ganesh Ji, Nandi and argha of Shiva existed. The devotees used to enter through the eastern gate of the premises. There was gate in north also, which was mostly opened during fair on crowd increase. Immediately on entering through the eastern gate, was the store room, saints' accommodation and granary in the north, and from the beginning I had seen the saints-recluses live there besides the preparation of prasad taking place over there. Gradually during the course of darshan, my mother told me that priests and saints used to live there. They were the saints-recluses of Nirmohi Akhara and since then to December, 1949, the saints-recluses of Nirmohi Akhara functioned as priests and used to accept prasad from the devotees and delivered it to them after offering them to God. They used to distribute the charnamrit. I have seen them accept the flowers-garlands etc. from the devotees and return them to the devotees after offering them to God. I saw the saints-recluses of Nirmohi Akhara perform similar saint like work at the Ramchabutara temple as well, as described by me regarding the inner part. I have seen the Nirmohi Akhara people perform similar maintenance, prayer, arti at Shiv Darbar, Chhathi worship place, foot marks, chakla-belna, stove. My mother had special knowledge about Nirmohi Akhara because whenever she was unable to go to Ayodhya on Tuesday and Saturday, she used to go to have darshan of Hanuman Ji at Hanumangarhi Naka Muzaffara, which is at a distance of 5-6 kilometers from

my village. Hanuman Ji is present in the ancient temple at Naka Muzaffara. The recluses of Naka Muzaffara were the Mahant over there. Mahant Baldev Das has been a very famous Mahant of the same, whose disciple Mahant Bhaskar Das is the present Mahant. Due to this, I had found the possession of Nirmohi Akhara extend over the disputed premises, Sri Ramjanmbhumi.” (E.T.C.)

“13. यह कि भीतर वाला भाग जो तीन शिखर व सिकचें के अन्दर था। दिसम्बर 1949 में कुर्क हुआ यह मैंने जनवरी में घर आने पर जाना उस समय दर्शन मुझे भगवान रामलला के बाहरी भाग में पूर्ववत दर्शन भगवान के व पूज्य तीर्थ स्थली छठी पूजा स्थल शिव दरबार व राम चबूतरा मन्दिर पर पास जाकर निर्मोही अखाड़ा के पुजारियों से प्रसाद व चरणामृत लेकर होता रहा है। 1982 में बाहरी भाग निर्मोही अखाड़ा के आपसी विवाद से कुर्क हो गया जिसके भी रिसीवर भीतर वाले भाग के रिसीवर हुए। रिसीवर द्वारा पुजारी व व्यक्ति अब सभी पूज्य धर्मस्थलों पर जैसे छठी पूजा धर्मस्थल व राम मन्दिर चबूतरा शिव दरबार व भीतर भाग भगवान रामलला आदि पर बैठते हैं। इसलिए बाहर के कुर्की के बारे में रामनवमी 1982 में मुझे मालूम हुआ रामनवमी को देर तक परिसर में रुककर मैं पूजन व कुछ मानस पाठ करता हूँ। उसी दिन बारह बजे भगवान राम का जन्म हुआ है। प्रसाद लेकर ही आता था रिसीवर के इन्तजाम में दोनों भाग बाहरी भाग व भीतरी भाग सम्पूर्ण ढाँचा गिराने तक यानि 6.12.1992 तक रहा है। ढाँचा गिरने के बाद केन्द्रीय सरकार रिसीवर हो गयी लेकिन भगवान रामलला वही भगवान राम लला हैं जिनका मैं शुरू से दर्शन करता चला रहा हूँ। अब भी विराजमान है। जिनका भी दर्शन मैं बराबर केन्द्रीय सरकार द्वारा नियंत्रित रास्ते से बराबर करता चला आ रहा हूँ। अभी नहान, पूर्णिमा कार्तिक के दूसरे दिन में भी दर्शन करने गया था।”

“13. *That the inner part was under the three dome and within the grill. I came to know that it was attached in December 1949, when I came home in January. At that time, I continued to have darshan of Lord Ramlala in the outer part along with the revered Chhathi worship place,*

Shiv Darbar and Ramchabutara temple and received prasad and charnamrit from the priests of Nirmohi Akhara. In the year 1982 the outer part was also attached due to internal dispute of Nirmohi Akhara and the Receiver of inner part, was appointed Receiver thereof. The priest and people appointed by the Receiver now look after all revered worship places such as Chhathi worship place, Ramchabutara temple, Shiv Darbar and Lord Ramlala in the inner part. I came to know about the attachment of the outer part on the occasion of Ramnavami, 1982. I stay back in the premises on the occasion of Ramnavami and offer my prayers and recite the Manas. Lord Rama was born at 12 'O' clock on this day. I used to bring along the prasad. Both, the inner and outer part, remained in control of the Receiver till demolition of the structure on 06.12.1992. After the demolition of the structure, the Central Government became the Receiver but Lord Ramlala is the same Lord Ramlala, whose darshan I have had since beginning, and He is still present there. I regularly have darshan even today through the route controlled by the Central Government. Recently I went to have darshan on the occasion of Nahan (occasion for a holy dip in sacred river), the second day of Kartik Purnima.” (E.T.C.)

“14. मैं शुरू से जब से विवादित परिसर मन्दिर श्री रामजन्मभूमि दर्शन करने जा रहा हूँ। हमेशा मुझे तब निर्मोही अखाड़ा के पुजारियों व साधुओं व वैरागियों को मन्दिर उपरोक्त की व्यवस्था करते व पूरा इंतजाम करते बाहरी व भीतरी भाग में देख रहा हूँ। मुझे यह भी अपनी माँ से मालूम हुआ कि निर्मोही अखाड़ा के अन्तर्गत ही श्री रामजन्मभूमि मन्दिर है। निर्मोही अखाड़ा के बारे में मेरी जानकारी मन्दिर हनुमान गढ़ी नाका दर्शन करने जाने से व बाबा बल्देव दास से काफी बढ़ गयी।”

“14. Since I started going to the disputed premises to have darshan of Sri Ramjanmbhumi, I have always found the priests, saints and recluses of Nirmohi Akhara carry out the entire arrangement and management of the inner and outer part. I came to know from my mother that the Sri Ramjanmbhumi temple was also under the Nirmohi Akhara. My knowledge about Nirmohi Akhara improved substantially from my visit for darshan of the temple at Hanumangarhi Naka and through Baba Baldev Das.”
(E.T.C.)

“15. जन्मभूमि मन्दिर के पूर्व व दक्षिण भी कुछ छोटे-छोटे मन्दिर निर्मोही अखाड़ा के पंच बनाकर रहते थे। शेषावतार सुमित्रा भवन भी मन्दिर था यह बाहर वाले मन्दिर 1991 में शायद यू0पी0 सरकार ने गिरा दिये अधिग्रहण कर।”

“15. The Panch of Nirmohi Akhara used to build and live in small temples in east and south of the Janmbhumi temple. Sheshawtar Sumitra Bhawan was also a temple. These outlying temples were possibly demolished by the U.P. Government after acquisition in the year 1991.”
(E.T.C.)

“16. विवादित परिसर भीतरी या बाहरी भाग कभी मस्जिद के तौर पर मेरे देखने के समय से आज तक इस्तेमाल होते मैंने नहीं देखा है।”

“16. From the date of my visits till date, I have never seen either the inner or outer part of the disputed premises being used as a mosque.” (E.T.C.)

“17. यह कि विवादित परिसर में मैंने किसी मुसलमान को नमाज पढ़ते अपने होश सम्भालने के समय से आज तक नहीं देखा है।”

“17. That from the date of attaining maturity, I have not seen any Muslim offer Namaz in the disputed premises till date.” (E.T.C.)

“18. मं0 भाष्कर दास को 1946 से मैंने विवादित परिसर में भीतरी व

बाहर दोनों स्थान पर भगवान राम लला की पूजा अर्चना करते देखा है। पुजारी की हैसियत से कार्य करते देखा है। इनके गुरु मं० बल्देव दास को भी 1946 के पहले से देखा है बल्देव दास जी का स्वर्गवास शायद 1962 में हुआ है।”

“18. From the year 1946, I have seen Mahant Bhaskar Das perform prayer-worship of Lord Ramlala in both inner and outer parts of the disputed premises. I saw him function as priest. I had also seen his master Mahant Baldev Das prior to 1946. Baldev Das probably passed away in the year 1962.” (E.T.C.)

“19. कुर्की वाले भीतरी भाग के मुकदमें की जानकारी मुझे मं० बल्देव दास जी से 1950 में ही शुरू माह जनवरी या फरवरी में हुई थी। दीवानी मुकदमा व निर्मोही अखाड़ा द्वारा दायर मुकदमा की पूरी जानकारी 1960 में मं० बल्देव दास व बादहू मं० भाष्कर दास से हुई जो मुझे कभी मन्दिर हनुमान गढी नाका व कभी रामजन्मभूमि मंदिर अयोध्या राम चबूतरा मन्दिर पर मिलते थे।”

“19. I came to know about the case regarding the attached inner part in the beginning of January or February, 1950 from Mahant Baldev Das. The complete information about the civil suit and the case filed by Nirmohi Akhara, was gathered by me in the year 1960 from Mahant Baldev Das and subsequently from Mahant Bhaskar Das, whom I sometimes met at temple Hanumangarhi Naka or at Ramjanmbhumi temple Ayodhya or at Ramchabutara temple.” (E.T.C.)

373. DW 3/6, Sitaram Yadav born in 1943 has filed his affidavit dated 06.01.2004 under Order XVIII Rule 4 CPC, followed by his corss examination as under :

(a) 06.01.2004- by Ramesh Chandra Tripathi, defendant no. 17 and Umesh Chandra Pandey, defendant no. 22 (Suit-4) through Sri Vireshwar Dwivedi, Advocate (p. 4-

8)

(b) 07.01.2004- by plaintiffs (Suit-5) through Sri A.K. Pandey, Advocate (p. 16-14)

(c) 07.01.2004- by defendant no. 20 (Suit-4) through Km. Ranjana Agnihotri, Advocate (p. 14-15)

(d) 07/08.01.2004-by defendant no. 11, Mohd. Faruk Ahmad, through Sri Abdul Mannan, Advocate (p. 16-28)

(e) 08/09/12/13/14/15.01.2004- by Sunni Central Board of Waqf, defendant no. 9, through Sri Zafaryab Jilani, Advocate (p. 28-87)

(f) 15/16/19.01.2004- by plaintiff no. 7 (Suit-4) and defendant no. 5 (Suit-5) Mohd Hashim through Sri Mustaq Ahmad Siddiqui, Advocate (p. 87-110)

(g) 19.01.2004 - defendants no. 6/1 through Sri Fazale Alam, Advocate and 6/2 through Sri Irfan Ahmad, Advocate and defendant no. 26 (Suit-5) through Sri T.A. Khan, Advocate adopted the cross examination already done by Sri Abdul Manna, Sri Zafaryab Jilani and Sri Mustaq Ahmad Siddiqui, Advocates (p. 110)

374. He states about the existence of the shop of his father selling Batasha and other sweet meats for offering to the God on the northern side wall of eastern gate of Sri Ramjanambhumi Temple which continued till December, 1992. He claims to have gathered information about the temple, Ramjanambhumi as well as Nirmohi Akhara etc. from his father. Paras 4, 5, 7, 8, 9, 10, 11, 12, 13, 14 and 16 of the affidavit contain his statement about the existence of idol in inner courtyard, possession and ownership of Nirmohi Akhara and performance of Pooja by the priests of Nirmohi Akhara as under:

“4. मेरे पिता ने मंदिर रामजन्मभूमि परिसर व उससे संबंधित धर्मस्थल व निर्मोही अखाड़ा के बारे में पूरी जानकारी दिया और जब से मैंने होश

संभाला तब से बराबर स्वयं सभी तथ्य रामजन्मभूमि मंदिर के बारे में अयोध्या के धार्मिक महत्व के बारे में यहां—अयोध्या के प्रसिद्ध मंदिरों के बारे में स्वयं जानकारी देखकर व दीगर साधुओं व महन्तों से हुई।”

“4. *My father gave complete information about Ramjanmbhumi temple premises, the religious places related to it and the Nirmohi Akhara and after I attained maturity I gathered information about Ramjanmbhumi temple, the religious importance of Ayodhya and the famous temple of Ayodhya, myself and from different saints and Mahants.*” (E.T.C.)

“5. मेरे पिताजी ने बताया था कि दिसम्बर 1949 में भीतरी भाग जो तीन शिखर के नीचे सीखचे वाली दीवाल तक है, कुर्क हो गई थी मुझे यह भी बताया था कि कुर्की के पहले से भीतरी भाग गर्भगृह जिसे कहते हैं, में भगवान रामलला विराजमान चले आ रहे हैं । भगवान रामलला की—अष्टधातु की मूर्ति है। मुझे मेरे पिताजी ने बताया था कि यह मूर्ति निर्माही अखाड़ा के किसी सरबरहकार महन्त या पंच ने मानव याददाश्त के पहले प्रतिष्ठा कराई थी।”

“5. *My father had told me that in December, 1949 the inner part, which was under the three domes and extended upto the grill wall, had been attached. I was also told that Lord Ramlala had been present in the inner part called 'Garbh-grih', even prior to the attachment. The idol of Lord Ramlala is made up of 'Ashtadhatu'. My father had told me that this idol had been placed by some Sarbarhakaar Mahant or Panch of Nirmohi Akhara, much beyond human memory.*” (E.T.C.)

“7. रामलला भगवान के अलावा मेरे पिता ने बताया था और मैं भी अपने होश से देख रहा हूँ कि लखन लाल की भी अष्टधातु की मूर्ति है जो चांदी के सिंहासन जो सवा फुट लम्बा चौड़ा व लगभग डेढ़ फुट ऊँचा पर विराजमान रामलला भगवान के साथ हैं। बगल में हनुमानजी की मूर्ति पाषाण की दीवाल के सहारे है जिसे भी मेरे पिता ने बताया पहले से कायम

चला आ रही है और मैं भी अपने होश से देखता चला आ रहा हूँ। सालिग राम भगवान भी 4-5 अदद सिंहासन चांदी पर रखे रहते हैं।”

“7. *It was told by my father and has also been witnessed by me since I gained understanding that besides Lord Ramlala, there was a ‘Ashtadhatu’ idol of Lakhanlal as well and that it existed over a 1 ¼ feet wide and 1 ½ feet tall silver throne along with Lord Ramlala. In the side is the stone idol of Hanuman ji in support of wall and my father had told me that it existed since earlier times, and this was witnessed by me since I gained understanding. There were 4-5 Saligram over the silver throne.*” (E.T.C.)

“8. भीतरी भाग की पूजा-पाठ उत्सव समैया कुर्की के पहले निर्मोही अखाड़ा करता था जिसे मेरे पिता ने बताया अपने होश से भीतरी भाग रिसीवर के प्रबन्ध में देख रहा हूँ लेकिन अपने होश से बाहरी भाग जिसमें रामचबूतरा मंदिर, शिव दरबार, छठी पूजा स्थल, चरण चिन्ह, भण्डारगृह आदि भाग पर निर्मोही अखाड़ा का प्रबन्ध इन्तजाम देखता आया हूँ जब तक कि सन 1982 फरवरी में बाहरी भाग भी कुर्क हो गया।”

“8. *The worship, ceremony of the inner part was carried out by the Nirmohi Akhara prior to the attachment, which was told to me by my father. Since I gained understanding, I have seen the inner part under the control of Receiver but I have found the Nirmohi Akhara involved in in management of the outer part, which included Ramchabutara temple, Shiv Darbar, Chhathi worship place, footmarks, store room etc., till the outer part was attached in February, 1982.*” (E.T.C.)

“9. उक्त कुर्की के बाद दोनों भाग यानी बाहरी व भीतरी भाग के रिसीवर श्री के०के० राम वर्मा हुए और रिसीवर तो बदलते रहे लेकिन पूरा ढांचा 6 दिसम्बर 1992 को भीड़ ने गिरा दिया इसके बाद मेरी दुकान यहां नहीं रही अब मैं बाहर अमांवा मंदिर के सामने दुकान करता हूँ।”

“9. *After the said attachment, Sri K.K. Ram Verma was*

appointed Receiver of both the parts viz. the inner and outer part. The Receivers kept changing. The entire structure was demolished by the masses on 6th December, 1992 and after it my shop ceased to exist at that place. Now my shop is situated in front of Amawan temple.”
(E.T.C.)

“10. रिसीवर को मेरे पिताजी के जमाने से मेरे ही दुकान से बालभोग व दूध भगवान रामलला के लिए जाता था।”

“10. The ‘Balbhog’ and milk for Lord Ramlala used to go to the Receiver from my shop, from the days of my father.”
(E.T.C.)

“11. मैं ढांचा गिरने के बाद दूध अब भी देने जाता हूँ।”

“11. I still go to deliver milk despite demolition of the structure.” (E.T.C.)

“12. गर्भगृह के भगवान रामलला का दर्शन बराबर करता रहा हूँ जो ढांचा गिरने के पहले थे, वही रामलला अब भी हैं।”

“12. I have regularly had the ‘darshan’ of Lord Ramlala in the ‘Garbh-grih’. The Lord Ramlala present before demolition of the structure, is the same Ramlala present today.” (E.T.C.)

“13. बाहर वाले भाग का मंदिर रामचबूतरा में भी भगवान रामलला व लखनलाल जी व भरतजी माता कौशिल्या जी हनुमानजी मूर्तियां गुफा मंदिर में मिलाकर रही हैं मंदिर काठ का गंगा जमुनी-चबूतरा राममंदिर पर रहा है। शिव दरबार बाहरी परिसर दीवाल के अन्दर पूरबी दक्षिण कोने में पीपल पेड़ के नीचे शिव दरबार संगमरमर पत्थर का रहा था जिसमें शंकरजी का अर्धा पार्वतीजी, गणेशजी, षष्टमुखी शंकरजी व नन्दीजी रहे थे जो तीनों धार्मिक पवित्र स्थल बने जहां मैंने अपने होश से बराबर कुर्की 1982 तक कब्जा व दखल निर्माही अखाड़ा अयोध्या का देखा है। मैंने इन सभी धार्मिक स्थलों पर पुजारी निर्माही अखाड़ा का देखा है मेरे होश के समय जेठ 1950 के करीब मैंने मा0 भास्कर दास को बतौर पुजारी देखता चला आ रहा हूँ जो वहां 1962 तक रहे बाद में निर्माही अखाड़े के पुजारी सिया राघव सरन

रहे जो 1982 कुर्की तक रहे।”

“13. *The idols of Lord Ramlala, Lakhanlal, Bharat ji, mother Kaushalya ji and Hanuman ji were present in the Ramchabutara temple in the outer part as well as the cave temple. The temple ‘Kath Ganga-Jamuni’ was at Ramchabutara temple. The marble stone Shiv Darbar existed below the Pipal tree in south-east corner within the wall of the outer premises, where Shankar ji’s better half Parvati ji, Ganesh ji, Six faced Shankar ji and Nandi ji were present, which all became sacred religious places and from the day of my gaining understanding to the attachment of 1982, I have witnessed the possession of Nirmohi Akhara, Ayodhya extend over all of them. I have seen the priest of Nirmohi Akhara at all these religious places. From the days of my gaining of understanding in summer of 1950, I have seen M. Bhaskar Das as priest, who continued as such till 1962. Thereafter, Nirmohi Akhara’s Sia Raghav Saran became the priest and continued till the attachment of 1982.*” (E.T.C.)

“14. हर मेले में तो मेरे होश से अयोध्या में श्रीराम जन्मभूमि परिसर में भारतवर्ष के कोने-कोने से भक्तगण दर्शन करने आते रहे जो पूरबी गेट से जाते थे, व मेला में उत्तरी गेट भी इस्तेमाल होता रहा है।”

“14. *As far as I recollect, devotees from all parts of India came to Sri Ramjanmbhumi premises in each fair to have ‘darshan’. They entered from the eastern gate. The northern gate was also used during fairs.*” (E.T.C.)

“16. मेरे 1950 जेठ माह में होश संभालने पर जबकि उसी माह में कोई वकील द्वारा नापजोख मौके पर हो रही थी, तभी मेरे पिताजी ने मुकदमे की बातें बतलाई अब मैं जानता हूँ कि दीवानी मुदकमा चल रहा है और निर्मोही अखाड़ा एक मुख्य पक्षकार है जो सुन्नी सेंट्रल वक्फ बोर्ड से मुकदमा लड़ रहा है। निर्मोही अखाड़ा के साधु भण्डारगृह में बराबर कुर्की 1982 तक

रहते रहे हैं और श्रीराम जन्मभूमि मंदिर के पूर्वी दक्खिनी कोने पर सुमित्रा भवन मंदिर निर्मोही अखाड़ा के पंच म० रामदास का था जो मेरे होश के पहले का था तथा सीताकूप के पास रामलला मंदिर छोटे-छोटे निर्मोही अखाड़ा के साधुओं के पहले से कायम चले आ रहे थे जिन्हें 1991 अक्टूबर में उ०प्र० सरकार ने अधिग्रहण कर गिरवा दिया था।”

“16. I gained understanding in ‘Jyeshtha’ month of 1950 and in the same month some measurement of the site was carried out by some advocate. It was at that point of time that my father had told me about the case. I now know that a civil case is pending and the Nirmohi Akhara is a main party and is contesting against Sunni Central Waqf Board. The saints of Nirmohi Akhara have continuously remained in the store room till the attachment of 1982. The Sumitra Bhawan temple in east-south corner of Sri Ramjanmbhumi temple, was of Nirmohi Akhara’s Panch M. Ramdas and it was of period prior to my attainment of understanding. Small Ramlala temples near the Sitakoop, were already in existence and in October, 1991 they were demolished after acquisition by the U.P. Government.” (E.T.C.)

375. Paras 15 and 17 contains his (DW 3/6) statement about the constitution of Nirmohi Akhara, its function and Mahant etc. which shall be dealt with later on. In para 18 he says that he never saw any Muslim offering Namaz in the disputed premises and the said premise has never been used as mosque either inside or outside.

376. DW 3/7, Mahant Ramji Das, resident of Mohalla Shringar Hat, Ayodhya, District Faizabad, is aged about 82 years (as per his affidavit dated 30.01.2004). He was cross examined in the following manner :

(a) 30.01.2004- by Ramesh Chandra Tripathi, defendant no. 17 and Umesh Chandra Pandey, defendant no. 22

(Suit-4) through Sri Vireshwar Dwivedi, Advocate (p. 11-16)

(b) 03.02.2004- by Mahant Suresh Das, defendant no. 2/1 (Suit-4) and Suit-5 through Sri Madan Mohan Pandey, Advocate (p. 18-22)

(c) 03.02.2004-by plaintiffs (Suit-5) through Sri A.K. Pandey, Advocate (p. 22-24)

(d) 03.02.2004- by defendant no. 20 (Suit-4) through Km. Ranjana Agnihotri, Advocate (p. 25-26)

(e) 03/04.02.2004- by Mohd. Faruk Ahmad, defendant no. 11 through Sri Abdul Mannan, Advocate (p. 27-37)

(f) 04/10/23/24/25/26/27/.02.2004, 01/03/04/05/10/11/12/16.03.2004- by Sunni Central Board of Waqf, defendant no. 9 through Sri Zafaryab Jilani, Advocate (p. 37-174)

(g) 16/17.03.2004- by plaintiff no. 7 (Suit-4) and defendant no. 5 (Suit-5) Mohd Hashim through Sri Mustaq Ahmad Siddiqui, Advocate (p. 174-188)

(h) 17.03.2004- defendants no. 6/1 and 6/2 (Suit-3) through Sri Irfan Ahmad, Advocate defendant no. 26 (Suit-5) through Sri C.M. Shukla, Advocate adopted the cross examination already done by Sri Abdul Manna, Sri Zafaryab Jilani and Sri Mustaq Ahmad Siddiqui, Advocates (p. 188)

377. His date of birth is 13.04.1923. He attained age of understanding at 12. His parents were very religious. DW 3/7 used to visit Ayodhya accompanied with his parents. He has supported the issue that Lord Ram was being worshiped inside the courtyard and the said temple was maintained and looked after by the Bairagis of Nirmohi Akhara. Hindu people used to worship inside the courtyard and he never saw any muslim to

offer Namaz at the premises in dispute. His statement contained in paras 5, 6, 7, 8, 10, 15, 16, 17, 18, 19, 23, 24, 25, 26, 28, 28-A, 29, 30, 31, 32, 33 and 34 of the affidavit is as under:

“5. मेरे पिता व माता मेरे होश में जब-जब अयोध्या आये, अपने गुरु-घराना, मन्दिर बड़ा स्थान रामकोट अयोध्या ठहरते थे और वहीं से सरयू स्नान, प्रसिद्ध मन्दिर राम जन्म भूमि, हनुमान गढ़ी व कनक भवन आदि का दर्शन करते थे, मैं भी उनके साथ उपरोक्त मन्दिरों में भगवान का दर्शन करने जाता था।”

“5. *On my coming of age whenever my parents came to Ayodhya they stayed at their Guru Gharana temple at Bada Sthan, Ramkot in Ayodhya and from there they proceeded to have a bath in Saryu and to have darshan of the famous Ram Janam Bhumi temple, Hanumangarhi, Kanak Bhawan, etc.. I also went along with them to have darshan of 'Bhagwan' at the aforesaid temples.*” (E.T.C.)

“6. मैं मन्दिर राम जन्म भूमि अपने 11 या 12 साल की उम्र से बराबर जाता रहा हूँ।”

“6. *I have consistently been going to the Ram Janam Bhumi temple since I was of 11 or 12 years of age.*” (E.T.C.)

“7. मैं जब पहली बार अपने माता-पिता के साथ मन्दिर श्रीराम जन्मभूमि भगवान का दर्शन करने गया तो मेरे पिता जी ने बताया कि यह प्रसिद्ध मन्दिर जन्म भूमि है जहां भगवान रामलला विराजमान हैं उक्त जन्म भूमि परिसर दो भागों में था यानि सीकचे के पश्चिम तीन शिखर के नीचे भीतरी भाग, जहां बीच के शिखर के नीचे भगवान रामलला व लखनलाल की मूर्ति बाल रूप में विराजमान थी व हनुमान जी भी बगल में विराजमान थे तथा 4-5 सालिगराम भगवान भी थे, भगवान रामलला व लखनलाल व सालिगराम चांदी के सिंहासन में थे उस सिंहासन के बाहर हनुमान जी विराजमान थे।”

“7. *When I, for the first time, went along with my parents to have darshan of the presiding deity at Sri Ram Janam*

Bhumi temple, my father told me that this famous temple is 'Janam Bhumi' (birthplace) where Lord Ram Lala is seated. The said Janam Bhumi premises was divided into two parts, that is to say, towards the west of the bar and beneath the three towers lay the inside part, where beneath the central tower lay the idols of Ram Lala and Lakhan Lal in their baby forms and Hanumanji was also seated next to them and there were also 4-5 idols of Lord Saaligram. Lord Ram Lala, Lakhan Lal and Saaligram were seated on a silver throne and Hanumanji was seated outside that throne.” (E.T.C.)

“8. उक्त भगवान रामलला का दर्शन अन्दर जाकर मैंने अपने माता-पिता के साथ किया और मेरे पिता जी ने बताया यह राम लला भगवान हैं यह लखनलाल हैं और यह हनुमान जी हैं। भगवान रामलला व लखनलाल अष्टधातु के हैं, और हनुमान जी पाषाण के हैं।”

“8. On going inside I had darshan of the said Lord Ram Lala accompanied with my parents and my father told me that it is Ram Lala; it is Lakhan Lal and it is Hanumanji. Idols of Lord Ram Lala and Lakhan Lal are made of 'ashtadhatu' and that of Hanumanji is made of stone.” (E.T.C.)

“10. पहली बार जब मैं पिताजी माता के साथ गया था तो बाहरी भाग जन्मभूमि मन्दिर में राम चबूतरा मन्दिर व राम चबूतरा मन्दिर के पूर्व व दक्षिण कोने पर बाहरी दीवाल के अन्दर पीपल पेड़ के निचे शिव परिवार रहा है तथा भन्दार ग्रह व छट्ठी पूजा स्थल जिसमें चार-चरण-चिन्ह चारों भाईयों व चूल्हा, बेलन, चकला संगमरमर का था जो कौशिल्या रसोई के नाम से जाना जाता है।”

“10. When I for the first time went there accompanied with my parents, we saw Ram Chabutra temple in the exterior part of the Ram Janam Bhumi temple and on the east-southern corner of the Ram Chabutra temple there lay

the Shiva family beneath the fig-tree inside the exterior wall and there were store house and the Chhathi worship place with four foot-marks of the four brothers and with hearth, rolling-pin and 'chakla' made of marble which are known as Kaushalya Rasoi.” (E.T.C.)

“15. मैं जब से श्री राम जन्म भूमि मन्दिर दर्शन करने जाता रहा हूँ सदैव मैंने वहां तमाम दर्शनार्थियों को दर्शन करते, परसाद द्रव्य फूल आदि चढ़ाते व आरती चरणामृत लेते देखा है।”

“15. *Since the time I have been going to have darshan of Sri Ram Janam Bhumi temple I have always seen several devotees having darshan, offering 'prasad', 'dravya' (materials), flowers, etc., performing 'aarti' and taking 'charnamrit'.*” (E.T.C.)

“16. यह कि 1940 ई० में राम नवमी के पहले मणिराम दास की छावनी में स्वामी रामसुन्दर दास का शिष्य बना और तबसे अयोध्या में ही रहता हुआ बैरागी सम्प्रदाय के साधू के सभी रीति रिवाज का पालन कर अयोध्या—वास करता चला आ रहा हूँ। जिसमें सरयू स्नान, श्रीराम जन्मभूमि, हनुमान जी व कनक भवन व बाल्मीकि आश्रम, छोटी छावनी, भक्तमाल आदि मन्दिरों में विराजमान भगवान का दर्शन आदि शामिल है।”

“16. *That I became a disciple of Saint Ram Sundar Das at the camp of Mani Ram Das before Ram Navami in 1948 and since then I have been staying at Ayodhya, adhering to all rites and customs ordained for saints of the Bairagi sect which include taking a dip in Saryu and having darshan etc. of presiding deities at temples called Sri Ram Janam Bhumi, Hanumanji, Kanak Bhawan, Valmiki Ashram, Chhoti Chhavani, Bhaktmal, etc..*” (E.T.C.)

“17. यह कि 1948 ई० यानि शिष्य बनने के बाद मैं अपने गुरु महाराज स्वामी राम सुन्दर दास के साथ मणिराम दास छावनी में रहता रहा बाद में सन् 1962 में मेरे गुरु महाराज ने मोहल्ला—श्रृंगार हाट में भवन कोर्ट नीलाम में लेकर ठाकुर राम—जानकी की स्थापना कर तुलसी मानस मन्दिर

नाम रखा और स्वयं महन्थ व सरबराहकार रहे। उक्त मन्दिर श्रृंगार हाट में स्थित है जो मुख्य अयोध्या के बाजार में थी, मैं वहां से बराबर श्रीराम जन्म भूमि दर्शन करने जाता रहा हूं। वर्ष 1969 से मैं उक्त तुलसी मानस मन्दिर का महन्थ व सरबराहकार हूँ।”

“17. *That after 1948, that is, after becoming disciple I kept staying at the Mani Ram Das Chhavani alongwith my spiritual teacher Maharaj Swami Ram Sundar Das. Later on, in 1962, my spiritual teacher, after receiving building/court through auction, established Thakur Ram Janaki at Mohalla Sringerhaat and named it Tulsi Manas Mandir and he himself remained its Mahanta and Sarvarahakar. The said temple is located at Sringerhaat, which was in the market of Ayodhya. From there I have consistently been going to have darshan of Sri Ram Janam Bhumi. I have been Mahanta and Sarvarahakar of the said Tulsi Manas temple.*” (E.T.C.)

“18. यह कि जब से मैं, होश सम्भालने से पिता जी के साथ श्रीराम जन्म भूमि दर्शन करने जाता रहा हूं तब तब हमेशा मैंने भीतर भाग व बाहरी भाग राम चबूतरा, मन्दिर छट्ठी पूजा स्थल देखा है जहाँ पुजारी आरती करते थे व दर्शनार्थियों से परसाद व फूल आदि लेते और उन्हें परसाद व चरणामृत देते थे। मेरे पूछने पर पिता जी ने बताया कि यह पुजारी व साधू निर्मोही अखाड़ा के हैं। शिष्य बनने के बाद से मुझे अच्छी तरह मालूम है कि मंदिर श्रीराम जन्मभूमि की बाहरी भाग एवं गर्भ गृह भीतरी भाग की व्यवस्था व देखभाल व भगवान राम लला की सेवा पूजा आदि निर्मोही अखाड़ा के पुजारी व साधू करते रहे हैं।”

“18. *Since the time I have come of age I have been going along with my father to have darshan of Sri Ram Janam Bhumi. Whenever I had been visiting its inside and outside portions, the Ram Chabutra temple and the Chhathi worship-place where priests performed 'aarti' and took 'prasad', flowers, etc. from devotees and gave them 'prasad'*

and 'charnamrit'. On being queried by me my father told me that those priests and saints belonged to the Nirmohi Akhara. Since the time I became disciple I am well acquainted that priests and saints of Nirmohi Akhara have been managing and looking after the exterior part of Sri Ram Janam Bhumi temple and its interior part, that is, sanctum sanctorum and have also been engaging themselves in the service, worship etc. of Lord Ram Lala.”

(E.T.C.)

“19. यह कि वर्ष 1948 में निर्मोही अखाड़ा के गोलकी राम लखन दास जी थे जिनसे मेरा परिचय 1948 में साधू बनने के बाद वहीं जन्म भूमि पर हुआ। उक्त राम लखन दास गोलकी जब कभी मेरे दर्शन करने जाने के दरमियान मिले, तो मुझे मौलिश्री पेड के नीचे भन्दार गृह, सन्त निवास के सामने बैठा कर चाय अवश्य पिलाते थे वहां जन्म भूमि व अखाड़े के बारे में बताते थे। उस समय महन्थ रघुनाथ दास थे व गोलकी जी से ही मैंने पुजारी बलदेव दास को जाना पहचाना। उस समय अखाड़े के और भी साधू थे जिनमें से महन्थ भाष्कर दास जो आज कल निर्मोही अखाड़ा के सरपन्च व नाका हनुमानगढ़ी के महन्थ हैं, को उस समय भी मन्दिर राम चबूतरा व भीतरी में मात्र देखा था 1948 से ही मैं इन्हें जान गया था कि यह पुजारी बलदेव दास के शिष्य हैं कुर्की होने के पहले यानि माह दिसम्बर 1949 के पहले तक भीतरी भाग गर्भगृह में पूजा पाठ निर्मोही अखाड़ा के पुजारी करते थे कुर्की के बाद रिसीवर का पुजारी हो गया। कुर्की बाद बाहरी भाग यानि राम-चबूतरा मन्दिर व छट्ठी पूजा स्थल आदि पर पुजारी के रूप में महन्थ भाष्कर दास को 20सों साल देखा उनके बाद सिया राघव शरण पुजारी हुए और उन्हीं के पुजारी काल में 1982 फरवरी में धर्मदास के विवाद में बाहरी भाग कुर्क हो गया व भीतर वाले भाग के रिसीवर ही बाहर वाले भाग के भी हो गए।”

“19. That in 1948, there was one named Golki Ram Lakhan of the Nirmohi Akhara with whom I got acquainted at that very Janam Bhumi after becoming a saint in 1948. Whenever the said Ram Lakhan Golki met me while having

darshan, he certainly seated me beneath the 'Maulishri Tree' in front of the store house and Saint Niwas and got tea served to me and told me about the Janam Bhumi and the Akhara. At that time Raghunath Das was Mahanta and I got acquainted with priest Baldev Das only through Golkiji. At that time the Akhara had some more seers including Mahanta Bhaskar Das who is presently 'sarpanch' of the Nirmohi Akhara and Mahanta of Naka Hanumangarhi. I had seen him at the Ram Chabutra temple and in the interior part even at that time. Since 1948, I had come to identify him as the disciple of priest Baldev Das. The priests of the Nirmohi Akhara performed 'pooja-path' in the inner part, that is, sanctum sanctorum before the attachment, that is, the month of December in 1949. After the attachment there came to be a priest on behalf of the Receiver. After the attachment Mahanta Bhaskar Das had been seen performing as a priest in the exterior part, that is, at the Ram Chabutra temple and the Chhathi worship place etc. for 20 years. After that Siya Raghav Saran came on to be the priest and while his being the priest, the exterior part came to be attached in February 1982, due to a dispute involving Dharm Das and the receiver of the interior part came to be that of the exterior part also.” (E.T.C.)

“23. यह कि जब से मैं देख रहा हूँ विवादित परिसर यानि बाहरी व भीतरी भाग में कभी किसी मुसलमान को नमाज पढ़ते नहीं देखा।”

“23. That since the time I have been observing things I never saw any Muslim offer namaz in the disputed premises, that is, in its exterior and interior parts.”
(E.T.C.)

“24. यह कि परिसर के बाहर ऋषियों की समाधियां थी।”

“24. *That there were tombs of seers outside the premises.*” (E.T.C.)

“25. यह कि विवादित परिसर के सामने पूर्व तरफ निर्मोही अखाड़े के साधू छोटे-छोटे मन्दिर बना रहते थे सीता कूप मन्दिर, रामलला मन्दिर आदि टिन शेड में थे। पूर्व व दक्षिण कोने पर मुख्य गेट से 200 या 250 फिट के फसले पर सीता कूप पवित्र कुंआ है जिसकी धार्मिक आस्था की मान्यता रही है।”

“25. *That towards the east of and opposite to the disputed premises, seers of the Nirmohi Akhara had small temples constructed. The Sitakooop temple, the Ram Lala temple etc. were under a tin shed. On the east-southern corner and at the distance of 200 or 250 feet from the main gate there was a holy well called Sitakooop, which has been a seat of religious reverence.*” (E.T.C.)

“26. यह कि वर्ष 1949 फरवरी के पहले से ही जन्म भूमि मन्दिर के बाहर मैदान व कथा मन्दप में बराबर रामायण पाठ, धार्मिक प्रवचन होता था और बराबर भीड़ धार्मिक प्रवचन सुनने आती थी।”

“26. *That even before February 1949, there used to be Ramayana path (recitation of the Ramayana) and religious sermons in the field outside the Janam Bhumi temple and at the Katha Mandap, and people used to flow in to listen to religious sermons.*” (E.T.C.)

“28. यह कि वर्ष 1935 यानि जब से मैंने होश सम्भाला और विवादित परिसर में दर्शन करने जाने लगा तब से बराबर इन्तजाम व कब्जा निर्मोही अखाड़ों वालों का देखा, निर्मोही अखाड़ा एक पंचायती मठ है और धार्मिक संस्था व न्यास है मुझे-शिष्य बनने के बाद धीरे-धीरे उक्त अखाड़े व निर्वाणी-अखाड़ा जिसके अन्तर्गत हनुमानगढ़ी है, के रीति रिवाज के बारे में जानकारी हुयी।”

“28. *That since 1935, that is, since the time I began to understand things and started going to the disputed premises to have darshan, I have consistently seen it in the*

management and possession of the Nirmohi Akhara men. The Nirmohi Akhara is a monastery modelled on a panchayat system and it is also a religious institution and trust. On becoming disciple I gradually came to be acquainted with rites and customs of the said Akhara and the Nirvani Akhara, which includes Hanumangarhi.”
(E.T.C.)

“28 ए. यह कि मैं शास्त्री परीक्षा पास हूँ और संस्कृत का ज्ञान है। बाल्मीकि रामायण, अध्यात्म रामायण, भागवत विष्णु पुराण आदि पढ़ा है। वैदिक साहित्य के आधार पर मैं राम को परब्रम्ह परमेश्वर आदि श्रेष्ठ मानता हूँ।”

“28 A. That I am a Shastri pass and have knowledge of Sanskrit. I have read Valmiki Ramayana, Adhyatma Ramayana, Bhagwat Vishnu Purana, etc.. On the basis of the Vedic literature I regard Rama as the Supreme Soul/Supreme Being etc” (E.T.C.).

“29. यह कि भगवान राम महा विष्णु के अवतार हैं और भगवान राम इसी विवादित परिसर में गर्भ गृह में प्रकट हुए हैं इसलिए यह राम जन्मभूमि कहलाता है।”

“29. That Lord Rama was an embodiment of Maha-Vishnu and Lord Rama appeared in the sanctum sanctorum in this very disputed premises. Hence, it is called Ram Janam Bhumi.” (E.T.C.)

“30. यह कि बैरागी सम्प्रदाय से मेरा तात्पर्य और सन्दर्भ मेरे बयान में श्री रामानन्दीय श्री वैष्णव बैरागी से है जिसका मैं भी साधू हूँ।”

“30. That by the Bairagi sect I mean and refer to Sri Ramanandiya Sri Vaishnav Bairagi sect, which finds mention in my statement and of which I am also a saint.”
(E.T.C.)

“31. यह कि बाल्मीकि रामायण में बाल कान्ठ सर्ग-5 अयोध्या निर्माण मनु द्वारा व सर्ग 15 श्लोक 27 से 34 तक में भगवान विष्णु द्वारा जन्म भूमि का तथा अवतार लेकर 11000 वर्षों तक रहने का आश्वासन देना पाया

जाता है।”

“31. *That in the fifth 'sarga' of Valmiki Ramayana's Baalkand we come across description of settling Ayodhya by Manu and in stanzas 27 to 34 of its 15th 'sarga' we find Lord Vishnu speaking of Janam Bhumi and giving an assurance to incarnate himself and to live for 11000 year.*”

(E.T.C.)

“32. यह कि अध्यात्मक रामायण के अनुसार पूर्ण ब्रम्ह परमेश्वर राम है श्री ब्रम्हा विष्णु भगवान्, शंकर भगवान् श्रीराम के अंश हैं यही हमारे सम्प्रदाय के प्रवर्तक स्वामी रामानन्द का प्रतिपादित सिद्धान्त है।”

“32. *That as per Adhyatma Ramayana, Rama is the Supreme Being and Sri Brahma, Lord Vishnu and Lord Shankara are partial incarnation of Sri Rama. This is the principal laid down by Swami Ramananda, proponent of our sect.*” (E.T.C.)

“33. यह कि इन पुस्तकों का फोटो स्टेट कुछ विवरण सूची 1 से 8 तक का दाखिल कर रहा हूं जो मेरे ज्ञान का प्रमाण है जिसे मैं सही मानता हूँ।”

“33. *That I am filing photostat copies of some details from these books vide lists 1 to 8 which are a proof of my knowledge and which I take to be true.*” (E.T.C.)

“34. यह कि ऐसे में ब्रम्ह भगवान् श्रीराम की जन्म भूमि होने के कारण विवादित पूरा परिसर पूज्य है।”

“34. *That such being the position and due to its being the birthplace of the Supreme Being Lord Rama, the whole of the disputed premises is revered.*” (E.T.C.)

378. DW 3/8, Pt. Shyam Sundar Mishra, aged about 90 years (vide his affidavit dated 30.01.2004). He was cross examined in the following manner:

(a) 12.02.2004- by Mahant Suresh Das, defendant no. 2/1 (Suit-4) and Suit-5 through Sri Madan Mohan Pandey,

Advocate (p. 9-11)

(b) 12.02.2004- by Ramesh Chandra Tripathi, defendant no. 17 and Umesh Chandra Pandey, defendant no. 22 (Suit-4) through Sri Vireshwar Dwivedi, Advocate (p. 12-20)

(c) 12/13.02.2004- by plaintiffs (Suit-5) through Sri A.K. Pandey, Advocate (p. 20-30)

(d) 13/16/17.02.2004, 05/06.04.2004- by Sunni Central Board of Waqf, defendant no. 9 through Sri Zafaryab Jilani, Advocate (p. 30-85)

(e) 06/07.04.2004- by plaintiff no. 7 (Suit-4) and defendant no. 5 (Suit-5) Mohd Hashim through Sri Mustaq Ahmad Siddiqui, Advocate (p. 85-112)

(f) 08.04.2004- by defendant no. 11, Mohd. Faruk, through Sri Abdul Mannan, Advocate (p. 114-125)

(g) 08.04.2004- defendant no. 6/1 and 6/2 (Suit-3) through Sri Nadeem Siddiqui, Advocate, Brief Holder, Sri Irfan Ahmad, Advocate and defendant no. 9 (Suit-4), Mahmood Ahmad, through Sri Shakilurrhman Siddiqui, Advocate adopted the cross examination already done by Sri Abdul Mannan, Sri Zafaryab Jilani and Sri Mustaq Ahmad Siddiqui, Advocates (p. 125)

379. He is residing at Ayodhya since seven generations. His residence is less than 400 yards from the Ramjanambhumi Temple. He has studied up to middle school and by profession is Purohit. Since the age of 14 he has been visiting Ramjanambhumi Temple and thereat attending Nirmohi Akhara, practicing wrestling etc. The Akhara run by Mahant Ram Charan Das who was proficient in wrestling, horse riding, and military exercises. About the existence of idol inside the

courtyard, management and ownership of Nirmohi Akhara prior to December, 1949, and 1934 riot, he has made statement in paras 5, 6, 7, 8, 9, 10, 11, 12, 14, 17, 18 and 19 of the affidavit as under:

“5. अयोध्या के पंचकोसी परिक्रमा मार्ग के पास मौजा शाहजहांपुर का दंगा जो बकरीद दंगे के नाम से मशहूर है वर्ष 1934 में घटित हुआ उस समय मेरी उम्र लगभग 18-19 वर्ष थी। मैं पूरा नवयुवक था। उसके दो-तीन साल पहले से ही मैं पुरोहिती पंडिताई का काम करने लगा था, इस सिलसिले में अयोध्या के प्रसिद्ध मंदिरों में आना-जाना मेरा बराबर रहता था और इस समय मैं मंदिर कनक भवन का पुरोहित खानदानी हूँ।”

“5. *The riot of the year 1934, which is known as the Bakrid riot, broke out in village Shahjahanpur near the Panchkosi (distance of five kose, one kose being equal to two miles) circumambulation path in Ayodhya. At that time, I was aged about 18-19 years. I was a young man. I had entered into priest-ship about 2-3 years earlier to that. I used to visit the famous temples of Ayodhya in this connection and at present I am the family priest of the Kanak Bhawan temple.*” (E.T.C.)

“6. धार्मिक ब्राह्मण परिवार होने के कारण मैं रामजन्मभूमि मंदिर का दर्शन रोज करने जाता था। श्री राम जन्मभूमि मंदिर के सामने सीताकूप के पास अखाड़े में कुश्ती सीखने व लड़ने मैं सन् 1936 तक गया हूँ। इस अखाड़ा में मैं सुबह पांच बजे नियमित रूप से जाता रहा हूँ। यह अखाड़ा जन्म भूमि के गेट से सीता कूप कुएं के पास लगभग एक घंटा तक रहता था। उसके बाद दर्शन करते थे और घर चला जाता था। जहां अखाड़ा है वहां से मन्दिर जन्मभूमि का पूर्वी गेट दिखाई पड़ता है और अगर मन्दिर जन्मभूमि से कोई तेज आवाज से बोलेगा तो अखाड़े में खड़े व्यक्ति को सुनाई पड़ेगा। जब मैं सुबह सन् 1936 तक कुश्ती लड़ने जाता था तो इसी दरम्यान सूरज की किरण फूटती थी कोई अजान विवादित परिसर से कभी नहीं सुनी न उधर किसी मुसलमान को जाते हुए देखा और न किसी को नमाज पढ़ते देखा।”

“6. On account of belonging to a religious Brahman family, I daily went to the Ramjanmbhumi temple to have ‘Darshan’ (offering prayer by sight). I had been to the arena near Sita Koop opposite Sri Ramjanmbhumi temple, till the year 1936 to practice wrestling. I regularly went to this arena at 5 AM. This arena existed for about an hour between the Janmbhumi gate and the Sita Koop well. After this, I used to have ‘Darshan’ and then returned home. The eastern gate of the Janmbhumi temple is visible from the arena and if somebody speaks in high pitch at the Janmbhumi temple, the same would be heard by a person standing in the arena. When I went to practice wrestling in the morning till the year 1936, the sun used to dawn in the said period but I never heard any Ajaan from the disputed premises nor saw any Muslim either go in that direction or offer Namaz.” (E.T.C.)

“7. सन् 1936 में अखाड़ा जाना जब छोड़ा तो मैं जन्मभूमि सायंकाल में जाता था क्योंकि सुबह के समय सरयू स्नान व पुरोहित का कार्य करना पड़ता था। सन् 1934 के गौ-कसी दंगा मौजा शाहजहाँपुर जालपा नाला से शुरू हुआ था और जिसके चपेट में कजियाना, टेढ़ी बाजार, दुराही कुआं, सुतहटी, कोठी घाट व कटरा आदि मुहल्ले थे। जहां मुसलमान काफी मारे गये और कुछ कबरें तोड़ी गयी थीं। उस समय भी अयोध्या में बहुत कम ही मुसलमान के घर थे और इस वाकये से मुसलमान काफी दहशत में थे और मंदिर से रामजन्मभूमि की सड़क तरफ तो जाना ही छोड़ दिये थे। सन् 1934 में ब्रिटिश सरकार ने टैक्स सिर्फ हिन्दुओं पर ही लगाया था जो दंगा कच्चे पक्के घर के लिहाज से लगाया गया था।”

“7. In the year 1936, when I stopped going to the arena, I started going to the Janmbhumi in the evening because in morning I had to take holy dip in the Saryu and discharge duties of priest. The cow slaughter riot of the year 1934,

broke out in village Shahjahanpur Jalpa Nala and it extended over Quaziyana, Tedhi Bazar, Durahi Kuan, Suthati, Kothi Ghat, Katra and other localities, where number of Muslims were killed and some graves were destroyed. At that time also, there were very few houses of Muslims in Ayodhya and they were under much terror due to this incident and almost stopped going towards the road of Sri Ramjanmbhumi temple. In the year 1934, the British Government imposed tax only over Hindus as per the brick made or earth made houses.” (E.T.C.)

“8. सन् 1934 के दंगे में मुसलमानों के घर तोड़े गये, कब्रें तोड़ी गयी लेकिन विवादित परिसर का कोई भी भाग नहीं तोड़ा गया था केवल थोड़ी बहुत दीवाले क्षतिग्रस्त हो गयी थीं।”

“8. The houses of Muslims and graves were destroyed in the riot of year 1934, but no part of the disputed structure was destroyed and only the walls were damaged a bit.” (E.T.C.)

“9. मैं जब दर्शन करने सन् 1936 के बाद जाने लगा तो मेरे कुछ जजमान राम रक्षा स्त्रोत पाठ करने के लिए अनुष्ठान देते थे जो पाठ मैं रामजन्मभूमि परिसर में जाकर अक्सर किया करता था जिसमें लगभग दो घंटे लग जाया करते थे यह पाठ मैं अपने समयानुकूल सुबह सायंकाल को करता था।”

“9. After the year 1936 when I started going to have ‘Darshan’, few of my ‘Jajman’ (client) gave me the assignment of reciting ‘Ram Raksha Stotra’ and the said recitation was mostly carried out by me at the Ramjanmbhumi premises and used to consume about two hours. I used to do the said recitation as per my convenience in morning or evening.” (E.T.C.)

“10. जबसे मैं रामजन्मभूमि परिसर में दर्शन व पाठ करने जा रहा हूँ तभी से मैंने किसी भी मुसलमान को विवादित परिसर यानी बाहरी व भीतरी

भाग में नमाज पढ़ते या अजान देते न देखा न सुना।”

‘10. *Since I have been going to the Ramjanmbhumi premises in connection with ‘Darshan’ and recitation, I have neither seen nor heard about any Muslim either offering Namaz or Ajaan in the inner and outer part of the disputed premises.*” (E.T.C.)

“11. भीतरी भाग के माने में समझता हूँ जो तीनों शिखर के नीचे गर्भगृह और उसके सामने खुला सेहन जो सीकचें की दीवार से घिरा है और सन् 1949 में कुर्क हुआ, 1949 में जो कुर्क हुआ है उसकी चौहद्दी व नाप में बता सकता हूँ।

गर्भगृह का भाग लगभग 35-36 फीट चौड़ा 95-96 फीट लम्बा होगा और सीखचे वाली सेहन 25-26 फिट चौड़ी और 95-96 फीट लम्बी है। कुर्कशुदा भाग का कुल भाग पूर्व-पश्चिम लगभग 60-62 फीट उत्तर से दक्षिण लगभग 95-96 फीट है।”

‘11. *By inner part, I mean the ‘Garbh-grih under the three domes and the open courtyard in front of it, covered by grill wall and which had been attached in the year 1949. I can give the boundary and dimensions of the area attached in the year 1949.*

The ‘Garbh-grih’ was about 35-36 feet long and the grill bound courtyard was about 25-26 feet wide and 95-96 feet long. The east-west side of the attached portion was about 60-62 feet in north to 95-96 feet in south.” (E.T.C.)

“12. दिसम्बर, 1949 की कुर्की के बाद रिसीवर बाबू प्रियादत्त राम (चेयरमैन) हुए। कुर्की होते ही सीकचे वाली लोहे के दो दरवाजा में पुलिस द्वारा ताला बन्द हुआ था लेकिन बाद में दर्शन सीकचे से बाहर से होता था और मैं दर्शन करता था और दर्शनार्थी ऐसे ही दर्शन करते थे उस दौरान मुझे कुर्कशुदा सम्पत्ति की चौहद्दी मालूम हो गयी जो मौके पर बराबर जाने के कारण पुलिस व रिसीवर के पुजारी से जाना व देखी थी।

कुर्कशुदा जमीन की चौहद्दी

पूरब: बाहरी हाता, जिसमें रामजन्मभूमि चबूतरा व भन्दार गृह, संत निवास

आदि व कब्जा निर्मोही अखाड़ा

पश्चिम: परिक्रमा बादहू ढाई फीट की मुरेड़ी

उत्तर: छठी पूजन, चरन-चिन्ह, जेरे इंतजाम निर्मोही अखाड़ा,

दक्षिण: दक्षिण-पश्चिम 8-10 फीट हाता बकब्जा निर्मोही अखाड़ा जिसके उत्तर पूरब रामचबूतरा मंदिर व शिव परिवार है तथा पश्चिम तरफ जानिब जमीन बाहरी भाग बाहर के तीन तरफ से दीवाल से घिरा है जो दीवाल 8-9 फीट ऊँची है और लगभग डेढ़ फीट चौड़ी है इसी दीवाल में पूर्वी गेट है। इस दीवाल के अतिरिक्त उत्तरी दीवाल में गेट है पूर्वी गेट और उत्तरी गेट के अलावा बाहरी भाग या भीतरी भाग में आने जाने का और कोई रास्ता नहीं है। बाहरी भाग में राम मंदिर चबूतरा जिस पर सिंहासन लकड़ी का सिंहासन है और रामलला जी विराजमान हैं। चबूतरा साढ़े तीन फिट ऊंचा है लगभग 20-22 फिट लम्बा है और 16-17 फीट चौड़ा है। चबूतरे में दो गुफा मंदिर है। एक में कौशल्या जी काग-भुसुन्डी जी है और दूसरे में भरत जी हैं।

"12. After the attachment of December, 1949, Mr. Priyadutt Ram (Chairman) was appointed Receiver. After the attachment, the two iron rod gates were locked by the police but the 'Darshan' continued from outside the grill and I as well as the devotees used to have 'Darshan' in this manner. In that period of my regular visits to that place, I came to know the boundary of the attached property, which I had gathered from the police and priest of the Receiver.

Boundary of the attached land

East: outer courtyard, including Ramjanmbhumi chabutara, store room, saints' accommodation etc., possession of Nirmohi Akhara.

West: 2 ½ feet 'Muredi' beyond the circumambulation path

North: Chhathi worship, foot marks, under management of Nirmohi Akhara,

South: 8-10 feet courtyard in south-west in possession of Nirmohi Akhara to the north-east of which was the

Ramchabutara temple and Lord Shiva family and land towards west. The outer part is bounded by walls on three sides. The wall is about 8-9 feet high and about 1 ½ feet wide. The eastern gate is in this very wall. Apart from this wall, there is a gate in the northern wall. There is no other passage other than the eastern and northern gate to visit either the outer or inner part. The Ramchabutara is there in the outer part, where there is a wooden throne with Ramlala present. The Chabutara is 3 ½ feet high and about 20-22 feet long and 16-17 feet wide. There are two cave temples at the Chabutara. Kaushalya ji and Kaag-Bhusundi exist in one and Bharat ji in the other.” (E.T.C.)

“14. उक्त भीतरी भाग व बाहरी भाग में पुजारी, मैंने अपने होश से निर्मोही अखाड़ा के केशव दास बलदेव दास व भाष्कर दास आदि जो निर्मोही अखाड़ा के तरफ से पूजारी थे, देखा है। कुर्की के पहले बलदेव दास जी व उनके चेला भाष्कर दास थे और भी अखाड़े के साधु भण्डार गृह संत निवास में रहते व कुछ अखाड़े के साधु, विवादित परिसर के पूर्वी गेट पर सीताकूप तक छोटे मंदिर बना रहते थे।”

“14. Since attainment of maturity, I have seen Nirmohi Akhara’s Keshav Das, Baldev Das, Bhaskar Das etc. act as priest on behalf of Nirmohi Akhara in the said inner and outer part. Prior to the attachment, it was Baldev Das and his disciple Bhaskar Das. Other saints of the Akhara used to live in the store room and saints’ accommodation and few saints used to build small temples from the eastern gate of the disputed premises to Sita Koop and lived therein.” (E.T.C.)

“17. भगवान राम लला व लखन लाल की मूर्ति मय सालिकराम भगवान चांदी के सिंहासन में रही है।”

“17. The idols of Lord Ramlala and Lakhanelal along with that of Lord Salikram, existed over the silver throne.”

(E.T.C.)

'18. यह कि उक्त भगवान रामलला का दर्शन कुर्की 1949 दिसम्बर के पहले अंदर जा कर करता रहा और बाद कुर्की सींकचे वाले दरवाजा के बाहर से करता रहा हूँ तथा दिसम्बर 1992 बाद भी तम्बू में विराजमान भगवान रामलला का दर्शन करता रहा जो सरकारी नियंत्रण व देखरेख में होता है।'

"18. *That prior to the attachment of December, 1949 I used to have 'Darshan' of Lord Ramlala from inside and thereafter from outside the grill gate and even after December, 1992 I continued to have 'Darshan' of Lord Ramlala present in the tent, under Government control and supervision.*" (E.T.C.)

"19. निर्मोही अखाड़ा के गोलकी राम लखन दास कुर्की के पहले से देखा और बाद में भी रामजन्मभूमि बाहरी भाग की व्यवस्था करने रामघाट मन्दिर निर्मोही अखाड़ा से रोज जाते थे।'

"19. *I had seen Nirmohi Akhara's Golki Ramlakhan Das prior to the attachment and even subsequently when he daily went to manage the outer part of the Ramjanmbhumi from Ramghat temple Nirmohi Akhara.*" (E.T.C.)

380. Averments in paras 20 and 21 are about the constitution of Nirmohi Akhara which shall be dealt with later on. In para 22 he said that the inside part of the disputed premises was never used as a mosque.

381. DW 3/9, Ram Asrey Yadav, aged about 72 years (as per his affidavit dated 22.03.2004), is resident of Mohalla Vashistha Kund Ayodhya, District Faizabad for several generations. His residence is about 300 yards from the disputed site. He was cross examined in the following manner :

(a) 22.03.2004- by Ramesh Chandra Tripathi, defendant no. 17 and Umesh Chandra Pandey, defendant no. 22 (Suit-4) through Sri Vireshwar Dwivedi, Advocate (p. 5-

8)

(b) 22.11.2004- by Mahant Suresh Das, defendant no. 2/1 (Suit-4) through Sri Madan Mohan Pandey, Advocate (p. 9-13)

(c) 22.11.2004- by plaintiffs (Suit-5) through Sri A.K. Pandey, Advocate (p. 13-16)

(d) 22.11.2004- defendant no. 20 (Suit-4) through Km. Ranjana Ahnihotri, Advocate adopted the cross examination already done by Sri Vireshwar Dwivedi and Sri Madan Mohan Pandey, Advocates (p. 16)

(e) 22.11.2004- by defendant no. 11 Mohd. Faruk through Sri Abdul Mannan, Advocate (p. 16-24)

(f) 23/24.11.2004- by Sunni Central Board of Waqf, defendant no. 9 through Sri Zafaryab Jilani, Advocate (p. 24-48)

(g) 24.11.2004- by plaintiff no. 7 (Suit-4) and defendant no. 5 (Suit-5) Mohd Hashim through Sri Mustaq Ahmad Siddiqui, Advocate (p. 48-60)

(h) 25.11.2004- defendant no. 6/1 and 6/2 (Suit-3) and defendant no. 26 (Suit-05) through Sri Nadeem Siddiqui, Advocate, Brief Holder, Sri Irfan Ahmad, Advocate and Sri Fazale Alam, Advocates adopted the cross examination already done by Sri Abdul Mannan, Sri Zafaryab Jilani and Sri Mustaq Ahmad Siddiqui, Advocates (p. 60-61)

382. He is a witness of facts, sought to prove the worship of Lord Ram at the disputed site (inside the courtyard) prior to 1949. In paras 2, 3, 4, 5, 6, 7, 8, 9, 10, 13, 14 and 16 of the affidavit, he said as under:

“2. 10-11 साल की उम्र में मैंने होश सम्भाला। मेरे पिता जी थे। पिता जी के साथ मैं जन्मभूमि दर्शन करने जाता था। थोड़ा और बड़ा होने

12-13 साल की उम्र हो जाने पर मैं नित्य अपने और मित्रों के साथ व अकेले भी मैं जन्मभूमि दर्शन करने जाता रहा हूँ। मदन मोहन गोकुल भवन वाले, धनपत यादव, श्याम लाल मौर्या आदि के साथ भी जाता रहा हूँ। इसमें मदन मोहन जीवित हैं श्याम लाल भी जीवित हैं और सब मर चुके हैं मदन मोहन जीवित हैं जो सीतापुर विसवां के मूल निवासी हैं तथा गोकुल भवन के महन्थ राम मंगल दास के भान्जे हैं। गोकुल भवन में बराबर आते जाते व रहते रहे हैं।”

“2. *I attained understanding at the age of 10-11 years. My father was alive. I used to go to Janmbhumi along with my father to have darshan. After growing a bit older i.e. at the age of 12-13 years, I used to daily go to Janmbhumi along with my other friends or alone, to have darshan. I also went along with Madan Mohan of Gokul Bhawan, Dhanpat Yadav, Shyam Lal Maurya and others. Out of them Madan Mohan is alive, so is Shyam Lal and the others have all expired. Madan Mohan, who is native of Sitapur Viswan, is alive. He is the nephew of Mahant Ram Mangal Das of Gokul Bhawan. He regularly visits Gokul Bhawan.*” (E.T.C.)

“3. मैं अपने घर से कभी कुबेर टीले की तरफ से पगडन्डी रास्ते से तथा कभी सड़क से राम जन्म भूमि मंदिर दर्शन करने जाता था। अब गैंग से जाता हूँ। साक्षी गोपाल तिराहे पर दुराही कुआं हनुमान गढ़ी सड़क से साक्षी गोपाल मंदिर के सामने दक्षिण पश्चिम कोने को एक रास्ता जन्मभूमि मंदिर के पूर्वी गेट तक जाता था। और दूसरा एक रास्ता हनुमानगढ़ी-दुराही कुआं सड़क से दक्षिण सीढ़ी द्वारा था, जो हनुमान गढ़ी की सड़क साक्षी गोपाल तिराहे से दुराही कुआं चौराहे को सड़क ढालू होकर नीचे चली गई है और उसी ढाल पर सीढ़ी खुलती थी।”

“3. *I used to go to have darshan of Ramjanmbhumi temple from my house via Kuber mound, sometimes by lane and sometimes by road. Now I go in gang. A road towards the south-west corner opposite Sakshi Gopal temple on the*

road from Durahi well Hanumangarhi at Sakshi Gopal tri-crossing, led to the eastern gate of Janmbhumi temple, and the other way was from south of Hanumangarhi-Durahi well road to the steps, which was on a slope from Sakshi Gopal tri-crossing to Durahi well crossing and the steps were at that very slope.” (E.T.C.)

“4. विवादित परिसर के तीन तरफ ऊंची दीवाल करीब 9-10 फिट ऊंची और पश्चिम तरफ थोड़ा परिक्रमा छोड़ कर एक पुरानी मुड़ेरी ढाई-तीन फिट ऊंची दीवाल बनी थी। और उस दीवाल के पश्चिम पूरा ढलान था।”

“4. The disputed premises was bounded on three side by about 9-10 feet high walls and in the west besides a bit of circumambulation path, there was a 2 ½ – 3 feet high wall in form of an old parapet, and to the west of said wall was the slope.” (E.T.C.)

“5. विवादित परिसर का मुख्य द्वार पूरब तरफ था, मुख्य द्वार पर कोई दरवाजा नहीं था, कसौटी के खम्भे अगल बगल थे। द्वार पर थे, द्वार के जिस कसौटी खम्भे पर चित्र थे उस चित्र को हनुमान जी की मूर्ति कहते थे, जिसमें महावीरी लगायी जाती थी। कुम्भ कलश फूल पत्ती की चित्रकारी थी और उसे कसौटी खम्भों के उत्तरी खम्भों के सामने एक सिला पट लगा है। जिसमें अंक एक लिखा है, और श्री जन्म भूमि नित्य यात्रा लिखा है। अब भी वहीं हैं गैंग वे से दर्शन करने पर दिखाई देता है। देवनागरी में तथा अंग्रेजी में जन्मभूमि लिखा है। जो मेरे बचपन से बराबर कायम चले आ रहे हैं पूरा परिसर विवादित परिसर का बाहरी भाग जो हाते से घिरा है, में पूरब के गेट से घुसने पर बांये राम चबूतरा मंदिर था और उस चबूतरे के पूरब दक्षिण कोने पर हाते के अन्दर ही पीपल के पेड़ के नीचे चबूतरे पर षष्ठ मुंखी शंकर जी, गणेश जी, पार्वती जी, नन्देश्वर जी की पाषाण विग्रह थी, शंकर जी का अर्धा था और उत्तर वाले गेट में दरवाजा था, जो दरवाजा मेला, मेला में दर्शनार्थियों की भीड़ बढ़ने पर खोल दिया जाता था। ज्यादातर लोग पूर्वी वाले गेट से आते जाते थें बाहरी भाग में उत्तर तरफ छठी पूजा स्थल जिसमें भगवान राम के चारों भाई चरण चिन्ह चौका बेलना चूल्हा था, जो पूज्य स्थल माना जाता रहा है जिसकी पूजा होती थी। सभी

उपरोक्त धार्मिक स्थलों की भक्तगण पूजा-दर्शन करते थे मैं भी करता था।”

“5. *The main gate of the disputed premises was in east. There was no door in the main gate. There were touchstone pillars on side of the gate. The picture over the touchstone pillar, was called the idol of Hanuman ji. There was painting of pot, pitcher, flower, leaf. Opposite the northern touchstone pillar, was a stone slab with figure 1 and ‘Sri RamJanmbhumi Nitya Yatra’ engraved over it. It is still there, and is visible at time of having darshan from gang way. Janmbhumi has been inscribed in Devnagari and English, and the same has continued since my childhood. On entering the outer part of the disputed premises bounded by courtyard, through the eastern gate, falls the Ram Chabutara temple and to the south-east corner of said Chabutara, were the stone deities of six faced Shankar ji, Ganesh Ji, Parvati Ji, Nandeshwar Ji and Argha of Shankar Ji below the Pipal tree inside the courtyard. There was a door in the northern gate, which was opened during fair, on increase in the number of devotees on the occasion of fairs. Most of the people used to enter through the eastern gate. There was Chathi worship place in the outer part, which had all four brothers of Lord Rama, foot marks, chauka-belana, stove and the same was considered to be a revered place. The devotees used to offer prayer-worship at all the aforesaid religious places and I also used to do the same.” (E.T.C.)*

“6. बाहरी भाग में स्थित धार्मिक स्थलों को बाहर व दूर दराज से आते दर्शनार्थी द्रव्य, मिष्ठान, पुष्प, फल इत्यादि चढ़ाते थे। इन सब धार्मिक स्थलों की पूजा आरती करने के लिए निर्मोही अखाड़ा की तरफ से पंच पुजारी व साधू रहते थे। जिनके रहने का स्थान पूरब गेट के दाहिने उत्तर

तरफ सन्त निवास बना था उसी के साथ भगवान का प्रसाद बनाने के लिये भण्डार गृह था। और वहीं प्रसाद निर्मोही अखाड़ा के साधू जो वहां रहते थे, प्रसाद पाते रहे। निर्मोही अखाड़ा के मुख्य पुजारी महन्त बलदेव दास जी थे उनके शिष्य भास्कर दास हैं जिन्हें 1946 से देखा था। कई पुजारी सहयोग देने के लिये आते जाते थे जिनका नाम कुछ याद हैं जैसे राम सुभग दास शास्त्री रहे जो कटरा में राम महल मंदिर के महन्त हैं। इन्हें भी कुर्की के पहले वहां देखा था। उस समय निर्मोही अखाड़ा के महन्त रघुनाथ दास जी व गोलकी राम लखन दास जी थे। ये बाहरी भाग निर्मोही अखाड़े के कब्जे में सतत रूप से बहुत दिनों से चला आ रहा है। भीतरी भाग गर्भगृह मंदिर यानि जो तीन शिखर बना है उसके नीचे व बीच वाले शिखर के नीचे भगवान रामलला विराजमान हैं। अष्ट धातु के और उनके साथ लक्ष्मण जी हनुमान जी और सालिकराम भगवान हैं। भीतरी भाग 1949 दिसम्बर आखिर में कुर्क हुआ था, जानता हूं।”

“6. *The devotees coming from outside and distant places, used to offer money, sweets, flowers, fruits etc. at the religious places situated in the outer part. The Nirmohi Akhara had its Panch, priest and saints to perform worship, Arti at all these religious places, and they used to live in the saints' accommodation in right north of the eastern gate. Along with it, was the store room for preparation of Prasad and the same Prasad was received by the saints of Nirmohi Akhara, who lived there. Mahant Baldev Das was the main priest of Nirmohi Akhara and Bhaskar Das was his disciple, whom I had seen from the year 1946. Many priests used to come to offer assistance and I remember the names of few viz. Ram Subhag Das Shastri, who was the Mahant of Ram Mahal temple at Katra. I had seen him also over there, prior to the attachment. At that time, Raghunath Das and Ramlakhan Das of Nirmohi Akhara were the Mahant and Golki respectively. This outer part has continuously been in*

possession of Nirmohi Akhara for long. Lord Ramlala of Ashtadhatu (of eight metals) is present under the central dome of the three dome structure i.e. the Garbh-grih temple in the inner part. Along with Him, are Laxman Ji, Hanuman Ji and Salik Ram. I know that the inner part was attached in last of December, 1949.” (E.T.C.)

“7. भीतरी भाग गर्भगृह का भी पिता जी के साथ दर्शन किया है और फिर स्वयं भी दर्शन करने जाता था। वहां पर भी भगवान की पूजा आरती व भोग-राग की निर्मोही अखाड़े के पुजारी ही व्यवस्था करते थे। मैं आरती के समय भी दर्शन करने पहुंचा हूँ।”

“7. I also had the darshan of the inner part Garbh-grih, along with my father and thereafter, I also went to have darshan alone. There also, the worship, arti, bhog-raag of Lord were managed by the priests of Nirmohi Akhara. I have been there even at time of arti to have darshan.” (E.T.C.)

“8. अयोध्या से बाहर से आने वाले दर्शनार्थी श्रीरामजन्मभूमि में जो दर्शन करने यात्री आते थे, उसमें से कार्तिक, अगहन, चैत्र में पुजारी के माध्यम से नवाह पाठ होता भण्डारा कराते थे। और पूरा परिसर निर्मोही अखाड़े के कब्जे में जब से होश संभाला देखता चला आ रहा हूँ। भीतरी भाग कुर्की 1949 दिसम्बर के पहले तक निर्मोही अखाड़ा में व्यवस्था व कब्जे में थी।”

“8. The devotees coming from outside Ayodhya to have darshan of Sri Ramjanmbhumi, used to have holy orations, bhandara (free food to masses out of religious faith) in the months of Kartika, Aghan, Chaitra. Since I attained understanding, I have found the Nirmohi Akhara to be in possession over the entire premises. Prior to December, 1949 the inner part was also under the management and possession of Nirmohi Akhara.” (E.T.C.)

“9. फूल बताशा आदि बेचने वाले दूकानदार दौरी (टोकरी) में रखकर

बेचते थे। बाद में दूकान भी कायम हो गई यही नहीं मंदिर के पूरब व दक्षिण कोने पर कुआं है जिसकी मान्यता अयोध्या हिन्दू समाज में बहुत है कि सब तीर्थों का जल भगवान राम के राज्याभिषेक के लिये आया। बनवास हो जाने पर वही जल सीताकूप में संग्रहित कर दिये गये उस सीता कूप के पवित्र जल पिलाने के लिये एक ब्राह्मण रहता था। जो निर्मोही अखाड़े के तरफ से रहता था।”

“9. *The shopkeepers selling flower, sweet etc., used to sell them in a basket. Later on a shop was set up. There is a well in south-east corner in the temple, and it is the belief of Hindu community of Ayodhya that the water of all pilgrimages was brought here on the occasion of enthronement of Lord Rama. After the exile, the same water was collected in the Sitakoop. A Brahman was deputed on behalf of Nirmohi Akhara to administer holy water of Sitakoop.*” (E.T.C.)

“10. 22/23 दिसम्बर के पहले भी मैं गर्भगृह दर्शन के लिये गया था। पौष का महीना था उसके दो महीना पहले ही कार्तिक व अगहन में दर्शनार्थियों की भीड़ थी। 22/23 दिसम्बर को गर्भगृह भाग में मूर्ति रखना एकदम गलत बात है। कुछ मुकामी मुसलमानों ने झूठा हल्ला व दबाव शासन पर बनाकर झूठी फर्जी कार्यवाही करा दिया। मेरे पिता जी व मेरे चाचा ने 1934 के हिन्दू-मुस्लिम दंगे जो गोकशी काण्ड के कारण हुआ था, के बारे में बताया था। इस दंगा से मुसलमान मारे गये थे और कुछ कब्रें तोड़ी गई थी लेकिन विवादित परिसर मंदिर होने के कारण क्षतिग्रस्त नहीं हुआ। हर हिन्दू पर जुर्माना हिन्दू दंगा टैक्स लगा था। मुसलमान दंगे के कारण दहशत में आ गये थे। मेरे पिता जी व मेरे चाचा ने बताया था कि उस दंगे के दहशत के कारण राम जन्मभूमि के बगल की सड़क से भी नहीं जाते थे। विवादित भवन या परिसर में नमाज पढ़ने का कोई प्रश्न ही नहीं है और मेरे चाचा ने यह भी बताया था कि विवादित परिसर के आस-पास किसी मुसलमान ने कोई मुर्दा भी दफन नहीं किया।”

“10. *I had gone to the Garbh-grih to have darshan even*

before 22/23 December. It was the month of Paush. There was a huge gathering of devotees two months earlier in the months of Kartika and Aghan. It is totally incorrect that the idol was placed in the Garbh-grih on 22/23 December. Few local Muslims made a false issue out of it and got a farzi proceeding initiated by exerting pressure over the government. My father and uncle had told me about the Hindu-Muslim riot of the year 1934, which had broken out on account of cow slaughter. Muslims were killed and graves demolished in this riot, but the disputed temple premises were not damaged. Hindu riot tax was imposed over all the Hindus. The Muslims were in terror due to this riot. My father and uncle had told me that on account of terror of said riot, they did not even pass through the road adjacent to Ramjanmbhumi. There is no question at all of Namaz being offered in the disputed structure or premises. My uncle had also told me that no Muslim buried any dead body near the disputed premises.” (E.T.C.)

“13. भीतर वाले भाग में भी कसौटी के खम्भे थे और उसमें देव कन्या त्रिभंगा रूप की मूर्ति बनी है। कुछ यक्ष की मूर्ति भी बनी थी कलश भी बना था मोर की आकृति थी। जो कसौटी पत्थरों में मैंने देखा था।”

“13.. *There were touchstone pillars in the inner part with Tribhanga (having three bends or angles)idol of nymphs over it. There were few idols of Yaksha (Hindu demigods) and pitcher and peacock. I had seen them over the touchstone.” (E.T.C.)*

“14. उत्तरी गेट में ऊपर बाघ और मोर की आकृति बनी थी, गेट के पूर्वी दीवाल के बाहर बाराह भगवान की मूर्ति बनी थी तथा परिक्रमा करते समय दर्शनार्थी वहां पर भी माथा टेकते थे।”

“14. *The figures of tiger and peacock were there at the*

northern gate. The idol of God Varah was there at the eastern wall of the gate and at time of performing the circumambulation, the devotees used to pay their reverence over there.” (E.T.C.)

“16. मैं हनुमान गढ़ी मंदिर जो अयोध्या में मोहल्ला रामकोट में ही स्थित है में विराजमान हनुमान जी महाराज का भी दर्शन करने जाता रहा हूं। मुझे अयोध्या में रहते-रहते जानकारी है कि हनुमानगढ़ी मंदिर की व्यवस्था निर्वाणी अखाड़ा के पंच साधू वैरागी पंचायती ढंग से करते हैं बैरागी सम्प्रदाय के ही सात अखाड़े अयोध्या में रहे हैं, जिसमें निर्वाणी अखाड़ा के अन्तर्गत हनुमानगढ़ी व वहीं पर ठा0 राम जानकी व नृसिंह मंदिर व कई मंदिर वाकै हैं तथा कपिल मुनि गंगा सागर चौबीस परगना बेस्ट बंगाल का मंदिर है निर्मोही अखाड़ा के अन्तर्गत प्रसिद्धि राम जन्म भूमि मंदिर है जिसकी मान्यता हिन्दू समाज भगवान राम की जन्म स्थली होने के कारण असीम व बहुत ज्यादा है राम मंदिर तो अयोध्या व अन्यत्र बहुत है परन्तु श्री राम जन्म भूमि तो एक यही विवादित स्थल है इसलिये हिन्दू जनमानस में इसका महत्व बहुत ज्यादा है। मैं भी बहुत आस्था रखता हूं। निर्मोही अखाड़ा अयोध्या की बैठक राम घाट विजय राघव मंदिर है। जन्म भूमि के पास ही उक्त अखाड़े के पंचों के मंदिर सुमित्रा भवन रामलला मंदिर सीता कूप मंदिर आदि रहे हैं जो 1991 में उत्तर प्रदेश सरकार के अधिग्रहण में गिराये गये। अखाड़े का सम्बन्धित मंदिर नाका हनुमानगढ़ी रत्नसिंहासन लवकुश मंदिर, राम गुलेला आदि भी रहे हैं।”

“16. *I have also been going to the Hanumangarhi temple situated at Mohalla-Ramkot in Ayodhya, to have darshan of Hanuman Ji present over there. On account of my abode in Ayodhya, I have come to know that the management of Hanumangarhi temple was carried out by the Panch, saints, recluses of Nirvani Akhara as per the Panchayat custom. There have been seven Akharas of recluse sect in Ayodhya, out of which the Nirvani Akhara was in control of Hanumangarhi and Tha. Ramjanki, Narsingh and many*

other temples situated over there. The Kapil Muni Gangasagar is temple of Chaubis Pargana West Bengal. The famous Ramjanmbhumi temple is under the Nirmohi Akhara, which has immense importance for the Hindu society on the ground of same being the birthplace of Lord Rama. There are many Rama temples in Ayodhya and elsewhere but there is only one Ramjanmbhumi, the disputed site, and as such it has immense importance for the Hindus. I also have much faith in it. The place of sitting of Nirmohi Akhara, Ayodhya is Ramghat Vijay Raghav temple. The Sumitra Bhawan, Ramlala temple and Sitakoop temple of the Panchas of the aforesaid Akharas, have been situated around the Janmbhumi, which were demolished in the acquisition by Uttar Pradesh Government in the year 1991. The Naka Hanumangarhi, Ratnasinghasan, Luvkush, Ramgulela temples have all been associated with the Akharas.” (E.T.C.)

383. Regarding the possession of Nirmohi Akhara (plaintiff Suit-3) in paras 18 and 19, (DW 3/9) said:

“18. निर्मोही अखाड़ा ही भगवान राम लला विराजमान गर्भगृह मंदिर राम जन्मभूमि व बाहरी राम चबूतरा मंदिर पर विराजमान रामलला व छट्ठी पूजा स्थल शिव दरबार आदि धर्मस्थलों की व्यवस्था व कब्जा निर्मोही अखाड़ा का है जिसकी व्यवस्था निर्मोही अखाड़ा के पंच व महन्त करते हैं। ऐसा मैंने होश से बराबर कुर्की तक देखा है।”

“18. It is the Nirmohi Akhara, which has been in management and possession of religious places viz. Lord Ramlala present Garbh-grih temple, Ramjanmbhumi, outer Ramchabutara temple with Lord Ramlala present, Chhathi worship place, Shiv Darbar etc. and its management is carried out by Panch and Mahant of Nirmohi Akhara. I have seen so continuously from my attaining maturity to

the attachment.” (E.T.C.)

“19. 1949 में अखाड़े के महन्थ रघुनाथ दास थे देखा था, उसके बाद आज कल मं० जगन्नाथ दास महन्थ है तथा मं० भाष्कर दास सरपंच है जो हनुमानगढ़ी नाका के महन्थ हैं।”

“19. *Raghunath Das was the Mahant of the Akhara in the year 1949, (I) had seen it. Thereafter, it is M. Jagannath Das, who is the Mahant these days. M. Bhaskar Das is the sarpanch and also the Mahant of Hanumangarhi Naka.*”
(E.T.C.)

384. DW 3/9 also deposed about the continuous possession of Nirmohi Akhara, of the entire premises in dispute, non observance of any Namaz therein and in paras 12, 20 and 21, said as under:

“12. कुर्की भीतर वाले भाग की हुयी। कुर्की के बाद भी मैंने दर्शन किये। बाहर के भाग पहले से ही स्वतः कायम रहा व निर्मोही अखाड़े के अंतजाम में रहा ओर 1982 की कुर्की तक कायम रहा। 1982 से वही रिसीवर जो भीतर वाले भाग के थे बाहर वाले भाग के हो गये। पूरा परिसर हिन्दुओं का पवित्र राम जन्म भूमि मंदिर है जब से मैंने होश सम्भाला किसी भी मुसलमान को नमाज पढ़ते नहीं देखा।”

“12. *The attachment took place in respect of the inner part. I had the darshan even after the attachment. The outer part continued as earlier and remained under management of Nirmohi Akhara which continued till the attachment of 1982. From the year 1982, the same Receiver of the inner part became the Receiver of the outer part as well. The entire premises is sacred Ramjanmbhumi temple of Hindus. Since I attained understanding, I never saw any Muslim offer Namaz over there.*” (E.T.C.)

“20. अपने होश से जब से मैं विवादित परिसर राम जन्मभूमि मंदिर दर्शन करने लगा, मंदिर ही देखता हूं। कभी नमाज पढ़ते किसी मुसलमान को नहीं देखा।”

“20. From the age of my understanding, I have found the temple existing at the disputed premises whenever I went to have darshan of Ramjanmbhumi temple. I never saw any Muslim offer Namaz.” (E.T.C.)

“21. ढांचा यानी विवादित परिसर 6 दिसम्बर 1992 को गिराये जाने के पूर्व से मेरे होश से पूर्वी गेट मंदिर श्रीराम जन्मभूमि हनुमत द्वार के बाहर गेट के राम जन्म भूमि शिलापट के बगल बाहर दीवाल परिसर से सटे पूर्व धनपत यादव की दूकान बताशा, इलायची दाना, मिष्ठान आदि की रही है जो निर्मोही अखाड़ा अयोध्या के किरायेदार थे धनपत यादव की मृत्यु अरसा 8/10 साल हुई उनके पुत्र सीताराम यादव है जीवित हैं जो कि दुकान पर बचपन से रहते थे उसके पहले उसी स्थान पर माता प्रसाद जिन्हें मतई भी कहते थे निर्मोही अखाड़ा की तरफ से दूकान मिष्ठान प्रसाद की करते थे।”

“21. Prior to demolition of the structure i.e. the disputed structure on 6th December, 1992, there existed the sweet (Batasha, ilaichi dana, misthan) shop of Dhanpat Yadav adjacent to the wall near the stone slab at the gate outside the eastern gate of Sri Ramjanmbhumi viz. the Hanumatdwar, who was tenant of Nirmohi Akhara, Ayodhya. Dhanpat Yadav expired about 8/10 years ago. His son Sitaram Yadav is alive, who used to sit at the shop from his childhood. Earlier Mata Prasad, who was also known as Matai, used to run a sweet shop at that very place on behalf of Nirmohi Akhara.” (E.T.C.)

385. D.W. 3/11, Bhanu Pratap Singh son of Sri Ram Raj Singh, resident of village Haliyapur, District Sultanpur is aged about 70 years (as per his affidavit dated 28.4.2004). He was cross examined in the following manner :

(a) 28.04.2004- by Ramesh Chandra Tripathi, defendant no. 17 and Umesh Chandra Pandey, defendant no. 22 (Suit-4) through Sri Vireshwar Dwivedi, Advocate (p. 4-

7)

(b) 28.04.2004- by Mahant Suresh Das, defendant no. 2/1 (Suit-4) and Suit-5 through Sri Madan Mohan Pandey, Advocate (p. 7-13)

(c) 28.04.2004- by plaintiffs (Suit-5) through Sri A.K. Pandey, Advocate (p. 13-16)

(d) 29.04.2004- by defendant no. 20 (Suit-4) through Km. Ranjana Agnihotri, Advocate (p. 17-19)

(e) 29.04.2004- by defendant no. 11, Mohd. Faruk through Sri Abdul Mannan, Advocate (p. 19-28)

(f) 29/30.04.2004, 06/07/10/12.05.2004- by Sunni Central Board of Waqf, defendant no. 9, through Sri Zafaryab Jilani, Advocate (p. 28-89)

(g) 12/13.05.2004- by plaintiff no. 7 (Suit-4) and defendant no. 5 (Suit-5) Mohd Hashim through Sri Mustaq Ahmad Siddiqui, Advocate (p. 90-108)

(h) 13.05.2004- defendants no. 6/1 and 6/2 through Sri Fazale Alam, Advocate adopted cross examination already done by Sri Abdul Mannan, Sri Zafaryab Jilani and Sri Mustaq Ahmad Siddiqui, Advocates (p. 108)

386. He is disciple of Nirmohi Akhara, imparted Guru Mantra by Mahant Dinendra Das Mathia Mahant. His grandfather was a religious person, used to visit Ayodhya every year during Ramnavami and Sawan festival, who died in 1965. He visited Ayodhya along with his grandfather since the age of 10 and had Darshan at different temples namely, Ramjanambhumi, Hanuman Garhi, Kanak Bhawan, Chhota Chhavani, Bara Chhavani, Nageshwar Nath Mandir etc. About Darshan at the inner courtyard, placement of idols therein, possession and ownership of the disputed property by Nirmohi Akhara, he said

in paragraphs 7, 8, 9, 10, 12, 13 and 14 of the affidavit as under :

“7. शुरू से ही उक्त रामजन्मभूमि मन्दिर के बारे में मुझे जानकारी अपने पितामह से मिली कि भगवान राम जो हमारे परिवार के इष्ट देव हैं का जन्म व अवतार लेना इसी भूमि में हुआ है बाद में मैंने स्वयं साधू सन्त व अपने गुरु महाराज से बात उपरोक्त जानी है और अयोध्या में रामकथा जहाँ कहीं भी मैंने सुनी है उन कथावाचकों से भी मैंने यह बात जानी है।”

“7. From the very beginning I gathered knowledge about said Ramjanmbhumi temple from my grandfather that Lord Rama was the ‘ishtdev’ of our family and He had incarnated at this very place. Subsequently, I heard the same things from my Guru and also from the narrators of Ramkatha in Ayodhya.” (E.T.C.)

“8. मुख्य मन्दिर रामजन्मभूमि के पूरब मुख्य द्वार है जिसके अन्दर घुसने पर दक्षिण तरफ रामचबूतरा मन्दिर है तथा उत्तर तरफ सन्त निवास व निर्मोही अखाडा के साधुओं के रहने के लिए तथा भण्डार गृह है जिसे मैं शुरू से देख रहा हूँ बाहरी सहन यानि जो चाहर दीवारी से घिरा था उत्तरी दरवाजा है। उत्तरी दरवाजे से पूरब जाकर उत्तर तरफ सीढ़ी बनी थी उत्तर वाली यही सड़क हनुमानगढ़ी चौराहे तक चली जाती रही है। उत्तरी तरफ छट्ठी पूजन स्थल, चार चरण चिन्ह—चकला बेलना चूल्हा शुरू से देखता चला आ रहा हूँ।”

“8. The main gate is to the east of main Ramjanmbhumi temple, and after entering through it, lies the Ramchabutara temple in the south and the saints’ accommodation and store room in the north for the residence of saints of Nirmohi Akhara, which have been witnessed by me since beginning. The northern gate is in the outer courtyard i.e. which was bounded by boundary. There was staircase in north after going eastwards on entry through the northern gate. This northern road leads to Hanumangarhi crossing. I have been seeing the Chhathi

worship place, four footmarks, chakla-belna-stove, from beginning.” (E.T.C.)

“9. रामचबूतरा मन्दिर में काठ का सिंहासन रहा है जिसमें चांदी व सोने के फेरे लगे थे जिस पर भगवान रामलला का बाल स्वरूप मूर्ति विराजमान थी तीनों भाइयों की मूर्तियां थी, हनुमान जी व सालिगराम भगवान भी वहाँ थे।”

“9. There was a wooden throne in the Ramchabutara temple, which had rings of silver and gold, over which the child form idol of Lord Ramlala was present and the idols of the three brothers, Hanuman ji and Salikram were also present over there.” (E.T.C.)

“10. रामचबूतरा मन्दिर साढ़े तीन फुट ऊँचा था इसलिए पूरब व पश्चिम तरफ चौकोर गुफा बनी थी जिसमें कौशल्या जी की गोद में भगवान राम तथा एक तरफ भरत जी की डेढ़ से दो फुट उँची मूर्ति थी मुझे यह मालूम है कि यह रामकोट मोहल्ला कहलाता है जहाँ श्री रामजन्मभूमि स्थित है, मैं बी.ए. पास हूँ मुझे यह सन्तों व गुरुघराना के गुरु व पिता जी से यह मालूम है कि अयोध्या में रामानन्दीय सम्प्रदाय के ज्यादातर मन्दिर हैं निर्मोही अखाड़ा भी रामानन्दीय सम्प्रदाय का मन्दिर है।”

“10. The Ramchabutara temple was 3½ feet tall. There was square cave in its east and west, in one of which was the idol of Kaushalya ji with Lord Rama in her lap and 1½ – 2 feet tall idol of Bharat ji in the other. I know that it is called Ramkot Mohalla, where Sri Ramjanmbhumi is located. I am a graduate. I know from saints, Guru and my father that most of the temples in Ayodhya are of Ramanand sect. Nirmohi Akhara is also temple of Ramanand sect.” (E.T.C.)

“12. जब से मैंने होश सम्हाला तब से उक्त मन्दिर रामजन्मभूमि में बराबर पूजा पाठ उत्सव समैया आरती व प्रसाद वितरण जब-जब मैं दर्शन करने गया तब-तब देखा हूँ वहाँ के साधु व पुजारी निर्मोही अखाड़ा के अन्तर्गत है और उन्हीं का कब्जा बराबर देखता रहा हूँ।”

“12: *Since I gained sense and went to the said Ramjanmbhumi temple to have 'darshan', I found that the worship, ceremony, arti and distribution of prasad was all under the saints and priests of Nirmohi Akhara and I have always found them to be in possession.*” (E.T.C.)

“13. भीतर वाले भाग को भी मैं जानता हूँ जो तीन शिखर लेकर सीखचों के अन्दर है और जिसे मैंने देखा है यह मुझे सन् 1950 ई० में मालूम हुआ कि गुम्बद वाला भाग कुर्क हो गया और ताला बन्द हो गया है, सीखचों के फाटक से भगवान राम लला का दर्शन होता है।”

“13. *I know the inner part as well, which is within the grill from the three domes and it has been seen by me. I know this from the year 1950 that dome portion had been attached and had been locked and that the 'darshan' of Lord Ramlala was had from the grill gate.*” (E.T.C.)

“14. अन्दर वाला भाग 1949 के पहले मैं अन्दर तक दर्शन करने भगवान रामलला का करने जाता था तब भगवान राम लला कभी काठ के झूले पर या कभी ऊंची सीढ़ी वाली जगह पर विराजमान मिले। अन्दर पूजा पाठ निर्मोही अखाडा के साधु व पुजारी करते थे। जिनमें से म० भाष्कर दास को पहचानता हूँ जो नाका हनुमानगढ़ी के महन्त हैं। कुर्की के तीन चार साल पहले से उन्हें वहाँ देखा है। कुर्की 1949 दिसम्बर में हुयी।”

“14: **Prior to the year 1949, I used to go inside the inner part to have 'darshan' of Lord Ramlala, when sometimes Lord Ramlala was found over the wooden swing and sometimes at the place over the elevated step. The worship in the inner part was carried out by saints and priests of Nirmohi Akhara, out of whom I recognize M. Bhaskar Das, who is the Mahant of Naka Hanumangarhi. I have seen him there from about 3-4 years prior to the attachment. The attachment took place in December, 1949.**” (E.T.C.)

387. In para 16 DW 3/11 has said that since the date he attained

the age of understanding, has never seen any Muslim offering Namaz in the premises of Ramjanambhumi :

“16. 1992 दिसम्बर में पूरा ढाँचा गिरा दिया गया लेकिन तम्बू में भगवान रामलला विराजमान हैं जिनकी पूजा सरकारी नियंत्रण में होती है। जब से होश सम्भाला तब से रामजन्मभूमि परिसर में कभी किसी मुसलमान को नमाज पढ़ते नहीं देखा।”

“16: The entire structure was demolished in December, 1992 but Lord Ramlala is present in tent and His worship is carried out under government control. Since I gained sense, I have never seen any Muslim offer Namaz at the Ramjanmbhumi premises.” (E.T.C.)

388. In paras 10 and 11, he has said about the status of Nirmohi Akhara, which we shall deal separately while discussing Issue No. 17 (Suit-3).

389. DW 3/12, Ram Akshaibar Pandey is aged about 70 years (as per affidavit dated 24.05.2004). He was cross examined in the following manner:

(a) 24.05.2004- by Ramesh Chandra Tripathi, defendant no. 17 and Umesh Chandra Pandey, defendant no. 22 (Suit-4) through Sri Vireshwar Dwivedi, Advocate (p. 4-9)

(b) 24.05.2004- Mahant Suresh Das, defendant no. 2/1 (Suit-4) through Sri Madan Mohan Pandey, Advocate adopted the cross examination already done by Sri Vireshwar Dwivedi, Advocate (p. 9)

(c) 24.05.2004- by plaintiff (Suit-5) through Sri A.K. Pandey, Advocate (p. 10-15)

(d) 24.05.2004- plaintiff (Suit-1) through Sri P.L. Mishra, Advocate adopted the cross examination already done by plaintiffs (Suit-5) through Sri A.K. Pandey, Advocate (p. 15)

- (e) 24.05.2004- by defendant no. 20, Akhil Bhartiya Sri Ram Janma Bhumi Punarudhar Samiti through Km. Ranjana Agnihotri, Advocate (p. 14- 16)
- (f) 24/25/26.05.2004- by defendant no. 11, Mohd. Faruk, through Sri Abdul Mannan, Advocate (p. 17-34)
- (g) 26/27.05.2004, 01.07.2004- by Sunni Central Board of Waqf, defendant no. 11 through Sri Zafaryab Jilani, Advocate (p. 34-73)
- (h) 01/02.07.2004- by plaintiff no. 7 (Suit-4) and defendant no. 5 (Suit-5) Mohd Hashim through Sri Mustaq Ahmad Siddiqui, Advocate (p. 73-89)
- (i) 02.07.2004- defendants no. 6/1 and 6/2 (Suit-5) through Sri Fazale Alam, Advocate adopted cross examination already done by Sri Abdul Mannan, Sri Zafaryab Jilani and Sri Mustaq Ahmad Siddiqui, Advocates (p. 89)

390. He attained age of understanding at 12 and since then has been visiting Ayodhya alongwith his grandfather, Shiv Ram Pandey. He is resident of Mohalla Ramapur Bhagahi, Pargana Nawabganj, Tahsil Tarabganj, District Gonda. His grandfather had studied up to Madhyama, knew Sanskrit, possess knowledge of religious books and used to visit various temples at Ayodhya. His village is about three and half Kos from Ayodhya. He said that the country attained independence from Britishers on 15.08.1947. He was visiting Ayodhya and worshipping the temples thereat after taking bath at river Saryu since one year earlier thereto. About details of his visit at Ayodhya, Ramjanamboomi Temple (disputed premises), outside and inside courtyard, existence of temple inside courtyard, its management and ownership with Nirmohi Akhara, he said in