

Janmbhumi is also written below it in English. The photograph nos. 1, 2 and 3 do not depict any such thing on whose basis can I say that a particular portion of the building was part of any twelfth century Vaishnav temple. The photograph no. 70 is the picture of the ceiling of one of the dome of the structure. It is a construction of bricks with thick lime plaster. There is a picture of lotus petals in the center, which was probably made in colors and had a iron chain hanging out from center. The learned counsel for the plaintiff, Sri Vireshwar Dwivedi drew the attention of the witness towards the colored photographs contained in the album prepared by U.P. Archaeological Organization. On looking at it, the witness stated that the photograph no. 44 is a slab of red stone with numeral '1' and Janmbhumi written over it in Hindi. Janmbhumi is also written below it in English. After looking at the photograph nos. 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54 the witness stated that these photographs are of those two black stone pillars, which are found on both side of the gate after entering the structure. The photograph no. 55 is the picture of boundary wall of that structure. The photograph nos. 62, 63, 64, 65 are also pictures of boundary wall of that very structure. The photograph nos. 59, 60, 66, 68, 69, 70, 71, 72, 75, 73, 76, 77, 78, 79, 81, 82, 84 are of inside the structure and have been photographed from inside. I have carefully seen the photograph nos. 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 176, 177, 178, 179, 180, 181, 182, 183, 184,

185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199 and 200 and these colored photographs are also of those black Shistas stones, which in local language are called touch stone. These photographs are like the black photographs and the sole difference is of color. However, I would like to draw attention towards photograph nos. 186 and 187 which contain the lower part of some God in the stage of 'Padamasan' (a posture of Yoga) over lotus and the entire upper part has been damaged. According to my knowledge, this photograph gives evidence of an idol of lord Vishnu in the form of Yoga. This further supports the evidences led by me herein above on the point that the temples, of which they were pillars, were certainly related to a Vaishnav temple dated around twelfth century inasmuch as from the point of art style, the Yoga form idol of Vishnu and such carvings, were characteristic of the twelfth century. After looking at photograph nos. 134, 135 and 174 the witness stated that these photographs were also of the ceiling beneath the dome, which had colored lotus petals in the center and a iron chain appearing to be hanging out from the center. This has also been referred above by me. From my point of view, the most important feature of these photographs is eight petaled lotus. That structure had three domes. This photograph is of the ceiling beneath one of the domes and was made up of bricks with plaster over it."

“वादी के विद्वान अधिवक्ता श्री वीरेश्वर द्विवेदी ने अन्य मूलवाद सं० 5/89 में दाखिल एलबम के कागज सं० 286 सी 1/4 ए की ओर दिलाया। गवाह ने बयान जारी रखते हुए कहा कि इस एलबम में दिये गये सारे फोटोग्राफ्स जब खींचे गये थे तब मैं उस समय मौजूद था। फोटो नं० 2 जब खींचा गया तब तमाम मौजूद व्यक्तियों में से मैं भी मौजूद था

का फोटो है। इस चित्र में श्री जिलानी साहब और अन्य अधिवक्ताओं के चित्र हैं और इसी चित्र में मेरा भी एक चित्र है। जिनमें से श्री रंजीत लाल वर्मा, अधिवक्ता, श्री अजय कुमार पाण्डेय, अधिवक्ता, श्री मदन मोहन पाण्डेय, अधिवक्ता एवं श्री मुश्ताक अहमद सिद्दीकी अधिवक्ता का चित्र हैं ये सारे चित्र रामकथा कुन्ज तथा श्रीरामजन्मभूमि से संबंधित हैं। चित्र सं० 2 में श्री डी०पी०दूबे और श्रीमती सुधा मलैया पुरालेखन तथा आर्ट हिस्ट्री के विद्वान हैं। इसी चित्र में श्री देवेन्द्र स्वरूप अग्रवाल का भी चित्र है जो देश के जाने माने इतिहासकार हैं। इस चित्र में पीछे छिपे हुए कोट और टाई पहने हुए एक ऐसे महान मध्य युग के इतिहास के विद्वान का चित्र लगता है जो अब इस संसार में नहीं है किन्तु वे प्रोफेसर वी०आर० ग्रोवर थे। चित्र सं० 1 में प्रोफेसर वी०आर० ग्रोवर, डा० सुधा मलैया का चित्र है चित्र सं० 5, 6, 7, 8, 9, 10 उस शिलालेख के विभिन्न अंशों के चित्र हैं जो शिलालेख 6 दिसम्बर 1992 के दिन मिला था। यह चित्र एक शिलालेख के चित्र हैं यह शिलालेख 6 दिसम्बर 1992 के दिन इमारत से निकली थी और रामकथा कुन्ज में रखी गयी थी। इस शिलालेख को मेरी उपस्थिति में पुरालेख विद्वानों ने पढ़ा था और सुनाया था इनमें से दो विद्वानों के नाम इस प्रकार से हैं। डा० डी०पी० दूबे एवं डा० सुधा मलैया। चित्र सं० 4 में दो शिलालेख हैं इन शिलालेखों को भी उन्हीं दोनों ही विद्वानों ने पढ़ा और सुनाया था। प्रो० वी०आर० ग्रोवर इन्डियन कौंसिल आफ हिस्टारिकल रिसर्च के चेयरमैन थे। फोटो नं० 19 से 26 तक स्तम्भों के चित्र हैं। यह सभी स्तम्भ राम कथा कुन्ज में रखे गये थे। फोटो सं० – 29, 30 द्वारा शाखा के इन चित्रों को ढाँचा गिरने के पहले मैंने नहीं देखा था। चित्र सं० 11, 12, 13, 14, 15, 16, 17, 18, यह सभी चित्र हिन्दू देवी देवताओं के चित्र हैं। इनकी फोटोग्राफी रामकथा कुन्ज में मेरे सामने हुई थी। यह सब पत्थर की मूर्तियों के चित्र हैं मैंने उन्हें देखा था। यह चित्र वैष्णव मन्दिर जो 12 वी शताब्दी की शैली में उत्तर भारत में बना था, उसके स्थापत्य के विभिन्न अंगों के चित्र हैं। फोटो नं०-26 में मेरा चित्र है, डा० सुधा मलैया का चित्र है एवं प्रो० वी०आर० ग्रोवर का चित्र है। एक और व्यक्ति का चित्र है जिसका मुझे ध्यान नहीं आ रहा है। फोटो सं० 63 उस समय का चित्र है, जब इन वस्तुओं की वीडियोग्राफी हो रही थी। इसमें उस समय के कमिश्नर श्री एस०पी० सिंह तथा उनके पास बैठे हुए उस समय के एस०पी० का चित्र है तथा मेरा भी चित्र है।”

‘The learned counsel for the plaintiff drew attention towards the album, paper no. 286C-1/4 filed in O.O.S no. 5/89. The witness continued his statement and stated that I was present when all the photographs of this album had been taken. At time of the photograph no. 2, I was also present amongst various persons present. This photograph includes Sri Jilani and other advocates and I also appear in it. It includes Sri Ranjit Lal Varma, Advocate, Sri Ajay Kumar Pandey, Advocate, Sri Madan Mohan Pandey, Advocate and Sri Mushtaq Ahmad Siddiqui, Advocate. All these photographs are related to Ramkatha Kunj and Sri Ramjanmbhumi. Sri D.P. Dubey and Smt. Sudha Malaiya appearing in photograph no. 2 are scholars in epigraphy and art history. This photograph also includes Sri Devendra Swaroop Agarwal, who is a renowned historian of the country. In background of this photograph, there appears to be the picture of a famous historian of medieval history in a coat and tie, who is no longer alive viz. Prof. V.R. Grover. The photograph no. 1 contains the picture of Prof. V.R. Grover and Sudha Malaiya. The photograph nos. 5,6,7,8,9,10 are pictures of different parts of that inscription, which was found on 6th December, 1992. This photograph is of an inscription. It was recovered from the structure on 6th December, 1992 and had been kept at Ramkatha Kunj. This inscription had been read out by epigraphists in my presence. Two of the scholars were Dr. D.P. Dubey and Dr. Sudha Malaiya. The photograph no. 4 contains two inscriptions. These inscriptions had also been read out to me by the said two scholars. Prof. V.R. Grover was the Chairman of Council of Historical Research. The

photograph nos. 19 to 26 are of pillars. All these pillars were kept at Ramkatha Kunj. The photograph nos. 29, 30 are of Dwarshakha. I had not seen these photographs prior to demolition of the structure. I had not earlier seen these photographs of Dwarshakha. The photograph nos. 11,12,13,14,15,16,17,18 are pictures of Hindu Gods-Goddesses. These photographs were taken in my presence at the Ramkatha Kunj. These are pictures of stone idols and I have seen them. These photographs are pictures of different aspects of architecture of twelfth century Vaishnav temple of north India. I figure in photograph no. 26 along with Dr. Sudha Malaiya and Prof. V.R. Grover. Another person appears in the photograph, but I am unable to identify him. The photograph no. 63 is of that time when all these articles were being videographed. It contains the picture of the erstwhile Commissioner, Sri S.P. Singh, the erstwhile S.P. sitting next to him and as also of me.”

“प्रो० बी०बी०लाल ने 1975 और 1980 में यहाँ खोदाई की थी। यहाँ पिलर बेसेस उनकी खोदाई में मिले थे। और उन्होंने इसके विषय में कई लेख लिखे थे। मैं उनकी इस रिपोर्ट से पूर्ण रूप से सहमत हूँ। प्रो० ए०के० नारायण द्वारा जो खोदाई हुई थी 1970 के लगभग, उनकी वस्तुओं को मैंने बी०एच०यू० में देखा था। मैं उनकी रिपोर्ट से भी पूर्ण रूप से सहमत हूँ। मैंने इस मन्दिर के अवशेषों का अध्ययन जिन ब्रितानी तरीका से किया है, वे निम्न हैं:—

1. आर्किटेक्चरल स्टाइल आफ ए नार्थ इण्डियन टैम्पल आफ ट्वेल्थ सेन्चुरी ए०डी०
2. आर्ट हिस्टोरिकल अर्थात् जितने भी चित्र वहाँ उकड़े हुए मिले, उन सबका कलात्मक स्टाइल का परीक्षण।
3. शिलालेखों में प्रयुक्त अक्षरों की बनावट, जिनके आधार पर तिथि का निर्धारण होता है।
4. एपीग्राफी । मैंने स्वयं स्थापत्य एवं आर्टहिस्टोरिकल सम्बन्धी स्टडी

की। शेष की अन्य विद्वानों ने की थी।”

“Prof. B.B. Lal had carried out excavation here in the years 1975 and 1980. Pillar bases were found in said excavation and he has written many articles in that regard. I am in total agreement with his said report. The articles recovered in the excavation carried out by Prof. A.K. Narayan around the year 1970, had been seen by me at BHU. I am in total agreement with his report as well. The (British) methods by which I have studied the remains of this temple, are as follows:

- 1. Architectural Style of a North Indian Temple of Twelfth Century AD.*
- 2. Art Historical i.e. examination of art style of all the pictures found engraved over there.*
- 3. The make of letters used in inscriptions, on whose basis date is determined.*
- 4. Epigraphy. I myself carried out the studies regarding architecture and art historical. The rest work was done by other scholars.”*

“शिलालेख ‘बफ सेपेड स्टोन’ के शिलाखण्ड पर अंकित है। मैंने आर्कियोलोजी पर कई पुस्तकें लिखी हैं किन्तु रामजन्म भूमि की आर्किलोजी पर यद्यपि कि अनेक लेख लिखे हैं, किन्तु पुस्तक केवल एक लिखी है और वह भी अपने एक सहयोगी डा० टी०पी० वर्मा के साथ मिलकर लिखी है जिन्होंने ऐतिहासिक पक्ष का हिस्सा लिखा है, जबकि मैंने पुरातात्विक पक्ष का हिस्सा लिखा है। यह पुस्तक मैं अपने साथ लाया हूँ। इस पुस्तक का नाम है— अयोध्या का इतिहास एवं पुरातत्व (ऋग्वेद काल से अब तक) मैं इस पुस्तक को दाखिल करना चाहता हूँ।”

“The inscription ‘Buff sand stone’ is to be found over stone block. I have written many books on archaeology. However, despite having written many articles on

archaeology of Ram Janmbhumi, I have written only one book and that, too, jointly with Dr. T.P. Verma, who has written the historical part and the archaeological part has been written by me. I have brought along the said book. This book is titled 'Ayodhya ka Itihaas Evam Puratatva (Rigveda Kaal Se Ab Tak)'. I want to file this book."

"अयोध्या में जो सेमीनार अयोध्या विषय पर हुआ था, उसमें दो रिज्यूलूशन पास हुआ था, उससे मैं सहमत हूँ। यह सेमीनार अयोध्या में ही हुआ था।"

"I am in agreement with the resolutions arrived at in the seminar held at Ayodhya regarding Ayodhya. That seminar had been held at Ayodhya."

515. OPW 9, Dr. Thakur Prasad Verma, aged about 69 years (as per his affidavit dated 31.10.2002). His cross examination followed as under :

Part-I(a) 31.10.2002- by defendant no. 2 through Sri Abdul Mannan, Advocate (p. 10-19)

(b) 01.11.2002- by defendant no. 3 through Sri R.L. Verma, Advocate (p. 20-34)

(c) 15/16/18/19/21.11.2002, 09.01.2003, 18/20/24/25/26/27.02.2003- by plaintiff no. 4 through Sri Zafaryab Jilani, Advocate (p. 36-179)

(d) 28.02.2003, 03/04/05.03.2003-by defendant no. 5 through Sri Mustaq Ahmad Siddiqui, Advocate (p. 180-215)

Part-II : (e) 10/11/13/20.03.2003-by defendant no. 5 through Sri Mustaq Ahmad Siddiqui, Advocate (p. 216-255)

(f) 20/21/26/27/28.03.2003, 21/22/23/24/25/29/30.04.2003, 01/02/05/ 06.05.2003 - by Sunni Central Waqf Board, defendant no. 4, through Sri Zafaryab Jilani, Advocate (p.

255-428)

(g) 06.05.2003- defendant no. 26 through Sri Irfan Ahmad, Advocate adopted the cross examination already done by defendants no. 4, 5, and 6 (p. 428)

(h) 06.05.2003- defendants no. 6/1 and 6/2 (Suit-3) through Sri Fazale Alam, Advocate adopted the cross examination already done by defendants no. 4, 5, and 6 (p. 428)

516. He is plaintiff no. 3 (Suit-5) and looking after the said suit on behalf of plaintiffs no. 1 and 2. He did his Post-Graduation in Ancient Indian History, Culture and Archaeology in 1958 and got Ph.D. in Palaeography from Banaras Hindu University, Varanasi (in short "BHU"). His subject of research was "Palaeography of Brahmi Script in North India from 2nd Century B.C. to 3rd Century A.D." He worked as a Lecturer and Reader between 1967 to 1993 in the Department of Ancient Indian History, Culture and Archaeology in BHU and retired in 1993. During this period he also worked as Principal D.A.V. College, Varanasi for about five months and in 1989 as Professor and Head of the Department, Gurukul Kangari University, Haridwar in the Department of Ancient Indian History, Culture and Archaeology for about a month. He has guided about 27 research students for Ph.D. out of which six research work relates to Palaeography. He is well conversed with several topics and member of "Numismatic Society of India", "Indian Epigraphical Society", "Indian History and Culture Society" etc; has authored the books like, "Palaeography of Brahmi Script Dwitiya Shatabdi Isvi Purva Se Lekar Tritiya Shatabti Isvi Purva Tak"; "Bhartiya Lipi Shastra of Abhilekhaki"; Puraabhilekh Sangrah"; Ayodhya Ka Itihas Evam Puratatva

(Rigved Kal Se Ab Tak) etc. Besides he has also edited six parts of “Sri Ram Viswa Kosh” a magazine published by Bharitya Itihas Sankalan Samiti, U.P., has written several articles on Numismatic, Epigraphy, Palaeography, History, Arts etc. published in various journals in the country, is a born Vasnavite, worshipped Lord Ram and his incarnations. He said about his religious belief, in paras 10 and 11 of the affidavit, as under:

‘10. मेरा जन्म वैष्णव परिवार में हुआ है। जन्म से ही भगवान विष्णु और उनके अवतारों के प्रति मेरी आस्था एवं भक्ति की भावना है। साथ ही अन्य देवी-देवताओं जैसे भगवान शिव, दुर्गा आदि के प्रति भी श्रद्धा एवं भक्ति है। हिन्दुओं की श्रद्धा केवल मूर्ति पूजा में ही नहीं अपितु उनके लिए स्थल भी पूज्य हैं जैसे केदारनाथ मंदिर, विष्णुपद मंदिर, गया आदि में स्थल ही पूज्य हैं। इसी प्रकार श्रीराम जन्मभूमि अति पवित्र एवं पूज्य स्थल है।’

“10. I have been born in a Vaishnavite family. Since birth, I had faith and belief in Lord Vishnu and His incarnations. I also had faith and belief in other Gods-Goddesses such as Lord Shiva, Durga etc. The faith of Hindus is not restricted only to idol worship and the place is also worshippable for them e.g. place is worshippable at Kedarnath temple, Vishnupad temple, Gaya etc. Similarly, Sri Ramjanmbhumi is a very sacred and worshippable place.”

“11. भगवान श्रीराम एक ऐतिहासिक पुरुष हुए हैं उनके पिता का नाम दशरथ एवं माता का नाम कौशल्या था। लक्ष्मण, भरत, शत्रुघ्न उनके भाई थे। भगवान श्रीराम ने अपने कृत्यों एवं आचरण से समाज में एक आदर्श स्थापित किया था जिसके कारण उनको मर्यादा पुरुषोत्तम भी कहा जाता है। श्रीराम भगवान विष्णु के अवतार माने जाते हैं।’

“11. Lord Sri Rama was a historical identity. His father’s name was Dashrath and mother’s Kaushalya. Laxman, Bharat, Shatrughan were His brothers. By His actions and conduct, Lord Sri Rama set an example in the society, due to which He is also called Maryada Purshottam. Sri Rama

is considered as an incarnation of Lord Vishnu.”

517. About Ayodhya, the present one where Lord Ram was born, existence of temple at the disputed place, birth of Lord Ram at the disputed place and construction of the disputed structure after demolition of a temple of Lord Ram he said in paras 12, 13, 14, 15, 16, 17 and 18 of the affidavit as under:

“12. भगवान श्रीराम का अवतार इसी भारत भूमि पर हुआ था। समस्त भारतीय वांगमय एक स्वर से इस बात की घोषणा करते हैं कि महाराजा दशरथ के पुत्र श्रीराम का जन्म अयोध्या में हुआ था। अयोध्या कोई काल्पनिक स्थल नहीं है वरन् एक वास्तविक नगर है जिसकी भौगोलिक स्थिति के बारे में भारतीय साहित्य में किसी भी प्रकार की मतविभिन्नता नहीं है। यह एक अत्यन्त प्राचीन नगरी है, जिसका उल्लेख वेदों में भी आया है। अथर्ववेद और तैत्तिरीय आरण्यक में इस मानव शरीर को देवताओं की नगरी कहा गया है तथा उसकी तुलना अयोध्या से की गई हैं यदि अयोध्या का अस्तित्व न होता तो इस प्रकार की उपमा नहीं दी जा सकती थी। यह वही अयोध्या है जो सरयू नदी के तट पर बसी है। समस्त भारतीय साहित्य में और सम्पूर्ण भारतीय उपमहाद्वीप में न तो दूसरी अयोध्या है और न ही दूसरी सरयू नदी।”

“Lord Sri Rama incarnated himself on this very Bharat Bhumi. The whole of India is one in declaring that Sri Rama, son of King Dashrath was born in Ayodhya. Ayodhya is not an imaginary place; rather, it is a real town about whose geographical location no difference of opinion is found in Indian literature. It is a very ancient town which also finds mention in Vedas. Atharvaveda and Taitriya Aranyak has spoken of this human body as the abode of Gods and has compared it to Ayodhya. If Ayodhya had not existed, such sort of comparison could not have been made. This is the Ayodhya that is located on the bank of River Saryu. There is neither any other Ayodhya nor any other Saryu river in the entire Indian literature and in the

whole of Indian subcontinent.”

“13. अयोध्या में जिस स्थल पर भगवान श्रीराम ने जन्म लिया था वह हिन्दुओं के लिए विशेष महत्व रखता है अनेक शताब्दियों और असंख्य पीढ़ियों से हिन्दू जनता उस स्थल की पूजा करती आयी है तथा इस अविच्छिन्न परम्परा के कारण उस स्थल को भूलने अथवा उसमें किसी भी प्रकार के भ्रम की कोई गुंजाईश नहीं है। “यही वह स्थल है जिसका विवाद इस वाद में चल रहा है।” अनेक देशी, परसियन और युरोपीय लेखक यह बताते हैं कि अयोध्या में मुसलमान शासकों के शासनकाल में कम से कम तीन महत्वपूर्ण वैष्णव मंदिरों को ध्वस्त करके उन पर मस्जिदें बना दी गई थी। वह हैं अयोध्या स्थिति श्रीरामजन्मभूमि मंदिर, स्वर्गद्वार मंदिर और त्रेता के ठाकुर का मंदिर। इनमें श्रीरामजन्मभूमि मंदिर के लिए ही अनवरत संघर्ष हुए और हिन्दुओं का वहां पर पूजा करने का आग्रह रहा है और अभी भी वहां पूजा करते चले आ रहे हैं। इसका कारण यह रहा है कि देवी देवताओं के मंदिर कहीं भी और कभी भी बनाये जा सकते हैं, तथा उनमें मूर्ति की प्राणप्रतिष्ठा कराकर पूजा की जा सकती है किन्तु किसी के जन्मस्थल को कदापि बदला नहीं जा सकता। इसी कारण हिन्दुओं का उस परम पवित्र श्रीरामजन्मभूमि (स्थल) के प्रति विशेष आग्रह रहा है। श्रीरामजन्मभूमि मंदिर तोड़कर जबरदस्ती मस्जिद बना दिए जाने के बावजूद वहां पर उसी परम्परागत ढंग से प्रति वर्ष भगवान श्रीराम के जन्मदिन, चैत्रशुक्ल रामनवमी के अवसर पर श्रद्धालु रामभक्तों की भीड़ उमड़ पड़ती रही है और उसकी परिक्रमा-पूजा करके अपने श्रद्धा सुमन अर्पित करके हृदय में एक टीस लिए वापस जाती रही जिसका उल्लेख यूरोपीय यात्री टाइफेनथेलेर ने किया है, “जिसका एस्ट्रेक्ट कागज संख्या 107सी-1/98-108 इस वाद में दाखिल है। 107सी-1/109 एंड 107सी-1/110 जो मार्टिन द्वारा लिखित उल्लेख भी इस वाद में दाखिल है।”

“The place where Lord Sri Rama was born in Ayodhya, holds a special importance for Hindus. For many centuries and for innumerable generations Hindu public has been worshipping this place. Due to this constant tradition it has continued to worship that place and for this very reason there is no room for them to forget the said place or to have any sort of confusion about it. This is the

place which in dispute in this suit. Many native, Persian and European authors tell that in Ayodhya at least three important Vaishnavite temples were demolished and mosque were built in their places during the tenure of Muslim rulers. They are Ayodhya-situated Sri Ram Janam Bhumi temple, Swarg Dwar temple and Thakur temple of Treta Era. Out of these, there has been a consistent struggle only for Sri Ram Janam Bhumi temple and Hindus have been insisting on performing pooja there and they are continuing to perform pooja there even today. Its reason has been that temples of gods and goddesses can be built at any place and at any time and pooja can be performed after deifying the idols placed therein. But someone's birthplace can never be changed. For this very reason Hindus have been laying particular insistence on the holiest place called Sri Ram Janam Bhumi. Despite the mosque having been forcibly constructed after demolishing Sri Ram Janam Bhumi temple, on the occasion of Sri Rama's birth anniversary falling on Chaitra Shukla Navami, devout Rama worshippers converge there every year in that very traditional manner and perform parikrama and pooja and offer flowers as a mark of reverence and go back from there with a pain in their heart which has been described by a European traveller Typhen Thaylor. Its extract is filed in this suit as paper nos. 107C-1/98-108. The written account of Martin is also filed in this suit as paper nos. 107C-1/109 and 107C-1/110.”

“14. जहां तक इतिहास का प्रश्न है अयोध्या अपने अस्तित्वकाल में उजड़ी और बसाई गई वाल्मीकि रामायण 7/111/10 में उल्लेख है कि भगवान श्रीराम ने अपने जीवन काल में अयोध्या को विजय कर दिया था और अपनी सारी प्रजा के साथ स्वर्ग चले गए। अपने पुत्रों को अयोध्या के

बाहर रहकर राज्य करने का प्रबन्ध कर दिया था। बड़े पुत्र लव को श्रावस्ती (सहेट-महेट) में राजधानी बनाकर राज्य करने को कहा था तथा यह स्थल भगवान बुद्ध के काल तक कोशल राज्य का राजधानी बनी रही। बाद में मौर्यकाल में भी यह कोशल प्रान्त (मगध साम्राज्य का एक प्रान्त) की राजधानी बनी रही। दूसरे पुत्र कुश को कुशावती नगर बसा कर राज्य करने का प्रबंध किया जो विंध्य क्षेत्र में है और बाद में तथा अब तक महाकोशल के नाम से प्रसिद्ध है। रामायण में यह भी बताया गया है कि भगवान श्रीराम के बाद ऋषभ के समय में अयोध्या पुनः बसाई जायेगी। यह जैनियों के प्रथम तीर्थकर थे जिन्हें आदिनाथ भी कहा जाता है। हिन्दुओं में ऐसी किवदंती है कि अयोध्या को तीसरी बार बसाने का श्रेय उज्जैन के महाराजा विक्रमादित्य को है, जिन्होंने जैसा कि इस वाद में दाखिल कागज संख्या 107सी-1/10, 107सी-1/28, 107सी-1/35, 107सी-1/55 से स्पष्ट होता है, अयोध्या में 360 मंदिर बनवाये। कुछ उन्हें उज्जैन के गर्दभिल्ल वंश के महाराजा विक्रमादित्य मानते हैं। जिन्होंने 57 ईसा पूर्व में शकों का विनाश करके विक्रम संवत् की स्थापना की थी तथा कुछ उन्हें गुप्तवंश के चन्द्रगुप्त विक्रमादित्य मानते हैं। जो भी हो इन 360 मंदिरों में श्रीरामजन्मभूमि का मंदिर अवश्य ही शामिल था।”

“14. Insofar as history is concerned, Ayodhya was ruined and established in its existence period. It is mentioned in Valmiki Ramayana 7/111/10 that during His lifetime Lord Sri Rama had depopulated Ayodhya and had proceeded to heaven along with His entire subjects. He had arranged for His sons to rule from outside Ayodhya. The elder son Luv was asked to rule with Shrawasti (Sahet-Mahet) as capital and till the period of Buddha, this place continued to be the capital of Kaushal estate. Subsequently, in the Maurya period as well this Kaushal estate (province of Magadh empire) was the capital. The city of Kushawati, which is in the Vindhya region, was established for the rule of the other son Kush and thereafter till date it is famous as Mahakaushal. It has also been mentioned in the Ramayana

that after Lord Sri Rama, Ayodhya would again be inhabited during the times of Rishabh. He was the first Tirthkar of Jains and is also known as Adinath. It is so believed amongst the Hindus that the credit for inhabitation of Ayodhya for third time, goes to Vikramaditya, king of Ujjain. It appears from paper no. 107C-1/10, 107C-1/28, 107C-1/35, 107C-1/55 filed in this suit that he had built 360 temples in Ayodhya. Few consider him to be king Vikramaditya of Gardbhill dynasty of Ujjain, who had destroyed the Shakas in 57 BC and had started the Vikram era and few consider him to be Chandragupta Vikramaditya of Gupta dynasty. Be that as it may, the Sri Ramjanmbhumi temple was certainly included in those 360 temples.”

“15. श्रीरामजन्मभूमि के स्थल पर बने मंदिर की वर्तमान श्रृंखला का प्रारम्भ इसी काल से माना जाता है। मंदिर जीर्ण होते रहे उनका पुनसंस्करण होता रहा और यह कार्य ईसा की ग्यारहवीं शताब्दी के प्रारम्भ तक चलता रहा। सालार मसूद 1032-33 ई० में यहां आया और जन्मस्थल मंदिर को क्षतिग्रस्त किया। वह बहराइच के युद्ध में राजा सुहेलदेव के द्वारा 14 जून, 1033 में मारा गया।”

“15. The present series of the temple built at Sri Ramjanmbhumi site, is considered to have started in this very period. The temples kept frailing with age and they were renovated, which work continued till the start of 11th century AD. Salar Masud came here in 1032-33 AD and damaged the Janmsthal temple. On 14th June, 1033 he was killed by king Suhel dev in the battle of Bahraich.”

“16. अयोध्या में विवादित ढांचा के विध्वंस के समय 6 दिसम्बर, 1992 को उसके मलवे में प्राप्त 20 पंक्तियों वाले शिलालेख (इस बाद में दाखिल इस्टैम्पेज का कागज 203 सी-1/3) से यह ज्ञात होता है कि गहड़वाल राजा गोविन्द चन्द्र (1114 से 1154 ई०) के शासनकाल में साकेत मण्डल के

शासक ने यहां पर एक अति सुन्दर विशाल मंदिर का निर्माण कराया था। इसके निर्माण की आवश्यकता इसलिए पड़ी कि वह लगभग 70-80 वर्षों पूर्व क्षतिग्रस्त कर दिया गया था। लेकिन इस अवधि में भी वहां पूजा होती रही। इस्टैम्पेज को मैंने स्वयं देखा व उसकी उद्वाचन भी किया है।”

“16. *From the 20 line inscription (estampage filed in this suit as paper no. 203C-1/3) found in the debris of the disputed structure demolished on 6th December, 1992 at Ayodhya, it transpires that during the reign of Gaharwal king Govindchandra (from 1114 to 1154 AD) the ruler of Saket division built a very grand temple at this place. The need for construction of the same arose in view of the fact that it had been demolished about 70-80 years ago, but in this period also worship was taking place here. I have myself seen the estampages and have deciphered them.*”

“17. राजा अनय चन्द्र द्वारा बनवाया गया 11वीं-12वीं शताब्दी (गहड़वाल काल) का यह मंदिर पुनः बाबर के सेनापति मीरबाकी द्वारा 1528 में तोड़ा गया। मीरबाकी को बाबर अवध में छोड़कर ग्वालियर की ओर निकल गया था। लगभग 13 महीने बाद वह उस क्षेत्र में जब वापस आता है तब मीरबाकी अवध की सेना लेकर उससे मिलता है, इसका उल्लेख बाबरनामा में दृष्टव्य है।”

“17- *This temple of 11th - 12th century (of Gaharwal period) built by king Anaychandra, was again demolished by Babar's commander Mir Baqi in the year 1528. Babar proceeded towards Gwalior after leaving Mir Baqi at Awadh. The meeting of the two after about 13 months on his return to the area, is mentioned in Babarnama.*”

“18. मैंने एक पुस्तक ‘अयोध्या का इतिहास एवं पुरातत्व’ (ऋग्वेद काल से अब तक) इस वाद में दाखिल कागज संख्या 289सी-1 डा0 एस0पी0गुप्ता के साथ मिलकर लिखी है जिसके केवल अन्तिम अध्याय 11 के लेखक डा. एस.सी.गुप्ता हैं। इस पुस्तक में अपने द्वारा लिखित बातों की पूर्ण पुष्टि करता हूँ। इस पुस्तक को लिखने में जिन ग्रन्थों का अध्ययन मैंने

किया है उनका संदर्भ भी पुस्तक में वर्णित है। पुस्तक में विवरण ऐतिहासिक तथ्यों पर है किसी दुर्भावनावश या दबाव से नहीं।”

“18. *I have written a book titled ‘Ayodhya Ka Itihaas evam Puratatva’ (from Rigveda to date) along with Dr. S.P. Gupta, which has been filed in this suit as paper no. 289C-1, and only the last chapter-11 has been authored by Dr. S.C. Gupta. I verify the facts written by me in this book. The treatises studied by me in writing this book, have been referred in the book. The descriptions in the book are on basis of historical facts and not due to mala fide or any compulsion.*”

518. Besides, he sought to prove certain documents vide his statement in paras 19, 20 and 21 of the affidavit which are as under:

“19. इस के अतिरिक्त इस वाद में वादीगण की ओर से सूची संख्या 107 सी-1/1 से लेकर 107 सी-1/9, 116 सी-1/1, 118 सी-1/1 ए-बी, 119 सी-1/सी, 120 सी-1/1, 120 सी-1/4 से 120 सी-1/5, 121 सी-1/1, 189 सी-2/1, 154 सी-1/1-2, 155 सी-1/1, 158 सी-1/1, 159 सी-1/2, 160 सी-1/1, 160 सी-1/2, 160 सी-1/1, 188 सी-1, 186 सी-1/4ए, 186ए, 306 सी-1/1, 307 सी-1 के साथ अभिलेख मूल पुस्तक, कैसेट, एलबम आदि दाखिल किये गये हैं जिनकी पूर्ण पुष्टि मैं करता हूँ।”

“19. *Apart from these, the plaintiffs have filed records, original book, cassette, album etc. along with list number 107C-1/1 to 107C-1/9, 116C-1/1, 118C-1/1A-B, 119C-1/C, 120C-1/1, 120C-1/4 to 120C-1/5, 121C-1/1, 189C-2/1, 154C-1/1-2, 155C-1/1, 158C-1/1, 159C-1/2, 160C-1/1, 160C-1/2, 160C-1/1, 188C-1, 186C-1/4A, 186A, 306C-1/1, 307C-1, in this suit and I verify the same.*”

“20. मैंने एक लेख ‘पैलियोग्राफिक एवीडेन्स आफ दि अयोध्या इन्स्क्रिप्शन’ लिखा है जो इतिहास दर्पण नामक पत्रिका में प्रकाशित हुई है। और जो

इस वाद में दाखिल कागज संख्या 254सी-1/3 है।”

“20. I have written an article called ‘Palaeographic Evidence of the Ayodhya Inscription’, which was published in a magazine called Itihaas Darpan and which has been filed in this suit as paper no. 254 C-1/3.”

“21. मैं अयोध्या प्रथम बार अक्टूबर, 1992 में इंडियन हिस्ट्री एण्ड कल्चरल सोसाइटी, नई दिल्ली द्वारा आयोजित सेमिनार में शामिल हुआ था जिसमें दो प्रस्ताव पारित किए गए थे। इस सेमिनार में शामिल विद्वानों ने सेमिनार में सहभागिता सूची पर अपने हस्ताक्षर बनाये थे। इस सूची में पन्द्रहवे नम्बर पर मेरा नाम अंकित है और उस पर मेरे हस्ताक्षर भी हैं। “प्रस्ताव, सहभागिता सूची इस वाद में बतौर कागज संख्या 118सी-1/129 से 118सी-1/135 तक दाखिल है” जिसकी पुष्टि मैं पूर्णतया करता हूँ। उसी समय मैंने विवादित स्थल का प्रथम दर्शन किया जहां भवन खड़ा था। अन्य तथ्यों के अतिरिक्त मैंने स्थल पर कसौटी के 14 खम्भे लगे हुए देखे थे जिन पर अनेक हिन्दू देवी-देवताओं के चित्र उत्कीर्ण हुए थे।”

“21. In Ayodhya, I participated for the first time in the seminar organised by Indian History and Cultural Society, New Delhi in October, 1992 wherein two resolutions were passed. The scholars participating in this seminar, had put their signatures on the participation list of seminar. My name finds place at serial no. 15 of this list along with my signature. I certify that ‘The resolution and participation list have been filed in this suit as paper no. 118C-1/129 to 118C-1/135’. I had then seen the disputed site for the first time, where a structure was standing. Besides other issues, I had seen 14 touchstone pillars on the spot, which had the pictures of many Hindu Gods-Goddesses carved over them.”

519. OPW 11, Satish Chandra Mittal, aged about 65 years (as per his affidavit dated 25.11.2002), is resident of Saharanpur (U.P.). His cross examination followed as under :

Part-I:(a) 25-11-2002-by Nirmohi Akhara, Defendant no.3, through Sri R.L. Verma, Advocate (p. 8-16)

(b) 26-11-2002-by defendant no. 6 through Sri Abdul Mannan, Advocate (17-20)

(c/1) 26/27/28/30-11-2002, 02/03/04/05/09/10/11/12/13-12-2002- by defendant no. 4 through Sri Zafaryab Jilani, Advocate (p. 20-172)

Part-II:(c/2) 07/08/09/15/16-04-2003- by defendant no. 4 through Sri Zafaryab Jilani, Advocate (p. 173-215)

(d) 16/17/18-04-2003, 12/13/14/19-05-2003, 24/25/26/27-06-2003- by defendant no. 5 through Sri Mustaq Ahmad Siddiqui, Advocate (p. 216-346)

(e) 27-06-2003, 01-07-2003-by defendant no. 6/2 (Suit-3) through Sri Aftab Ahmad Siddiqui, Advocate (p. 346-351)

(f) 01-07-2003 -defendant no. 26 through Sri Syed Irfan Ahmad, Advocate and defendants no. 6/1 (Suit-3) through Sri Fazale Alam, Advocate, adopted the cross examination already done by defendants no. 4, 5 and 6 (p. 351)

520. OPW-11 is a Professor (retired) from Kurukshetra University, has sought to support the version of the plaintiffs (Suit-5) that the disputed structure was constructed after demolition of the then temple of Lord Ram and the place in dispute is one where Lord Ram was born. He did Post-Graduation in History in 1959 from Agra University and in Political Science in 1962 from Punjab University, Chandigarh. He was conferred Doctorate in History in 1972 by Kurukshetra University. His subject of studies and teaching has been Modern History. He was a teacher in History in R.K.S.D. College, Kaithal from 1959 to August, 1974 and thereafter was appointed as Lecturer in History Department of Kurukshetra University in

1974 wherefrom ultimately reached to the status of Professor and retired in December, 1997. Under his guidance seven students were conferred Ph.D. and 30 research students got M.Phil. He has authored 12 books relating to history, some of which are as under:

“(क) फ्रीडम मूवमेन्ट इन पंजाब 1905–1926 नई दिल्ली 1977 (ख) हरियाणा–ए हिस्टोरिकल परस्पेक्टिव 1761–1966 नई दिल्ली 1986 (ग) ए सेलेक्टेड एन्नोवेटेड बिबल्लियोग्राफी आफ फ्रीडम मूवमेन्ट इन इण्डिया पंजाब एण्ड हरियाणा 1858–1947 नई दिल्ली 1992 (घ) इण्डिया डिस्टार्टेड ए स्टडी आफ ब्रिटिश हिस्टोरियंस आन इण्डिया 3 वाल्यूम नई दिल्ली 1995–1998 (ङ.) सोर्सोज आन नेशनल मूवमेन्ट 1919–1920 प्रो० बी०एन० दत्ता के साथ मिलकर”

“(A) *Freedom Movement in Punjab 1905-1926*. New Delhi 1977 (B) *Haryana- A Historical Perspective, 1761-1966* New Delhi, 1986 (C) *A Selected Innovated Bibliography of Freedom Movement in India, Punjab and Haryana, 1858 – 1947*, New Delhi, 1992 (D) *India Distorted – A Study of British Historians on India, III Volume*, New Delhi, 1995-1998 (E) *Sources of National Movement 1919-1920 (co-authored by Prof. B.N. Dutta).*”

521. Besides, he also is the author of several chapters and research articles in certain books. In the Haryana State Gazetteer and Rohtak District Gazetteer, the History Section has been written by him and about 30 dozen research papers published in several journals, has participated in several seminars and conferences relating to history and at times also chaired the function. He is life member of several history societies and research committees, was appointed member by the University in Indian Historical Record Commission. He sought to prove paper No. 118C-1/132 and in this regard in para 7 of the affidavit said as under:

7. मैंने इण्डियन हिस्ट्री एण्ड कलचरल सोसाइटी नई दिल्ली द्वारा अयोध्या में 10 अक्टूबर सन् 1992 से 13 अक्टूबर 1992 तक अयोध्या शोध संस्थान अयोध्या में आयोजित वर्कशाप सेमिनार में भाग लिया था जिनमें लगभग 40-45 इतिहासविदों तथा पुरातत्वविदों ने सहभागिता किया था। उस सेमिनार में श्री राम जन्म भूमि अयोध्या से सम्बन्धित दो प्रस्ताव पारित किये गये थे। इस वाद में दाखिल कागज संख्या 118 सी-1/129 से 1/135 तक वर्कशाप सेमिनार में पारित प्रस्ताव तथा उसमें सहभागी विद्वानों की सूची है जिसमें कागज संख्या 118 सी-1/132 में क्रम संख्या 12 पर मेरा नाम लिखा है तथा मेरा हस्ताक्षर है जिसकी मैं पहचान करता हूँ।”

“7. I participated in a workshop/seminar organised at Ayodhya Research Institute, Ayodhya by Indian History and Cultural Society, New Delhi from 10th October, 1992 to 13th October, 1992. Nearly 40-45 historians and archaeologists attended the said workshop. Two resolutions in relation to Sri Ram Janam Bhumi, Ayodhya were passed in the Seminar. Paper Nos. 118 C-1/129 to 1/135 filed in this suit, contains the resolutions passed in the said workshop/seminar and also the list of the scholars who had participated in it. Paper No. 118C-1/132, bears my name and signature at serial no.12 which I identify.”
(E.T.C.)

522. Regarding the construction of Babri Mosque after demolition of the temple, in paras 8, 9, 10, 12, 13, 14, 18, 19 and 20 of the affidavit, OPW-11 said as under:

“8. मैंने श्री राम जन्मभूमि/तथाकथित बाबरी मस्जिद के सम्बन्ध में विदेशी लेखकों, यात्रियों के विश्वकोष, गजेटियर्स, विदेशी यात्रियों के यात्रा विवरण एवं अन्य उपलब्ध सन्दर्भ ग्रन्थों का अध्ययन किया है। इस संबंध में मैंने सर्जन जनरल एडवर्ड बेल्फोर्ड का इन्साइक्लोपीडिया आफ इण्डिया एण्ड आफ इस्टर्न एण्ड सदरन एशिया 1858, इन्साइक्लोपीडिया ब्रिटेनिका का 15वां संस्करण भाग-1, 1978 बेन्जामिन वाकर का हिन्दू वर्ल्ड

इन्साइक्लोपीडिया आफ हिन्दूइज्म लन्दन प्रथम संस्करण 1968 का दूसरा संस्करण सन् 1995, गजेटियर आफ दी टेरिटरीज अण्डर दि गवर्नमेन्ट आफ ईस्ट इण्डिया कम्पनी-एडवर्ड थार्नटन 1854 हिस्टोरिकल स्केच आफ तहसील फैजाबाद विथ दी ओल्ड केपिटल्स अयोध्या एण्ड फैजाबाद पी0 कार्नेगी सन् 1870, गजेटियर आफ दी प्राविन्स आफ अवध सन् 1877, पी0 कार्नेगी, इम्पीरियल गजेटियर आफ इण्डिया प्रोविंशियल सीरीज यूनाइटेड प्राविन्सेज आफ आगरा एण्ड अवध वाल्यूम 2 सन् 1881, बाराबंकी डिस्ट्रिक्ट गजेटियर एच0आर0 नेविल सन् 1902 फैजाबाद डिस्ट्रिक्ट गजेटियर एच0आर0 नेविल सन् 1905 फैजाबाद डिस्ट्रिक्ट गजेटियर आफ यूनाइटेड प्राविन्सेज आफ आगरा एण्ड अवध-एच0आर0 नेविल सन् 1928 उत्तर प्रदेश डिस्ट्रिक्ट गजेटियर फैजाबाद श्रीमती ईशा बसन्ती जोशी इलाहाबाद सन् 1960, अर्ली ट्रेवल्स इन इण्डिया 1583-1619 एडिटेड बाई विलियम फास्टर लन्दन सन् 1921 हिस्ट्री एण्ड ज्योग्राफी आफ इण्डिया ओरिजनली पब्लिशड इन लैटिन-टान्सलेटेड इन फ्रेंच हिस्टोरिक एण्ड ज्योग्राफी एण्ड स्ओटिस्टिक्स आफ इस्टर्न इण्डिया वाल्यूम 2 मान्ट गोगरी मार्टिन सन् 1838 हेन्स बेकर की अयोध्या 1986, रिपोर्ट आन दि सेटिलमेन्ट आफ दि लैण्ड रेवेन्यू आफ दि फैजाबाद डिस्ट्रिक्ट ए0अफ0 गिलेट सन् 1880 का अध्ययन किया है जिनमें श्री राम जन्मभूमि मन्दिर तोड़कर उसके स्थान पर ही तथाकथित मस्जिद बनाये जाने का उल्लेख है। खाली भूमि पर तथाकथित बाबरी मस्जिद बनाने का कोई उल्लेख नहीं है। ”

“8. *I have studied encyclopaedia and gazetteers of foreign authors & travellers, travel account of foreign travellers and other available reference books in relation to Sri Ram Janam Bhumi/the so called Babri Mosque. In this regard, I have studied Surgeon General Belford's Encyclopaedia of India and of Eastern and Southern Asia, 1858; Encyclopaedia Britannica's 15th edition, part I; Benjamin Walker's Hindu World – Encyclopaedia of Hinduism, the second edition (1995) of the first edition (from London); Edward Thornton's Gazetteer of the Territories under the Government of East India and*

Company (1854); P. Carnegi's Historical Sketch of Tahsil Faizabad with the old capitals Ayodhya and Faizabad (1870); P. Carnegi's Gazetteer of the Province of Awadh (1877); Imperial Gazetteer of India, Provincial Series, United Provinces of Agra and Awadh, Volume 2, 1881; H.R. Navel's Barabanki District Gazetteer (1902); H.R. Navel's Faizabad District Gazetteer (1905); H.R. Navel's Faizabad District Gazetteer of United Provinces of Agra and Awadh (1928); Smt. Isha Basanti Joshi's Uttar Pradesh District Gazetteer, Faizabad (1960); Early Travels in India (1583-1619) edited by William Forester, London, 1921; History and Geography of India originally published in Latin, translated in French; History and Geography and Statistics of Eastern India, volume 2 by Gogri Martin (1838); Hens Becker's Ayodhya (1986); and A.F. Gillet's Report on the Settlement of the Land Revenue of the Faizabad District (1880). All of these make mention of Sri Ram Janam Bhumi temple having been demolished and the so called mosque having been constructed in its place. There is no mention of the so called Babri mosque having been constructed on the vacant land.” (E.T.C.)

“9. इन्साइक्लोपीडिया एक विश्व मान्य ग्रन्थ है जिसमें विश्वके विभिन्न विषयों के विद्वानों के विचार संकलित रहते हैं। इस वाद में दाखिल कागज संख्या 107 सी-1/120 व 121 इन्साइक्लोपीडिया ब्रिटेनिका की प्रति है जिसमें श्री राम जन्म स्थान स्थल पर बाबर द्वारा मस्जिद का निर्माण कराये जाने का उल्लेख है। इस वाद में दाखिल कागज संख्या 107 सी-1/111 सर्जन जनरल बेलफोर द्वारा तैयार इन्साइक्लोपीडिया आफ इण्डिया एण्ड इस्टर्न एण्ड सदरन एशिया की प्रति है।”

“9. *Encyclopaedia is a globally acknowledged book which compiles opinions of scholars of the world on various subjects. Paper No. 107C-1/120 and 121 filed in*

this suit, is a copy of Encyclopaedia Britannica which makes mention of the mosque having been built by Babur on the site of Sri Ram Janam Bhumi. Paper No. 107C-1/111 filed in this suit, is a copy of Encyclopaedia of India and Eastern and Southern Asia prepared by Surgeon General Belford.” (E.T.C.)

“10. मैंने बैजामिन वाकर द्वारा लिखित हिन्दू वर्ल्ड एण्ड इन्साइक्लोपीडिक सर्वे आफ हिन्दूइज्म वाल्यूम 1 भी पढ़ा है जिसमें अयोध्या में स्थित श्री राम जन्मभूमि मन्दिर को विनष्ट करके उस स्थान पर मस्जिद निर्मित करने का उल्लेख है। बैजामिन वाकर द्वारा लिखित इस पुस्तक के पृष्ठ संख्या 103 व 104 आवरण पृष्ठ सहित की छायाप्रति बतौर संलग्नक-1 प्रस्तुत की जाती है।”

“10. I have also read Benjamin Walker's Hindu World and Encyclopaedic Survey of Hinduism, volume 1 which makes mention of Sri Ram Janam Bhumi temple having been demolished and the mosque having been built on its locus. Photocopies of pages 103 and 104 and also of cover page of this book, authored by Benjamin Walker, are annexed as annexure no.1.” (E.T.C.)

“12. इस वाद में दाखिल कागज सं० 107 सी-1/42 लगायत 45 फैजाबाद डिस्ट्रिक्ट गजेटियर सन् 1905 कागज सं० 107सी-1/49 से 53 फैजाबाद डिस्ट्रिक्ट गजेटियर सन् 1928 कागज सं० 107 सी-1/54 लगायत 61 फैजाबाद डिस्ट्रिक्ट गजेटियर सन् 1960 और इम्पीरियल गजेटियर प्राबिशियल सिरीज भाग 2 सन् 1880 कागज सं० 107 सी-1/127 से 130 है, जिसमें अयोध्या स्थित श्री राम जन्मभूमि पर स्थित मंदिर का वर्णन आया है और उस मंदिर को विनष्ट करके मस्जिद बनाये जाने का उल्लेख है।”

“12. Papers filed in this suit include Faizabad District Gazetteer (1905) being paper no. 107C-1/42 to 45, Faizabad District Gazetteer (1928) being paper no. 107 C-1/49 to 53, Faizabad District Gazetteer (1960) being paper

no. 107C-1/54 to 61 and Imperial Gazetteer, Provincial Series being paper no. 107C-1/127 to 130, all of which make mention of a temple located at Sri Ram Janam Bhumi situated in Ayodhya and also of the said temple having been demolished and a mosque having been built at its place.” (E.T.C.)

“13. मिस्टर पी० कारनेगी जो सन् 1870 में फैजाबाद के आफिशियेटिंग डिप्टी कमिश्नर थे, उन्होंने अपनी पुस्तक हिस्टोरिकल स्केचेज आफ डिस्ट्रिक्ट फैजाबाद विथ दी ओल्ड कैपिटल्स आफ आयोध्या एण्ड फैजाबाद कागज सं० 107 सी 1/17 से 24 में अयोध्या स्थित तीन प्रसिद्ध प्रमुख मन्दिरों का जो जन्म स्थान मन्दिर, स्वर्गद्वार मन्दिर त्रेता का ठाकुर मन्दिर का वर्णन किया है जिसमें जन्म स्थान मन्दिर को विनष्ट करके उसी स्थान पर सन् 1528 में बाबर द्वारा मस्जिद बनाये जाने का वर्णन है। इसी प्रकार इस वाद में दाखिल कागज सं० 107 सी-1/25 व 26 गजेटियर आफ प्राबिन्स आफ अवध वाल्यूम 1 सन् 1877 में भी पी० कारनेगी द्वारा अपनी पुस्तक में लिखी उपरोक्त बात का उल्लेख है।

“13. Mr. P. Carnegi, who was officiating Deputy Commissioner of Faizabad in 1870 has in his book 'Historical Sketches district Faizabad with the old capitals of Ayodhya and Faizabad (paper no. 107C-1/17 to 24) described three Ayodhya situated famous temples known as Janam Sthan Mandir, Swarg Dwar Mandir and Thakur Mandir of Treta Era. The said book has the mention of the Janam Sthan Temple having been destroyed and the mosque having been built at its place by Babur in 1528. Similarly, Gazetteer of Province of Awadh, volume 1, 1877 filed in this suit as paper nos. 107C-1/25 and 26, also has the aforesaid mention as contained in the book of P. Carnigi.” (E.T.C.)

“14. इस वाद मे दाखिल कागल सं० 107 सी 1/40 व 41 बाराबंकी डिस्ट्रिक्ट गजेटियर की प्रति है जो सन् 1902 में एच०आर० नेविल के

निर्देशन में प्रकाशित हुई जिसमें अयोध्या स्थित श्री राम जन्म स्थान मन्दिर को बाबर द्वारा ध्वस्त करके उसी स्थान पर मस्जिद बनाये जाने का उल्लेख है। इसी तरह बाद में दाखिल कागज सं० 107 सी-1/10 व 11 गजेटियर आफ दी टेरीटारीज अन्डर दी गवर्नमेन्ट आफ ईस्ट इण्डिया कम्पनी सन् 1854 की प्रति है जिसे एडवर्ड थर्नटन के निर्देशन में प्रकाशित किया गया जिसमें महाराजा विक्रमादित्य द्वारा अयोध्या में भगवान श्री राम से सम्बन्धित 360 मन्दिरों के बनवाये जाने का उल्लेख है तथा बाबर द्वारा मस्जिद बनवाये जाने का वर्णन है।”

“14. Paper Nos. 107C-1/40 and 41 filed in this suit, are the copy of Barabanki District Gazetteer, which was published under the guidance of H. R. Navel in 1902 and which makes mention of Sri Ram Janam Bhumi temple having been demolished and a mosque having been built at that very place by Babur. Likewise, Gazetteer of the territories under the Government of East India Company (1854) forms paper nos. 107C-1/10 and 11 filed in the suit and it was published under the guidance of Edward Thornton. It has the description of 360 temples associated with Lord Sri Rama having been built in Ayodhya by King Vikramaditya and also that of a mosque having been constructed there by Babur.” (E.T.C.)

“18. इन यात्रा वर्णन के अलावा रिपोर्ट आफ सेटिलमेन्ट आफ दि लैण्ड रेवेन्यू आफ फैजाबाद डिस्ट्रिक्ट सन् 1880 ए०एफ० गिलेट द्वारा प्रकाशित की गई जिसके सुसंगत पृष्ठ कागज सं० 107 सी-1/28 से 30 इस वाद में दाखिल है जिसमें जन्म स्थान मन्दिर, स्वर्गद्वार मन्दिर, त्रेता का ठाकुर मन्दिर का वर्णन है जिसके अनुसार बाबर सन् 1528 में बाबर अयोध्या के आस पास कहीं एक सप्ताह तक ठहरा था और जन्म स्थान मन्दिर को ध्वस्त करके मस्जिद का निर्माण कराया था।”

“18. Besides this account of travel, Report of Settlement of Land Revenue of Faizabad district (1880) was published by A. F. Gillet and its relevant pages are filed as paper nos.

107C-1/28 to 30 in this suit and they have the description of Ram Janam Sthan temple, Swarg Dwar temple and Thakur temple of Treta Era as per which description, Babur stayed for week somewhere in the vicinity of Ayodhya and got the Janam Sthan temple demolished and a mosque constructed.” (E.T.C.)

“19. प्रसिद्ध डच विद्वान हेंस बेकर ने अपनी पुस्तक अयोध्या जो सन् 1986 में 2 वाल्यूम में प्रकाशित हुई में यह स्पष्ट लिखा है कि धरती के जिस पावन स्थल पर राम का अवतार हुआ था उस स्थान पर स्थित जन्मभूमि मन्दिर को बाबर ने सन् 1528 में नष्ट किया और इसके ढाचे से मीरबाकी ने मस्जिद का निर्माण किया जिसमें 14 काले पत्थर के स्तम्भ लगे हुए थे।”

“19. Famous Dutch Scholar Hens Becker in his book 'Ayodhya' published in two volumes in 1986 has clearly written that in 1528 Babur destroyed the Janam Bhumi temple located at the holy place where Rama had incarnated himself and out of its structure Mir Baqi built a mosque having 14 pillars of black stone.” (E.T.C.)

“20. उपलब्ध सामग्री के आधार पर मेरा निश्चित मत है कि रामजन्मभूमि मन्दिर स्थान को बाबर ने विनष्ट करके उसकी सामग्री से मस्जिद का निर्माण कराया।”

“20. On the basis of the materials available I am of a definite view that Babur destroyed Ram Janam Bhumi Mandir/Sthan and got the mosque constructed from its materials.” (E.T.C.)

523. Regarding the place in dispute being the birthplace of Lord Ram he said in paras 15, 16 and 17 of the affidavit :

“15. समय समय पर यूरोपीय विदेशी यात्रियों ने भारत एवं आयोध्या की यात्रा की और अपने यात्रा-वृत्तान्त में आयोध्या और आयोध्या में स्थित श्री रामजन्मभूमि का वर्णन किया है। ब्रिटिश सौदागर विलियम फ्रीन्च कैप्टन हाकिन्स के साथ सन् 1608 से 1611 तक भारत यात्रा किया था। इस

दौरान वह आयोध्या भी गया था उसने आयोध्या के रामकोट के आस-पास पुराने खण्डहरों की विद्यमानता की पुष्टि की है जिसके सम्बन्ध में हिन्दुओं की मान्यता रही कि हजारों साल पहले भगवान राम ने यहां अवतार लिया था इसकी पुष्टि विलियम फास्टर द्वारा सम्पादित पुस्तक अर्ली टेवेल्स इन इण्डिया सन् 1583 से 1619 इस वाद में दाखिल कागज सं० 107 सी 1/65 में भी की गई है। यह पुस्तक सन् 1921 में लन्दन से प्रकाशित हुई थी।”

“15. *Foreign travellers hailing from Europe travelled India and Ayodhya from time to time and they have in their travel-accounts have made mention of Ayodhya and Sri Ram Janam Bhumi located there. A British merchant William Finch, along with Captain Hawkins, travelled India between 1608 and 1611. In course of it he had also visited Ayodhya. He has confirmed there being traces of old remains in and around Ram Kot of Ayodhya, where Hindus hold that Lord Rama had incarnated himself. This fact also gets corroborated by William Forester – edited book titled 'Early Travels in India (1583-1619)', filed in this suit as paper no. 107C-1/65. This book was published from London in 1921.*” (E.T.C.)

“16. जोसेफ टाइफन थेलर आस्ट्रेलियन पादरी ने सन् 1766 से 1771 की अवधि तक अवध क्षेत्र का दौरा किया था उसने लैटिन भाषा में पुस्तक लिखी जिसका फ्रेंच अनुवाद सन् 1785 में हिस्टोरिक एट जियोग्राफिक डी०एल० इण्डे, जीन बरनाल द्वारा किया गया जिसकी प्रति इस वाद में दाखिल कागज सं० 107 सी-1/96 से 108 है इसमें यह उल्लेख है कि बाबर ने आयोध्या स्थित रामजन्मभूमि मन्दिर को ध्वस्त कर उसके खम्भों का प्रयोग करके एक मस्जिद का निर्माण कराया जहाँ 18वीं शताब्दी तक हिन्दू पूजा करते रहे हैं। यह पूजा हिन्दू दोनों स्थान यानी खुले प्रांगण तथा मस्जिद में अन्दर करते रहे इसमें बाईं तरफ चबूतरे पर पूजा का वर्णन भी मिलता है जो उस समय प्रचलित थी। यह सोचना गलत होगा कि हिन्दुओं ने पूजा की कोई नयी परम्परा मस्जिद के निकट शुरू की थी।

“16. Joseph Typhen Thaylor, an Australian clergyman travelled the Awadh region from 1766 to 1771. He wrote a book in Latin language which was translated into French by D.L.Inday and Jean Barnal in 1785 which was titled 'Historic at Geographic', copy of which is filed in this suit as papers nos. 107C-1/96 to 108. It mentions that Babur demolished Ayodhya situated Ram Janam Bhumi temple and by using its pillars constructed a mosque where Hindus continued to worship till the 18th century. Hindus continued to offer pooja at both in the open courtyard and inside the mosque. It also contains description of pooja being performed at the chabutra located towards the left which was then vogue. It would be wrong to think that Hindus started any new tradition of performing pooja near the mosque.” (E.T.C.)

“17. प्रसिद्ध ब्रिटिश सर्वेयर मान्ट गोगरी मार्टिन ने सन् 1838 में अपनी पुस्तक हिस्ट्री एन्टीक्वीटीज एण्ड स्टेटिस्टिक्स आफ ईस्ट इण्डिया वाल्यूम 2 की प्रति इस वाद में दाखिल कागज संख्या 107 सी-1/109-110 में यह उल्लेख किया है कि महाराजा विक्रमादित्य द्वारा निर्मित मन्दिर के खम्भों को मस्जिद बनाने में लगाये गये यद्यपि खम्भों पर बनी मूर्तियों को बाबर द्वारा धर्मान्ध (बिगाट) की सन्तुष्टि के लिये खण्डित किया गया है।”

“17. Famous British surveyor Mont Gogari Martin in his 1838-published book History, Antiquities and Statistics of East India, volume II, copy of which is filed in this suit at paper nos. 107C-1/109-110, has mentioned that the pillars of the temple built by King Vikramaditya were used in the construction of the mosque but the idols carved on the pillars were broken by Babur for the satisfaction of bigots.” (E.T.C.)

524. OPW-11 also gave his opinion about the gazetteer as a source of history and in para 11 of the affidavit said as under:

“11. गजेटियर आधुनिक भारत के इतिहास के एक महत्वपूर्ण श्रोत है जिनसे प्राचीन व मध्यकाल के इतिहास की स्पष्ट झलक मिलती है। किसी साम्राज्य प्रान्त या जिले के गजेटियर उस स्थान का शब्द अथवा इन्डेक्स होते हैं जिनसे ऐतिहासिक, सामाजिक, पुरातात्विक व्यापारिक और आकंड़े आदि सम्बन्धी जानकारी मिलती है। भारत वर्ष में इन गजेटियर्स की रचना 19वीं शताब्दी के मध्यकाल में शुरू हुई। इसकी विस्तृत योजना सन् 1866 में गवर्नर जनरल लार्ड मेयो के कार्यकाल में बनी जो बाद में सन् 1881 में इम्पीरियल गजेटियर आफ इण्डिया के रूप में प्रकाशित हुई। प्रारम्भ में ब्रिटिश सरकार तथा स्वतंत्रता प्राप्ति के बाद भारत सरकार तथा राज्य सरकारों ने करोड़ों रुपये व्यय करके समय-समय पर गजेटियर विभिन्न विषयों के विद्वानों की देखरेख में परिवर्तित, संशोधित तथा प्रकाशित किये हैं। जैसे सन् 1960 के फ़ैजाबाद गजेटियर की एडवाइजरी बोर्ड में डा० एस० नुरुल हसन, अध्यक्ष एवं निदेशक इतिहास विभाग मुस्लिम यूनिवर्सिटी अलीगढ़, डा० एस० मुजफ्फर अली, प्रोफेसर एवं अध्यक्ष भूगोल विभाग सागर विश्वविद्यालय सागर तथा डा० गोविन्द चन्द्र पाण्डेय, प्रो० प्राचीन भारतीय इतिहास गोरखपुर विश्वविद्यालय गोरखपुर आदि विद्वान सम्मिलित रहे जिन्होंने अपनी देखरेख, निर्देशन एवं अपने विषय से सम्बन्धित अध्यायों को देखने के बाद गजेटियर में प्रकाशन की अनुशंसा की थी।”

“11. *Gazetteer is a vital source of History of Modern India giving a clear glimpse of ancient and medieval history. The gazetteer of any empire, province or district are an index of the said place providing historical, social, archaeological, statistical and trade- related knowledge. In India these gazetteers began to be written in the middle of 19th century. Its comprehensive plan was prepared in 1866 during the tenure of Governor General Lord Mayo. It was later published as Imperial Gazetteer of India in 1881. In the beginning, the British Government and after the dawn of Independence Indian Government and State Governments by spending crores of rupees have got the gazetteers amended, revised and published under the*

supervision of scholars of various subjects from time to time. For example, the Advisory Board of the 1960 Faizabad Gazetteer comprised scholars like Dr. S. Narul Hasan, Chairman and Director, Department of History at Aligarh Muslim University; Dr. S. Mujaffar Ali, professor and head, Department of Geography at Sagar University, Sagar and Dr. Govind Chandra Pandey, a professor of Ancient History at Gorakhpur University, Gorakhpur and so on who under their supervision and direction and after going through the chapters related to their subjects recommended for the publication of the gazetteer.”
(E.T.C.)

525. OPW 16 Jagadguru Ramanandacharya Swami Rambhadracharya, aged about 54 years (vide his affidavit dated 15.7.2003) and his cross examination is as under :

- (a) 15-07-2003-by Nirmohi Akhara, defendant no. 3, through Sri R.L. Verma, Advocate (p. 10-25)
- (b) 16-07-2003- by defendant no. 6 through Sri Abdul Mannan, Advocate (p. 26-29)
- (c) 16/17/18-07-2003- by Sunni Central Waqf Board, defendant no. 4 through Sri Zafaryab Jilani, Advocate (p. 29-64)
- (d) 18/21-07-2003- by defendant no. 5 through Sri Mustaq Ahmad Siddiqui, Advocate (p. 64-75)
- (e) 21-07-2003- defendant no. 26 through Sri Sayad Irfan Ahmad, Advocate and defendants no. 6/1 and 6/2 (Suit-3) through Sri Fazale Alam, Advocate adopted the cross examination already done by defendants no. 4, 5 and 6 (p.75)

526. He is blind since the age of 2 months due to lack of

medical assistance. His real name given by the family is Girdhar Mishra and his father's name is Pt. Rajdeo Mishra. He has studied from Prathama to Acharya, Vidya Varidhi and Vachaspati from Sampurnanand Sanskrit University, Varanasi and did Shastri in 1973 securing highest marks, was awarded gold medal by the University. Similarly, in Acharya Examination passed in 1976 he secured highest marks and got five gold medals. He did his research in "Adhyatmaramayane Apaniniya Prayoganam Vimarshah" and was conferred Ph.D. in 1982. In 1995 he was conferred D.Lit. on the subject "Paniniyashtadhyayh Pratisutram Shabdabodh Samiksha". He has studied Veda, Vedanga, Upanishad, Vyakaran and Dharmshastra thoroughly and is author of 76 books. Residing at Chitrakoot since 1983, changing his name as Rambhadracharya, he established in 1987 Sri Tulsi Peeth at Chitrakoot. He was honoured as Jagadguru Ramanandacharya in 1988 at Varanasi and was seated as Sri Tulsi Peethadheeshwar Jagadguru Ramanandacharya Swami Rambhadracharya in Kumbh Allahabad in 1989. He established Jagadguru Rambhadracharya Viklang Vishwavidyalaya Chitrakoot of which he is Vice Chancellor. Presently 14 students are undergoing research under his guidance. He belongs to Ramanandi Sampradaya and worships Lord Sri Ram. He has studied about Lord Sri Ram in religious books. He has knowledge of all Indian languages including English except Urdu; and in Sanskrit he possesses special knowledge. He has widely travelled abroad. Regarding the place of birth of Lord Ram at the disputed site, he stated in para 18 to 27 of his affidavit as under:

"18. मेरे अध्ययन व जानकारी के अनुसार अयोध्या स्थित विवादित स्थल ही भगवान श्रीराम की जन्मभूमि है। यह सर्वविदित है कि भगवान श्रीराम का जन्म अयोध्या में ही हुआ था तथा विवादित स्थल हिन्दू

धर्मानुयायियों द्वारा भगवान श्रीराम के जन्मभूमि के रूप में अनंतकाल से आस्था, परम्परा एवं विश्वास के अनुसार मान्यता प्राप्त है तथा उस स्थल की पूजा अनवरत होती चली आ रही है।”

“18. *As per my study and knowledge, Ayodhya-situated disputed site itself is the birthplace of Lord Sri Rama. It is known to all that Lord Sri Rama was born in Ayodhya itself and the disputed site is, as per faith, tradition and belief, recognised by the followers of Hinduism as the birthplace of Sri Rama since the time immemorial, and the worship of that place has consistently been performed.*” (E.T.C.)

“19. हिन्दू धर्मशास्त्र के अनुसार मूर्ति तथा देवस्थल पूज्य है जिनकी पूजा-अर्चना से मनुष्य को मोक्ष की प्राप्ति होती है।

“19. *As per Hindu scriptures, idols and the places of gods are revered worshipping which a man attains liberation.*” (E.T.C.)

“20. हिन्दू धर्मशास्त्रों में स्थान विशेष की विशेष महत्ता है जो स्वयंभूदेव के रूप में स्वयं प्राण प्रतिष्ठित एवं पूज्य हैं। इस प्रकार के स्थान अतंतकाल से जनमानस में आस्था, परम्परा एवं पूजा के कारण सर्वोत्कृष्ट पूज्य स्थल हैं। इस प्रकार के देवत्य प्राप्त स्थलों पर शिवैत या सर्वराहकार या महंत की कोई आवश्यकता नहीं होती है। मानव निर्मित देवस्थलों में शिवैत या सर्वराहकार या महंत की नियुक्ति की आवश्यकता होती है।”

“20. *Particular places have special importance in Hindu scriptures and they are self deified and revered as Swayambhudev (God of land in themselves). By virtue of faith, tradition and worship, this type of places are the most exalted places of worship in the minds of people from eternity. This type of places blessed with divinity do not require 'Shivait' or 'Sarvarahakar' or 'Mahanta'. Appointment of 'Shivait' or 'Sarvarahakar' or 'Mahanta' needs to be made at man-made places of gods.*” (E.T.C.)

“21. बाल्मीकि रामायण, अथर्ववेद, यजुर्वेद, रामतापनीययोपनिषद,

स्कन्दपुराण, तुलसीदास के साहित्य में अयोध्या में आराध्य देव राघवेन्द्र सरकार भगवान श्रीराम व विवादित स्थल भगवान श्रीराम की जन्मभूमि होने का विवरण मिलता है। तुलसीकृत "श्री तुलसी दोहाशतक" में गोस्वामी तुलसीदास जी ने स्पष्ट रूप से मुस्लिमों तथा बाबर के कृत्यों एवं अयोध्या में श्रीराम जन्म मन्दिर मीरबाकी द्वारा तोड़कर मस्जिद बनवाने का वर्णन किया है जैसे—

मंत्र उपनिषद ब्राह्मनहुँ बहु पुरान इतिहास।
जवन जराये रोष भरि करि तुलसी परिहास।।
सिखा सूत्र से हीन करि, बल ते हिन्दू लोग।
भमरि भगाये देश ते, तुलसी कठिन कुजोग
बाबर बर्बर आइके, कर लीन्हे करवाल।
हने पचारि—पचारि जन, तुलसी काल कराल।।
सम्बत सर वसु बान नभ, ग्रीष्म ऋतु अनुमानि।
तुलसी अवधहिं जड़ जवन, अनरथ किय अनखानि।।
राम जनम महिं मंदिरहिं, तोरि मसीत बनाय।
जवहि बहु हिन्दुन हते, तुलसी कीन्ही हाय।।
दल्यो मीरबाकी अवध, मन्दिर रामसमाज।
तुलसी रोवत हृदय हति, त्राहि त्राहि रघुराज।।
राम जनम मंदिर जहाँ, लसत अवध के बीच।
तुलसी रची मसीत तहँ, मीरबाकी खल नीच।।
रामायन घरि घन्ट जहँ, श्रुति पुरान उपखान।
तुलसी जवन अजान तहँ, कियो कुरान अजान।।

“Description of Ayodhya being the birthplace of Raghavendra Lord Sri Rama and the disputed site being Sri Rama's birthplace, is found in Valmiki Ramayana, Atharvaveda, Yajurveda, Ramtapniyayopanishad, Skandapurana and Tulsidas's literature. Goswami Tulsidas, in his 'Sri Tulsishatak' has clearly described the deeds of Muslims and Babur and the mosque having been built by Mir Baqi after demolishing Sri Ram Janam Mandir at Ayodhya, which runs as follows:

Goswami Tulsidas Ji says that 'Yavans' (barbarians /Mohammedans) ridicule hymns, several Upnishads and treatises like Brahmans, Puranas, Itihas (histories) etc. and also the Hindu society (orthodox religion) having faith in them. They exploit the Hindu society in different ways.

Goswami Tulsi Das says that forcible attempts are being made by Muslims to expel the followers of Hinduism from their own native place (country), forcibly divesting them of their Shikha (lock of hair on the crown of head) and 'Yagyopaveet' (sacrificial thread) and causing them to deviate from their religion. Tulsi Das terms this time as a hard and harrowing one.

Describing the barbaric attack of Babur, Goswami Ji says that he indulged in gruesome genocide of the natives of that place (followers of Hinduism), using sword (army).

Gowami Tulsi Das Ji says that countless atrocities were committed by foolish 'Yavans' (Mohammedans) in Awadh (Ayodhya) in and around the summer of Samvat 1585, that is, 1528 AD (Samvat 1585- 57=1528 AD).

Describing the attack made by 'Yavans', that is, Mohammedans on Sri Ramjanambhumi temple, Tulsi Das Ji says that after a number of Hindus had been mercilessly killed, Sri Ram Janam Bhumi temple was broken to make it a mosque. Looking at the ruthless killing of Hindus, Tulsi Ji says that his heart felt aggrieved, that is, it began to weep, and on account of incident it continues to writhe in pain.

Seeing the mosque constructed by Mir Baqi in Awadh, that is, Ayodhya in the wake of demolition of Sri

Ram Janam Bhumi temple preceded by the grisly killing of followers of Hinduism having faith in Rama and also seeing the bad plight of the temple of his favoured deity Rama, the heart of Tulsi began to always cry tearfully for Raghuraj (the most revered among the scions of the Raghu Dynasty). Being aggrieved thereby, submitting himself to the will of Sri Rama, he shouted: O Ram ! Save....Save...

Tulsi Das Ji says that the mosque was constructed by the wicked Mir Baqi after demolishing Sri Ram Janam Bhumi temple, situated in the middle of Awadh, that is, Ayodhya.

Tulsi Das Ji says that the Quran as well as Ajaan call is heard from the holy place of Sri Ram Janam Bhumi, where discourses from Shrutis, Vedas, Puranas, Upnishads etc. used to be always heard and which used to be constantly reverberated with sweet sound of bells.”(E.T.C.)

“22. गोस्वामी तुलसी दास ने अपनी रचना कवितावली में निम्नलिखित पंक्तियों के द्वारा समाज से विरक्तता और भगवान राम के प्रति अपनी आसक्ति एवं आस्था प्रकट करते हुए विवादित स्थल के बारे में उल्लेख किया है:-

धूत कहौं अवधूत कहौं, रजपूत कहौं, जोलहा कहौं कोऊ।
काहू की बेटी से बेटा न ब्याहब, काहू की जाति बिगारन
सोऊ ॥
तुलसी सर नाम गुलामु है राम को, जाको रूचे सो कहै कछु
जोऊ।
मांगि के खैबों, मसीत में सोइबो, लैवे को एकु न दैवे के
दोऊ ॥”

“22. In his work 'Kavitavali', Goswami Tulsidas while expressing detachment from the society and his attachment and faith towards Lord Rama has mentioned about the disputed site in the following lines:-

*"Dhoot Kahaun, Avadhoot Kahaun, Rajpoot
Kahaun, Jolha Kahaun Kou.*

*Kahu Ki Beti Se Beta Na Byahab, Kahu Ki Jati
Bigaran Sou.*

*Tulsi Sar Naam Gulamu Hai Ram Ko, Jako
Ruche So kahe Kachhu Jou.*

*Mangi Ke Khaibon, Maset Me Soibo, Laive
Ko Eku Na Deve Ke Dou." (E.T.C.)*

“23. वेद सम्मत वाल्मीकि रामायण की रचना भगवान श्रीराम के समय की ही मानी जाती है। बाल्मीकि रामायण के बालकाण्ड के सर्ग 18 में भगवान श्रीराम के जन्म के समय, ऋतु, ग्रह, नक्षत्र आदि का वर्णन करते हुए महर्षि बाल्मीकि ने विवादित स्थल को “सर्वलोक नमस्कृत” शब्द के माध्यम से भगवान श्रीराम के जन्म स्थली को निम्नलिखित श्लोको द्वारा स्पष्टतः वर्णित किया है:—

*ततो यज्ञे समाप्ते तु ऋतुनां षट् समत्ययुः ।
ततश्च द्वादशे मासे चैत्रे नावमिके तिथौ ॥
नक्षत्रेऽदिति दैवत्ये स्वोच्चसंस्थेषु पञ्जसु ॥
ग्रहेषु कर्कटे लग्ने वाक्यताविन्दुना सह ॥
प्रोद्यमाने जगन्नाथं सर्वलोक नमस्कृतम् ।
कौशल्याजनयद् रामं दिव्य लक्षण संयुतम् ॥”*

“23. The Veda equivalent Valmiki Ramayana is considered to have been composed in the period of Lord Sri Rama. While describing the time, climate, planets etc. of the birth of Lord Sri Rama in Sarga-18 of Balkand in the Valmiki Ramayana, Maharishi Valmiki has clearly described the birthplace of Lord Sri Rama through the words ‘Sarvalok Namaskrit’ in the following Shloka-

*"Tato Yagye Samapte Tu Ritunam Shat
Samatyuyah.*

*Tatasch Dwadashe Mase Chaitre Navamike
Tithau.*

*Nakshatre-aditi Daivatye Swochchsanstheshu
Panjasu.*

*Graheshu Karkate Lagne Vakyatavinduna Sah.
Prodyamane Jagannatham Sarvalok
Namaskritam.*

*Kaushalyajanayad Ramam Divya Lakshan
Samyutam." (E.T.C.)*

“24. धर्मग्रन्थ विशेषतः रामतापनीयोपनिषद्, वेद,—वेदांग में भगवान के चार रूपों अर्थात् (1) नाम (2) रूप (3) लीला (4) धाम का वर्णन है जिनके पूजा करने का विधान है।

“धाम से आशय जन्मभूमि से है जैसा कि निम्नलिखित श्लोक से स्पष्ट है:—

धर्म स्थाने प्रकाशे च जन्मभूमौ तथैव च ॥

किरणे चैव विज्ञेयम् तथा चन्दनरश्मिनो ॥

इस प्रकार स्पष्ट है कि श्री राम जन्मभूमि आराध्यदेव के समान पूज्य है तथा अनंतकाल से उसी रूप में हिन्दू धर्मावलम्बियों द्वारा उनके आस्था केन्द्र के रूप में निरन्तर पूजित चला आ रहा है।”

“24. *The religious books specially Ramtapniopanishad, Veda-Vedangas contain description of all four forms of God Almighty viz. (1) Name, (2) Form, (3) Leela (actions) and (4) Dham (abode), besides the method of offering prayer. The word Dham implies Janmbhumi (birthplace), as is clear from the following Shloka-*

*"Dharm Sthane Prakashe Cha Janmbhumau
Tathaiva Cha.*

Kirane Chaiv Vigyeyam Tatha

Chandanrashmino." (E.T.C.)

Accordingly it is clear that the Sri Ramjanmbhumi is worshipable alike favoured deity and since time immemorial, the Hindu devotees have been continuously revering the said place as the centre of their faith.”
(E.T.C.)

“25. श्रीकृष्णदासात्मज क्षेमराज श्रेष्ठि द्वारा स्थापित वेंकटेश्वर (स्टीम) मुद्रणालय में सम्बत् 1966 में मुद्रित एवं प्रकाशित स्कन्द पुराण के वैष्णव खण्ड के अयोध्या महात्म्य की जानकारी मुझे है। जिसमें भगवान श्रीराम की जन्मभूमि का स्पष्ट वर्णन किया गया है। इस ग्रन्थ के मुख पृष्ठ एवं अध्याय 10 के पृष्ठ संख्या 292 पर श्लोक संख्या 1 से 25 तक की छाया प्रति संलग्नक-1 के रूप में इस शपथपत्र के साथ संलग्न है जो मूल पुस्तक की यथार्थ छायाप्रति है।”

“25. I know about the Ayodhya Mahatamy of Vaishnava part of Skand Purana printed and published in the year 1966 by Venkateshwar (esteem) Printing Press established by Kshemraj Shreshti son of Shrikrishnadas, which contains clear description of the Janmbhumi (birthplace) of Lord Sri Rama. The photocopy of page no. 292 of chapter 10 of this book containing Shloka 1-25 as well as that of the cover page, has been enclosed with this affidavit as Enclosure-1, which is exact photocopy of the original book.” (E.T.C.)

“26. मैं रामतापनीयोपनिषद, बाल्मीकि रामायण आदि पुस्तकें भी अपने साथ लाया हूँ।”

“26. I have brought along Ramtapniopanishad, Valmiki Ramayana and other books.” (E.T.C.)

“27. यजुर्वेद के तैत्तरीय शाखा के भगवती श्रुति के अनुसार अयोध्या देवताओं की पुरी है जहाँ पर भगवान श्रीराम का जन्म हुआ था।”

“27. As per Bhagwati Shruti of Taiteriy branch of Yajurveda, the entire Ayodhya is of Gods, where Lord Sri Rama was born.” (E.T.C.)

527. DW 13/1-3, Dr. Bishan Bahadur, aged about 59 years (vide his affidavit dated 07.04.2005), is resident of Rajeshwar Colony, Surendra Nagar, Aligarh. His cross examination is as under:

(a) 07/08/11.04.2005- by Nirmohi Akhara, plaintiff (Suit-

- 3) through Sri Tarunjeet Verma, Advocate (p. 7-36)
- (b) 11/12.04.2005- by plaintiff no. 9 and 10/1 Mahmood Ahmad and Mohd. Faruk Ahmad through Sri Abdul Mannan, Advocate (p. 37-50)
- (c) 12/13/15/19/20/21/25/26/27.04.2005- by plaintiffs no. 1, 6/1, 8/1 Sunni Central Board of Waqf, Jiyauddin and Maulana Mahafujurrhman through Sri Zafaryab Jilani, Advocate (p.50-149)
- (d) 27/28.04.2005, 02/03/04/05.05.2005- by plaintiff no. 7 (Suit-4) through Sri Mustaq Ahmad Siddiqui, Advocate (p. 150-191)
- (e) 05.05.2005-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. 191)

528. He was working as Reader in Sri Varshneya Degree College, Aligarh in the Department of History and was Incharge Head of the Department at that time. He is M.A. in History and English Literature and Ph.D. His subject of research was “Hindu Resistance During Saltanat Period” and he got Ph.D. in 1975 after doing his Post-Graduation in History in 1969. He is engaged for 35 years in the teaching of history to graduate and post-graduate students, guided about 22 students for Ph.D. conferred by Agra and Ruhelkhand University, guided 64-65 short researches and got published 19 research papers. Besides, he has authored a book “Viswa Ka Itihas” and “Maharan Pratap – Ek Sambal Ek Chunauti”. He claims to be a specialist in

“medieval history” and appeared as a witness expert (Historian) as per para 6 of the affidavit:

“6. यह कि मैंने भारत वर्ष के इतिहास के मध्यकालीन समय के इतिहास का विशेषरूप से अध्ययन किया है। इतिहास की दृष्टि से प्रथाएं एवम् परम्पराएं स्वमेव इतिहास के साक्ष्य के रूप में मान्य हैं।”

“6. *That I have specially studied the medieval period of Indian History. From the point of history, customs and traditions are in themselves acceptable as evidence of history.*” (E.T.C.)

529. Regarding the medieval history and its co-relation with the disputed site, construction of temple of Lord Ram and its destruction for construction of disputed structure he said in para 7 to 14 of the affidavit as under:

“7. यह कि गहड़वाल वंश का प्रारम्भिक शासक यशोविग्रह था। यशोविग्रह का पुत्र महीचंद था महीचंद का पुत्र चंद्रदेव उसका उत्तराधिकारी बना जिसके शासन के अन्तर्गत कन्नौज, काशी (बनारस), कौशिक (इलाहाबाद क्षेत्र), कौशल (अवध जिसमें अयोध्या सम्मिलित थी), इंद्रस्थान (वर्तमान बुलंद शहर जिले में) सम्मिलित था। चंद्रदेव सन् 1085 से सन् 1100 तक शासक रहा जिसने अपनी राजधानी कन्नौज को तथा दूसरी राजधानी काशी को बनाया था।”

“7. *That the first ruler of Gaharawal dynasty was Yashovigrah. Mahichand was the son of Yashovigrah. Mahichand Kaak son of Chandradev became his successor, during whose reign Kannauj, Kashi (Varanasi), Kaushik (Allahabad area), Kaushal (Awadh including Ayodhya), Indrasthan (present Bulandshahar district) were under him. Chandradev ruled from the year 1085 to 1100 and he had Kannauj as his capital and Varanasi as the second capital.*” (E.T.C.)

“8. यह कि चंद्रदेव के बाद मदनचंद (मदनपाल/मदनदेव) सन् 1100 से सन् 1110 तक उपर्युक्त क्षेत्र का शासक रहा। गोविन्दचन्द जो

गोविन्दचन्द्रदेव के नाम से भी जाने जाते हैं, सन् 1110 से सन् 1156 तक उसके बाद विजय चन्द्र सन् 1156 से सन् 1170 तक तदोपरान्त जयचन्द्र सन् 1170 से सन् 1194 तक उसके बाद हरिश्चन्द्र सन् 1194 से सन् 1226 तक शासक रहे जिनके शासन के अन्तर्गत अयोध्या रही।”

“8. *That after Chandradev, Madanchand (Madanpal/ Madandev) became the ruler of said area from the year 1100 to 1110. Govind chand, who is also known as Govind Chand Dev was the ruler from the year 1110 to 1156, Vijay Chand from 1156 to 1170, Jai Chand from 1170 to 1194 and Harishchandra from 1194 to 1226 and Ayodhya remained under their rule.*”

“9. यह कि सन् 1032-33 में सैयद सालार मसूद की सेना द्वारा अयोध्या जहाँ भगवान श्रीराम लला का मंदिर स्थित है, पर आक्रमण करके मंदिरों को क्षतिग्रस्त किया गया सैयद सालार मसूद सतरख से बहराइच आया और राजा सुहेलदेव (साहिलदेव/सोहलधेव) के द्वारा युद्ध में हाटिला अशोकपुर में मारा गया।”

“9. *That in the year 1032-33, the force of Syed Salar Masud attacked Ayodhya, where the temple of Lord Sri Ramlala is situated, and damaged the temples. Syed Salar Masud came from Satrakh to Bahraich and was killed in battle at Hatila Ashokpur by king Suhel dev (Sahildev/ Sohal dhev).*” (E.T.C.)

“10. यह कि भारतवर्ष में कुतबुद्दीन ऐबक ने दिल्ली में सन् 1206 में शासन प्रारम्भ किया जिसे सामान्यतः मध्यकालीन भारतीय इतिहास का प्रारम्भ माना जाता है। इस काल की समाप्ति प्लासी के युद्ध सन् 1757 में होती है।”

“10. *That Qutub-ud-din Aibak founded his empire in Delhi in the year 1206, which is usually considered as the beginning of medieval Indian history. This period ends in the year 1757 with the battle of Plassey.*” (E.T.C.)

“11. यह कि सन् 1393 से सन् 1479 तक अयोध्या जौनपुर के शर्की वंश

के शासकों के अधीन रही। जौनपुर शर्की शासन की राजधानी थी। राज्य के शेष स्थानों पर जीवन सामान्य गति से चलता रहा। शिक्षा, भवन निर्माण का कार्य चलता रहा एवम् सूफी संतों का पर्याप्त प्रभाव रहा। “

“11. *That from the year 1393 to 1479, Ayodhya remained in the rule of rulers of Shirky dynasty of Jaunpur. Jaunpur was the capital of Shirky rule. The life in other parts of the country passed off in due course. The education and building construction work continued and there was sufficient influence of the Sufi saints.*” (E.T.C.)

“12. यह कि बाबर अपने मूल राज्य समरकंद और फरगना में अनेकों बार पराजित हुआ और अंततः निष्कासित कर दिया गया। अपने कुछ साथियों के साथ काबुल पहुँच कर बाबर ने विजय प्राप्त की और उसको स्थाई रूप से कब्जे में रखने के लिए पंजाब के क्षेत्र में 5 आक्रमण किये। विध्वंस व अत्याचार करता हुआ बाबर ने दिल्ली के सुल्तान इब्राहिम लोदी को सन् 1526 में पराजित किया। उसके बाद सन् 1527 में राणा संग्राम सिंह (राणसंगा) से जेहाद किया तत्पश्चात् चंदेरी के युद्ध में भयंकर नरसंहार करते हुए नरमुण्डों का पिरामिड खड़ा कर दिया।”

“12. *That Babar was defeated number of times in his own country Samarkand and Fargana and was ultimately driven away. Babar gained victory on reaching Kabul along with few of his associates and in order to maintain his possession on permanent basis, he carried out five invasions over the area of Punjab. Continuing with his destruction and cruelty, Babar defeated Sultan of Delhi, Ibrahim Lodi in the year 1526. Thereafter, he engaged himself in Jihad with Rana Sangram Singh (Rana Sanga) in the year 1527. Subsequently, in the battle of Chanderi he carried out large scale homicide and created a pyramid of human skulls.*” (E.T.C.)

“13. यह कि मेरे अध्ययन एवम् जानकारी के अनुसार अयोध्या स्थित श्री राम जन्म भूमि पर स्थित मंदिर को बाबर के सेनापति मीरबाकी द्वारा ध्वस्त

करके जो निर्माण कराया उस निर्माण में मंदिर के मलबे का इस्तेमाल किया गया।”

“13. *That according to my studies and knowledge, the debris of temple situated at Sri Ramjanmbhumi in Ayodhya and demolished by Mir Baqi, the commander of Babar, was used in the construction raised over there.*” (E.T.C.)

“14. यह कि मेरे अध्ययन एवम् जानकारी के अनुसार अयोध्या में स्थित विवादित भूमि को हिन्दुओं द्वारा अनादिकाल से अपने आराध्य भगवान श्रीराम की जन्मभूमि के रूप में प्रथागत एवं परम्परागत रूप से पूर्ण आस्था एवं विश्वास के साथ दर्शन-पूजा किया जाता रहा है।”

“14. *That according to my studies and knowledge, the disputed site at Ayodhya has been revered by the Hindus since ancient times as the birthplace of their revered Lord Sri Rama out of their customary and traditional faith and belief.*” (E.T.C.)

530. DW 20/4, Madan Mohan Gupta, aged about 52 years (vide his affidavit dated 16.05.2005), is resident of T.T. Nagar, Bhopal (M.P.). His cross examination followed as under :

(a) 26/27.07.2005 - by Nirmohi Akhara plaintiff (Suit-3) through Sri R.L. Verma, Advocate and Sri Tarunjeet Verma, Advocate (p. 9-32)

(b) 27/28.07.2005 - by plaintiff no. 9 and 10/1 Mahmood Ahmad through Sri Abdul Mannan, Advocate (p. 33-44)

(c) 28/29.07.2005, 01/10/11.08.2005, 21/22.11.2005- by plaintiffs no. 1, 6/1 and 6/2 Sunni Central Board of Waqf, Jiyauddin and Maulana Mahafujurrhman through Sri Zafaryab Jilani, Advocate (p. 44-115)

(d) 22/23.11.2005 - by plaintiff no. 7 (Suit-4) through Sri Mustaq Ahmad Siddiqui, Advocate (p. 115-137)

(e) 23.11.2005 - defendants 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. 137)

531. He himself is defendant No. 20 in Suit-4 and was Coordinator, Akhil Bhartiya Sri Ram Janma Bhumi Punruddhar Samiti. He is a Vaishnavite, follower of Vaisnav Hindu Sanatan Religion and worshipped Lord Ram since generations. His parents have got a temple of Sri Ram Janki Evam Shiv Ji constructed at Rewa (M.P.) known as Omkareshwar Temple Rewa. He sought to support his claim of the place in dispute as a birthplace of Lord Ram, continuously worshipped as such, non-observance of any Namaj by any Muslim at any point of time and construction of the disputed structure after demolition of a temple, and, in paragraphs no. 4 to 30 of the affidavit said as under:

“4. यह कि विवादित भवन अनादिकाल से भगवान श्रीरामलला की जन्मभूमि के रूप में पूज्य रही है, जहां पर भगवान श्रीरामलला की मूर्ति विराजमान रही है। जो कभी भी मस्जिद नहीं रही है।”

“4. *That the disputed structure has been revered since ancient times as the birthplace of the Lord Sri Ramlala with the idol of Lord Sri Ramlala existing over there and it was never a mosque.*” (E.T.C.)

“5. यह कि मैं विवादित स्थल को भली भाँति जानता हूँ एवं बचपन से ही अपने स्वर्गवासी माता-पिता व ईष्ट मित्रों के साथ तथा कालान्तर में स्वयं अपने परिवार के साथ समय-समय पर जाता रहा हूँ। भगवान श्री राम में और इनकी जन्मस्थली में मेरी पूर्ण आस्था एवं विश्वास सदैव से रहा है इसके अतिरिक्त अयोध्या के परम पूज्य स्वर्गीय सन्त श्री राम मंगलदास जी महाराज मेरी स्वर्गीय माता श्रीमती सोमवती गुप्ता के आध्यात्मिक गुरु रहे हैं इस कारण मेरा और मेरे परिवार का अयोध्या जाना लगातार बना ही रहता

है।”

“5. *That I know the disputed site very well and since my childhood I have visited the said place along with my late parents, friends and subsequently with my family. I have always had full faith and belief in Lord Sri Ram and His birthplace. Apart from this, late Sant Ram Mangal Das ji Maharaj was the spiritual teacher of my late mother Smt . Somwati Gupta and due to this I and my family used to regularly visit Ayodhya.*” (E.T.C.)

“6. यह कि हिन्दू धर्म की मान्यताओं, आस्थाओं एवं परम्पराओं के अनुसार भगवान श्री रामलला अयोध्या के चक्रवर्ती महाराज दशरथ और महारानी कौशल्या को माध्यम बनाकर अयोध्या में उसी स्थान पर प्रकट हुए थे और भगवान श्री राम लला के प्राकट्य के विषय में वाल्मीकी रामायण जो भगवान श्री राम के समकालीन है एवं गोस्वामी तुलसीदास कृत “श्री रामचरित मानस” में विस्तृत वर्णन है जिसका मैंने अध्ययन किया है श्रीराम चरित मानस का संगत पृष्ठ बतौर सबूत कागज संख्या 43ए1/29 दाखिल है।”

“6. *That according to the faith, customs and believes of Hindu religion, Lord Sri Ramlala had appeared/incarnated at that very place in Ayodhya through emperor Dashrath and queen Kaushalya. The Valmiki Ramayana contemporay to Lord Sri Rama, and Goswami Tulsidas’s Sri Ramcharit Manas contain detailed description about the incarnation of Lord Sri Rama. I have studied the same and the relevant page of Sri Ramcharit Manas has been filed in evidence as Paper no. 43A-1/29.*” (E.T.C.)

“7. यह कि हिन्दू जनता अपनी आस्था और विश्वास से देव स्वरूप श्री राम जन्मभूमि की पूजा सदैव से करती रही है जहां पर प्राचीनकाल में श्री राम जन्मभूमि मन्दिर विद्यमान रहा है। और कालान्तर में महाराजा विक्रमादित्य ने श्रीराम जन्मभूमि मन्दिर का पुनरुद्धार कराया।”

“7. *That the Hindu public has all along revered the*

Ramjanmbhumi out of their faith and belief, where the Sri Ramjanmbhumi temple has existed since ancient times and which had been renovated with passage of time by king Vikramaditya.” (E.T.C.)

“8. यह कि हिन्दू धार्मिक मान्यता के अनुसार भगवान श्री राम चन्द्र जी का अवतरण “त्रेतायुग” में अधर्म का नाश करने और धर्म की स्थापना हेतु एवं सन्तों की रक्षा हेतु हुआ था और उनकी पूजा अनादिकाल से भारत में ही नहीं वरन् पूरे विश्वमें की जाती है।”

“8. That according to Hindu religious belief, Lord Sri Ramchandra had incarnated in Treta Yuga to destroy the evil, propagate religion and protect the saints and He has been worshipped since ancient times not only in India but in the entire world.” (E.T.C.)

“9. यह कि पूरे विश्वमें भारत वर्ष की पहचान भगवान श्रीराम और उनकी जन्मस्थली अयोध्या के कारण है। धार्मिक पुस्तकों तथा अन्य भाषाओं की पुस्तकों में स्वयं भूदेव श्रीराम जन्मभूमि भगवान श्रीराम एवं अयोध्या नगरी का वर्णन भली भौति मिलता है।”

“9. That India is recognised in the whole world on account of Lord Sri Rama and His birthplace Ayodhya. The religious books as well as the literature in other languages contained a detailed description about Sri Ramjanmbhumi, Lord Sri Rama and the city of Ayodhya.” (E.T.C.)

“10. यह कि गोस्वामी तुलसीदास ने अपनी “श्रीरामचरित मानस” में भगवान श्रीराम, अयोध्या एवं श्रीराम जी की लीलाओं एवं चरित्र का वर्णन किया है, परन्तु श्रीराम जन्मभूमि स्थल पर किसी मस्जिद व नमाज पढ़ने का कोई वर्णन नहीं किया।”

“10. That in his Sri Ramcharit Manas, Goswami Tulsidas has described Lord Sri Rama, Ayodhya and the Leelas (acts) and character of Sri Rama. However, there is no description about existence of any mosque at Sri Ramjanmbhumi site or the offering of Namaz therein.”

(E.T.C.)

“11. यह कि भगवान श्रीराम का जन्म चैत्र मास की शुक्ल पक्ष की नवमी तिथि को हुआ था और उन्होंने राक्षस राज रावण का वध किया था और आज तक विजयदशमी पर्व के रूप में पूरे विश्वके हिन्दुओं द्वारा मनाया जाता है और लंका विजय के पश्चात् भगवान श्रीराम के अयोध्या लौटने पर पूरे विश्वमें दीपावली पर्व मनाने की परम्परा सदियों से चली आ रही है जिसका कारण है कि इस दिन भगवान श्रीराम लंका विजय के पश्चात् अयोध्या वापस लौटे थे।”

“11. *That Lord Sri Rama was born on the ninth day in Shukla Paksha of Chaitra month and He had killed demon king Ravana, which day is celebrated as Vijayadashami by Hindus all over the world and the tradition of celebrating the day of return of Lord Sri Rama to Ayodhya after the victory over Lanka as Deepawali, has been continuing for centuries across the world.*” (E.T.C.)

“12. यह कि बहुत प्राचीन पुस्तक अयोध्या महात्म्य जिसे तथाकथित शोध करने वाले यह कहते हैं कि यह अकबर के काल में प्रकाश में आयी परन्तु इस पुस्तक में कहीं भी विदेशी आकान्ता बाबर द्वारा तथाकथित मस्जिद बनवाये जाने का उल्लेख नहीं है।”

“12. *That a very old book ‘Ayodhya Mahatmya’, claimed by alleged researchers to have seen light of day during the reign of Akbar, does not contain any reference of construction of the alleged mosque by foreign invader Babar.*” (E.T.C.)

“13. यह कि यू०पी० जिला गजेटियर फ़ैजाबाद 1960 जो श्रीमती यशा बसन्ती जोशी द्वारा सम्पादित एवं उत्तर प्रदेश सरकार द्वारा प्रकाशित है, में विवादित भवन में लगे शिलालेख का वर्णन है किन्तु उसमें किसी मस्जिद के निर्माण की कोई बात नहीं लिखी हुई है। बल्कि देवदूतों के उतरने के स्थान पर भवन निर्माण का उल्लेख किया गया है। इससे भी यही साबित होता है कि विवादित स्थल भगवान श्रीराम लला का अवतरण स्थल है जिस पर स्थित श्रीराम जन्मभूमि मन्दिर को तोड़कर विवादित भवन का निर्माण

विदेशी आकान्ता बाबर के सलाहकार मीरबाकी ने करवाया था इसी गजेटियर में पूर्वी मुख्य गेट से दक्षिण तरफ दीवाल में स्थित वाराह भगवान का उल्लेख मिलता है।”

“13. *That the U.P. District Gazetteer, Faizabad 1960, which has been edited by Smt. Yasha Basanti Joshi and published by Uttar Pradesh Government, mentions about the inscriptions at the disputed structure but it nowhere mentions about construction of any mosque and instead there is mention about construction of building at the place of descendance of angels. This also proves that the disputed site is the place of descendance of Lord Sri Ramlala and that the disputed structure was built by Mir Baqi, the advisor of foreign invader Babar after demolishing the Sri Ramjanmbhumi temple situated at the said place. This very Gazetteer mentions about Lord Varah situated in the wall to south of the eastern main gate.*” (E.T.C.)

“14. यह कि श्री राम जन्मभूमि मन्दिर को तोड़कर विवादित भवन बनाया गया फिर भी वह कभी मस्जिद का रूप नहीं ले सकी क्योंकि इस विवादित भवन में कोई मीनार व “वजू” करने के लिए पानी की व्यवस्था नहीं थी। विवादित भवन में बारह कसौटी के खम्भे थे जिनमें हिन्दू देवी-देवताओं की आकृतियाँ उकेरी थीं इसके अतिरिक्त हिन्दू धर्म के प्रतीक मोर, कलश व यक्ष के चित्र भी उकेरे हुये थे। इसके अतिरिक्त वहाँ पर श्री राम यंत्र, तोरण गणपति, प्राकार मंदिर भी बना था।”

“14. *That the disputed structure had been built after demolishing Sri Ramjanmbhumi temple, but it could never assume the form of a mosque because there was no minaret and arrangement of water for Vajoo. There were 12 touchstone pillars in the disputed structure with deities of Hindu Gods-Goddesses engraved over them. Besides these, the pictures of Hindu religious symbols peacock, pitcher and demi Gods had also been engraved. The Sri Rama*

Yantra, Toran, Ganpati and Prakar temple also existed over there.” (E.T.C.)

“15. यह कि श्री राम जन्मभूमि मन्दिर को ध्वस्त कर विवादित भवन का निर्माण होने के बाद भी श्री राम जन्मभूमि की पवित्रता के प्रति लोगों की आस्था एवं विश्वास सदा बना रहा एवं बना रहेगा।”

“15. That despite construction of the disputed structure after demolition of Sri Ramjanmbhumi temple, the faith and belief of public continued and would continue towards the sacredness of Sri Ramjanmbhumi.” (E.T.C.)

“16. यह कि जिस प्रकार यहूदियों के लिए “येरूशलम” और मुसलमानों के लिए “मक्का मदीना” धार्मिक आस्था का प्रतीक है उसी प्रकार भारत के ही नहीं वरन् विश्वके हिन्दुओं की धार्मिक आस्था एवं विश्वास का प्रतीक अयोध्या स्थित श्रीराम जन्मभूमि स्थान है।”

“16. That similar to Jerusalem to the Jews and Mecca-Medina to Muslims, is the Ayodhya situated Sri Ramjanmbhumi to the religious faith and belief of Hindus not only in India but in the whole world.” (E.T.C.)

“17. यह कि श्रीराम जन्मभूमि परम्परा आस्था एवं विश्वास से सदैव सम्पूर्ण विश्वके समस्त हिन्दुओं का पवित्र धार्मिक एवं देवतुल्य पूज्य स्थल रहा है मंदिर में मूर्ति का प्रतिष्ठित करना प्रत्येक परिस्थिति में आवश्यक नहीं हैं जिस प्रकार मथुरा स्थित कृष्ण जन्म स्थान पर भगवान श्रीकृष्ण की कोई भी मूर्ति नहीं है बावजूद इसके यह स्थान हिन्दुओं के लिए बहुत पवित्रतम एवं पूज्य स्थान है उसी प्रकार श्री राम जन्मभूमि स्वयं में ही देवतुल्य एवं पूज्य स्थान है।”

“17. That in view of tradition, faith and belief, the Sri Ramjanmbhumi has been a sacred religious revered place of all the Hindus across the world. The installation of idol is not essential in all situations. There is no idol of Lord Sri Krishna at the Mathura situated Krishna Janmsthan, still it is a very sacred and reverable place for Hindus. Similarly Ramjanmbhumi in itself is a sacred revered place.”

(E.T.C.)

“18. यह कि श्री राम जन्मभूमि जिसका चन्द लोगों ने अपने छोटे से स्वार्थ के लिए विवादित स्थल का नाम दे दिया है, पर सदैव से ही भगवान श्रीराम लला की पूजा होती चली आ रही है।”

“18. *That the worship of Lord Sri Ramlala has always been performed at Sri Ramjanmbhumi, which has been named by few people as disputed site due to their vested interest.*” (E.T.C.)

“19. यह कि बाबर ने कभी भी कोई वक्फ नहीं किया था न ही वह अयोध्या स्थित श्रीराम जन्मभूमि का मालिक व काबिज हो पाया। जन्मभूमि सदैव से भगवान श्रीराम की जन्मस्थली रही है और उसके मालिक और काबिज सदैव से भगवान श्रीराम लला रहे हैं। हिन्दू जनमानस उस स्थान पर भगवान श्रीराम लला की अनादिकाल से पूजा अर्चना करती चली आ रही है।”

“19. *That Babar never executed any waqf nor was able to because owner in possession of Ayodhya situated Sri Ramjanmbhumi. The Janmbhumi has always been the birthplace of Lord Sri Rama and Lord Sri Ramlala has always been its owner in possession. The Hindu public has been worshipping Lord Sri Ramlala at that place since ancient times*” (E.T.C.)

“20. यह कि विदेशी आक्रान्ता बाबर को हिन्दुओं से उनके आराध्य देव की जन्मस्थली को छीनकर किसी और को देने का अधिकार नहीं था, बाबर का यह कृत्य सदैव से भर्त्सनात्मक व निन्दनीय रहा है।”

“20. *That the foreign invader Babar had no right to grab from Hindus, the birthplace of their revered God and give it to somebody else. This conduct of Babar has always been condemnable.*” (E.T.C.)

“21. यह कि भगवान श्रीराम की जन्मस्थली अयोध्या में स्थल विशेष पर ही है जहाँ पर विवादित भवन था इसको कहीं पर भी स्थानान्तरित नहीं किया जा सकता। जिस प्रकार मक्का तथा यरूशलम को अन्यत्र कहीं

स्थानान्तरित नहीं किया जा सकता उसी प्रकार श्रीराम जन्मस्थली को अन्यत्र कहीं स्थानान्तरित नहीं किया जा सकता, परन्तु मस्जिद व अन्य धार्मिक स्थल कहीं भी बनाये जा सकते हैं परन्तु जन्मस्थली का कभी कोई विकल्प नहीं हो सकता।”

“21. *That the birthplace of Lord Sri Rama is at a particular place in Ayodhya, where the disputed structure existed. It can not be shifted elsewhere. As Mecca and Jerusalem can not be shifted elsewhere, so can not be Sri Ramjanmsthali. However, mosque and religious structures can be built at any place but there can be no alternative for the birthplace.*” (E.T.C.)

“22. यह कि पं० जवाहरलाल नेहरू और सरदार पटेल ने गुजरात में सोमनाथ मन्दिर का निर्माण कुछ कट्टरपंथी मुस्लिमों के विरोध के बाद भी करवाया था, उसी प्रकार ईसाई कट्टरपंथियों के विरोध के बाद भी कन्याकुमारी में (विवेकानन्द रॉक, विवेकानन्द मन्दिर) का निर्माण कराया गया और केन्द्र सरकार ने इसे स्वीकार कर लिया जैसे ही भारत वर्ष में रहने वाले प्रत्येक व्यक्ति का प्रथम कर्तव्य है कि राष्ट्रमंगल के प्रतीक मर्यादा पुरुषोत्तम भगवान श्रीराम के मन्दिर का निर्माण उसके मूल स्थान पर करवाकर अपने राष्ट्रप्रेम को सिद्ध करें।”

“22. *That Pt. Jawaharlal Nehru and Sardar Patel had built the Somnath temple in Gujrat despite protest of few orthodox Muslims. Similarly, the construction at Kanyakumari (Vivekanand Rock, Vivekanand temple) was carried out despite protest of Christian orthodox and it was accepted by the Central Government. It is the prime duty of every person residing in India to get the temple of state welfare symbol Maryada Purshottam Lord Sri Rama, constructed at its original place and thereby prove his love for the country.*” (E.T.C.)

“23. यह कि बाबर एक कूर विदेशी आक्रान्ता था इसलिए उसे न तो श्रीराम जन्मभूमि स्थान पर मस्जिद बनवाने का अधिकार था और न ही उस

तथा कथित स्थान को मुसलमानों को देने का ही अधिकार था।”

“23. *That Babar was a cruel foreign invader and as such he neither had any authority to build a mosque at Sri Ramjanmbhumi site nor to give the said place to Muslims.*”

(E.T.C.)

“24. यह कि मुझे यह मालूम है कि मुसलमानों द्वारा वहाँ कभी भी कोई नमाज नहीं पढ़ी गयी और न ही उस राम जन्मभूमि परिसर की ओर किसी मुसलमान को कभी जाते देखा गया। मैंने ऐसा पढ़ा है कि मेवाड़ से सुखपाल नामक ब्राह्मण श्री मीराबाई का एक पत्र जो गोस्वामी तुलसीदास को सम्बोधित था, लेकर आया था, जिसमें मीराबाई ने अपनी व्यथा और उसका समाधान गोस्वामी जी से पूछा और गोस्वामी तुलसीदास ने पत्र का उत्तर देकर उनकी व्यथा का समाधान किया उनको पढ़ने के बाद मीराबाई अयोध्या आई और श्रीराम जन्मभूमि स्थल पर भगवान श्रीराम के प्रेम में बाउरी होकर नाचने लगी और लोग कहने लगे—‘पग घुँघरू बाँधी मीरा नाची रे, लोग कहे मीरा हो गयी वाउरी सास कहे कुल नासी रे’ और इसी कारण वह स्थान बाउरी के नाम से भी प्रसिद्ध हो गया। मीरा के सम्बन्ध में श्रीभक्तमाल नामक पुस्तक के कुछ पृष्ठों की प्रति संलग्नक संख्या 1 के रूप में संलग्न है।”

“24. *That to the best of my knowledge, Muslims never offered Namaz over there nor was any Muslim ever spotted going towards Ramjanmbhumi premises. I have so read that a brahman named Sukhpal had come from Mewar with a letter of Meera Bai addressed to Goswami Tulsidas, whereby Meera Bai had asked for the solution of her miseries from Goswami Ji and by replying the said letter, Goswami Tulsidas had resolved her miseries. After reading the same, came to Ayodhya and started dancing at Sri Ramjanmbhumi site in devotional love of Lord Sri Rama and people started saying that ‘Pag ghunghru bandhi Meera nachi re, log kahe Meera ho gayi bavri, saas kahe kul nasi re’ and due to this the said place became famous*

as Bavri. Few pages of the book Sri Bhaktmal related to Meera, have been enclosed as Enclosure No. 1.” (E.T.C.)

“25. यह कि मैं अयोध्या कई बार गया हूँ, परन्तु कुछ विशेष पर्वों जैसे चैत्र शुक्ल रामनवमी, अगहन मास में श्रीराम विवाहोत्सव तथा सावन झूला आदि के अवसरों पर भी गया हूँ और सरयू में स्नान किया है और अयोध्या स्थित सभी मन्दिरों में दर्शन व पूजन किया है इसके अतिरिक्त कार्तिक माह में चौदह कोसी एवं पंचकोसी परिक्रमा भी अयोध्या में की जाती है।”

“25. *That I have been to Ayodhya on number of occasions including special occasions such as Chaitra Shukla Ramnavami, Sri Ramvivaahotsav in the month of Aghan and Shrawan Jhula etc. and have also taken dip in Saryu. I had darshan and worship at all the temples at Ayodhya. Besides these, Chaudah kosi and Panch kosi circumambulation are also performed at Ayodhya in the month of Kartika.”*
(E.T.C.)

“26. यह कि मैंने उक्त विशेष अवसरों पर देश विदेश से आये हुए हजारों की संख्या में श्रद्धालुओं तथा राम भक्तों को देखा है इन अवसरों पर पूरी अयोध्या नगरी राममय हो जाती है और समस्त वातावरण में सीताराम के भजन कीर्तन तथा घण्टे घड़ियाल, शंख की ध्वनियों सुनायी देती है।”

“26. *That on the above special occasions I have seen thousands of devotees of Rama from within and outside the country. The entire city of Ayodhya is gripped in the fervour of Rama on these occasions and the Bhajan-Kirtan of Sita-Ram as well as the sound of gangs-gongs and conch fill up the atmosphere.”* (E.T.C.)

“27. यह कि मैंने अपनी माता जी से सुना है कि श्रीराम जन्मभूमि परिसर में पहले अखण्ड कीर्तन तथा रामचरित मानस का पाठ होता था।”

“27. *That I have learnt from my mother that earlier Akhand (non stop) Kirtan and oration of Ramcharit Manas used to take place at the Sri Ramjanmbhumi premises.”*
(E.T.C.)

“28. यह कि श्री राम जन्मभूमि कोटि-कोटि हिन्दूजनों की आस्था एवं श्रद्धा का स्थान है जिसके दर्शन मात्र से ही पापों का नाश हो जाता है तथा अनेकों पुण्यों तथा मोक्ष की प्राप्ति होती है। भगवान श्रीराम की जन्मस्थली होने के कारण यह मोक्षदायिनी नगरी है।”

“28. *That Sri Ramjanmbhumi is the place of faith and belief of crores of Hindus, by mere darshan of which, the sins are forgiven and many blessings and salvation are obtained. On account of being the birthplace of Lord Sri Rama, it is a salvation according city.*” (E.T.C.)

“29. चूँकि मैं एक सम्पादक हूँ और इस नाते मैंने देश विदेश की कई यात्राएँ की हैं और यह पाया है कि भारत देश की पहचान मर्यादा पुरुषोत्तम भगवान श्रीराम व उनकी नगरी अयोध्या से है।”

“29. *As I am an Editor, I have travelled within and outside the country and have found that India as a country is recognised through Maryada Purshottam Lord Sri Rama and His city Ayodhya.*” (E.T.C.)

“30. यह कि मैंने भली भाँति पढ़ा है कि पूर्व में विदेशी आक्रान्ताओं द्वारा हिन्दुओं के धार्मिक स्थल तोड़ने की क्रूर परम्परा रही है जिनमें सोमनाथ मन्दिर, काशी विश्वनाथ मन्दिर एवं मथुरा स्थित श्री कृष्ण जन्मभूमि पर विदेशी आक्रान्ताओं द्वारा क्रूर आक्रमण कर क्षति पहुँचायी गयी इन क्रूर विदेशी आक्रान्ताओं में कुछ के नाम बाबर, महमूद गजनवी, सिकन्दर लोदी, औरंगजेब, इब्राहिम लोदी आदि के नाम सर्वोपरि हैं।”

“30. *That I have very well read that in past there was a cruel practise of demolition of Hindu religious places by the foreign invaders, which included the Somnath temple, Kashi Vishwanath temple and the Mathura situated Sri Krishna janmbhumi. Amongst these cruel foreign invaders, the names of Babar, Mahmud of Ghajini, Sikandar Lodi, Aurangzeb, Ibrahim Lodi etc. are on the top.*” (E.T.C.)

D. ASI Report:

532. Witnesses have been produced to pursue this Court to

reject ASI Report and others say that it should be accepted. These are about twelve witnesses.

533. PW 29, Dr. Jaya Menon, aged about 43 years (on 28th September, 2005 at the time of swearing the affidavit), resident of S-5, Azim Estate, Sir Saiyyed Nagar, Aligarh, is working as Reader in the Centre of Advanced Study, Department of History, Aligarh Muslim University, Aligarh and was an observer nominated by the plaintiffs (Suit-4) of the excavation conducted by ASI. Her cross examination followed as under :

Part-I :(a) 29/30-09-2005- by Madan Mohan Gupta, defendnat no. 20 through Sri Ranjana Agnihotri, Advocate (p. 27-46)

(b) 03/04/05/06/07/24/25/26-10-2005-by plaintiff (Suit-5) through Sri R.L. Verma, Advocate and Tarunjeet Verma, Advocate (p. 47-139)

Part-II :(a) 27/28-10-2005-by Ramesh Chandra Tripathi defendant no. 17 (Suit-4) through Sri Vireshwar Dwivedi (p. 140-166)

(b) 09/10/12-01-2006- by Mahant Suresh Das, plaintiff (Suit-4) through Sri Madan Mohan Pandey, Advocate (p. 167-211)

(c) 13/16-01-2006- by Mahant Dharam Das, defendant no. 13/1 (Suit-4) through Sri Rakesh Pandey, Advocate (p. 212-233)

(d) 17/18/19-01-2006- by plaintiff (Suit-5) through Sri Ved Prakash, Advocate (p. 234-266)

(e)19-01-2006-plaintiff (Suit-1) through Sri D.P.Gupta, Advocate adopted the cross examination done by Shri Ved Prakash, Advocate, Shri Madan Mohan Pandey, Advocate and Sri Vireshwar Dwivedi, Advocate (p. 266-267)

534. She claims to be an expert witness (Ancient History and Archaeology). She did M.A. from the Department of Archaeology, Deccan College, Pune and Ph.D. from the Centre for Historical Studies, Jawaharlal Nehru University, New Delhi, stated to have worked as Lecturer at M.S. University of Baroda (Varodara) in February, 1996, in the Department of Ancient History and Archaeology, and remained thereat till January, 2006 as Senior Lecturer whereafter joined at Aligarh. Prior to 1996 she claims to have excavated at several Archaeological sites, pertaining to different period, like Daulatabad (Medieval), Kuntasi (Harappan), Nagwada (Harappan) and Samnapur (Pre-historic-Middle Palaeolithic). After 1996 she claims to have excavated at Bagasra, a site excavated by the Department. She observed the excavation work at the disputed site for 32 days from April to July 2003 as under:

“April 26, 2003 to 2nd May 2003

May 20th 2003 to 31st May 2003

June 22nd to 27th June 2003

July 19th 2003 to 26th July 2003.”

535. She has given a detailed statement assailing correctness of ASI report on different aspects and we propose to deal with the same in detail later while dealing with the objections of the parties against ASI report.

536. PW 30, Dr. R.C. Thakran, a Professor in Department of History, University of Delhi, has deposed as an expert witness (Archaeology) and has opposed the report and findings of ASI vide his affidavit dated 07.11.2005 followed by his cross examination as under :

Part-I:(a) 07/08/09/10/16/17/18-11-2005, 13/14-02-2006-
by Nirmohi Akhara through Sri R.L. Verma, Advocate

and Sri Tarunjeet Verma, Advocate (p. 21-133)

(b) 27/28-02-2006, 01/02-03-2006, 27/28-06-2006-by Umesh Chandra Pandey, defendant no. 22 through Sri Vireshwar Dwivedi, Advocate (p. 134- 199)

Part-II: Cross examination :

(a) 03/04/05/06/07/17/18/19/20/21-07-2006, 07-08-2006 -by defendant no. 13/1 (Suit-4) through Sri Rakesh Pandey, Advocate (p. 200-339)

(b) 07/08-08-2006- by Mahant Suresh Das defendant no. 2/1 (Suit-4) through Sri Madan Mohan Pandey, Advocate (p. 339-364)

(c) 10/11-08-2006-by defendant no. 20 (Suit-4) through Sushri Ranjana Agnihotri, Advocate (p. 365-386)

(d) 11-08-2006- by plaintiffs (Suit-5) through Sri A.K. Pandey, Advocate (p. 386-393)

(e) 11-08-2006- Plaintiffs (Suit-1) through Sri D.P. Gupta adopted the cross examination already done by other defendants (p. 393)

537. He was 53 years of age in 2005 while deposing the above statement. He is resident of Probyn Road, Delhi University, Delhi. He passed M.A. in Ancient History, Culture and Archaeology from Kurukshetra University, Kurukshetra in 1975, M.Phil (Archaeology) from the Centre of Historical Studies, Jawaharlal Nehru University, New Delhi in 1981, and, Ph.D (Archaeology) from Department of History, University of Delhi in 1993. He is teaching Ancient History and Archaeology since 1977 in Delhi University, attended excavation at the site of Mirzapur and Raja Karan Ka Qila, Kurukshetra for two academic sessions in 1974-75 during Master's degree course. Also claim to be involved in Archaeological Research since

1976. He observed excavation at the disputed site of Archaeology during March to August, 2003 and in respect to the report of ASI, he says:

*“3. That the report of the Archaeological Survey of India (ASI) submitted to this Hon'ble Court on 22nd August, 2003, is an **unprofessional document, full of gross omissions, one-sided presentation of evidence, clear falsifications and motivated inferences.** It is full of internal contradictions and discrepancies as will be pointed out below. The ASI's only aim seems to be to so ignore and twist the evidence **as to make it suit its “conclusions” tailored to support the fictions of interested parties about the previous existence of an alleged temple on the disputed site.**”*

“4. That the first and crucial gross omission in the ASI's Report is the total absence of any list in which the numbered layers in each trench are assigned to the specific period as distinguished and numbered by ASI itself. The only list available is for some trenches only in the Charts placed between pages 37-38. A list or Concordance or trench-layers in all trenches with Periods was essential to test whether the ASI has correctly assigned artefacts from certain trench layers to particular periods in its main Report. Where, as we shall see below, in connections with bones, Glazed wares and terracotta pieces the finds can be traced to trench-layers that are expressly identified with certain Periods by the ASI in its above-mentioned charts, it can be shown that the ASI's assignment of layers to particular periods is often demonstrably wrong and made only with the object of tracing structural remains or

artefacts there to an earlier time in order to bolster the wrong theory on a pre-mosque alleged Hindu temple.”

*“5. The one decisive piece of evidence, which entirely negates large and medium size animals (cattle, sheep and goats) are a sure sign of animals being eaten or thrown away dead at the site, and, therefore, rule out a temple existing at the site at that time. In this respect directions were given by the Hon'ble High Court to the ASI to record “the number and size of bones and glazed wares”. The Report in its “Summary of Results” admits that “animal bones have been recovered from various levels of different periods” (Report, p.270). But this is the sole reference the Report makes to them. Any serious archaeological report would have tabulated the bones, by periods, levels and trenches, and identified the species of the animals (which in bulk seem to be sheep and goats). There should, indeed, have been a chapter devoted to animal remains. But despite the statement in its “Summary”, **there is no word about the animal bones in the main text of the Report. This astonishing omission is patently due to the ASI's fear of the fatal implications held out by the animal bone evidence for its preconceived temple theory.**”*

Now if we turn to the ASI's record of the Finds in the Day-to-Day Register and Antiquities Register we find that in Trenches Nos. E-6 (Layer 4), E-7 (Layer 4), F-4/F-5 (Layer 4) animal bones have been found well below Period VII-layers, i.e. to Period VI (Early Medieval – Pre-Sultanate) or still earlier, and in Trenches Nos. F-8, G-2, J-2/J-3, they are found in Layers assigned by ASI to period VI itself. Thus bones have been found in what are allegedly

central precincts or the alleged Rama temple allegedly built in 'Period VI'. The ASI says that a massive temple was built again in Period VII, but in Trenhes Nos.E6, F8, G-2 and J-E/J-4 bones have been found in layers assigned to this very Period also in the same central precincts. The above data may be found in the Tables produced in Sunni Central Board of Waqfs (UP)'s 'Additional Objection' dated on 3-2-04.

The ASI perhaps knows that sacrificial animals' bones (if we are dealing here with a temple where animals were sacrificed, which incidentally, has not been claimed for any Rama temple) cannot be represented by bone fragments, but need to be found at particular spots, practically whole and entire, which is not here at all the case in even a single instance.”

“6. That the glazed ware, often called “Muslim” glazed ware, constitutes an equally definite piece of evidence, which militates against the presence or construction of a temple. Since such glazed ware was not at all used in temples. The ware is all-pervasive till much below the level of “Floor No.4”, which floor is falsely ascribed in the Report to the “huge” structure of a temple allegedly built in the 11th-12th centuries. The Report tells us that the glazed ware sherds only “make their appearance” “ in the last phase of the period VII” (p.220). Here we directly encounter the play with the names of periods. On page 270, Period VII is called “Medieval Sultanate”, dated to 12th-16th century A.D. But on p.40 “Medieval-Sultanate” is the name used for period VI, dated to 10th and 11th centuries. The summary concedes (on

page 270) that the glazed ware appears only in “the last phase of Period VII”. In the Chapter V, however, no mention is made of this “last phase” of Period VII; it is just stated that “the pottery of Medieval-Sultanate, Mughal and Late-and-Post Mughal period (Periods VII to IX)... indicated that there is not much difference in pottery wares and shapes” and that “the distinctive pottery of the periods is glazed ware” (p.108). The placing of the appearance of Glazed Ware in the “last phase” only of Period VII appears to be a last-minute invention in the Report (contrary to the findings in the main text) to keep its thesis of alleged “massive” temple, allegedly built in period VII, clear of the “Muslims” Glazed-Ware by a sleight of hand, because otherwise it would militate against a temple being built in that period. All this gross manipulation has been possible because not a single item of glazed pottery is attributed to its trenches and stratum in the select list of 21 items of glazed ware (out of hundreds of items actually obtained) on pages 109-111. Seeing the importance of glazed ware as a factor for elementary dating (pre- or post-Muslim habitation at the site), (and in view also of the Hon'ble High Court's orders about the need for recording of glazed ware, a tabulation of all recorded glazed-ware sherds according trench and stratum was essential.) That this has been entirely disregarded shows that, owing to the glazed-ware evidence being totally incompatible with any temple construction activity in periods VI and VII, the ASI has resorted to the most unprofessional act of ignoring and manipulating evidence.”

“7. That going by the Poetry Section of the Report

(p.108), not by its “Summary”, the presence of Glazed Ware throughout Period VII (Medieval, 12th-16th centuries) rules out what is asserted on page 41, that a “column-based structure” - the alleged 50-pillar – was built in this period. How could Muslim have been using glazed ware inside a temple? Incidentally, the claim of a Delhi University archaeologist (Dr Nainjot Lahiri) defending the Report, that glazed ware was found at Muslim, and Tulamba (near Multan) before the 13th century, hardly germane to the issue, since these were towns under Arab rule with Muslim settlements since 714 AD onwards, and so the use of glazed ware there is to be expected. The whole point is that glazed ware is an indicator of 'Muslim habitation, and is not found in medieval Hindu temples.”

“8. That the story of **Glazed Tiles is very similar. These too are an index of Muslim habitation.** Yet 2 glazed Tiles are found in layers of Period VI means that the layers are wrongly assigned and must be dated to Period VII (Sultanate period). There could be no remains of any alleged “huge temple” in these layers, then.”

“9. That when the ASI submitted its Day -to-Day and Antiquities Register for inspection it turned out that the ASI had concealed the fact in its Report that the layer of certain trenches it had been attributing to pre-Sultanate Period V cannot simply belong to it, because glazed tiles have been found in it; and the layers assigned to Period VI could not have belonged to a temple, as alleged, because both glazed ware and glazed tiles have been found in it. In this respect attention may be invited to the Tables submitted as

Annexure I to the Additional Objection of the Sunni Waqf Board, dated 3-2-04.”

“10. That the ASI’s Report is so **lacking in integrity** that it **tries to achieve its object by manipulation nomenclature**. In Chapter III, “Stratigraphy and Chronology” it has names for periods VI and VII that are coolly altered in the other Chapters in order simply to transfer inconvenient material of Period VI to Period VII and thus make Period VI levels purely “Hindu”. On pages 38-41, the nomenclature for Periods V, VI and VII is given as follows:

Period V: Post-Gupta-Rajputa, 7th to 10th Century

Period VI: Medieval -Sultanate, 11th -12th Century

Period VII: Medieval, 12th - 16th Century

Now let us turn to “Summary of Results” (pp.268-9).

Here the nomenclature is altered as follows:-

Period V: Post-Gupta-Rajputa, 7th - 10th Century

Period VI: Early medieval , 11th -12th Century

Period VII: Medieval-Sultanate, 12th - 16th Century

“11. That this transference of “Medieval-Sultanate period” from Period VI to Period VII has the advantage of ignoring Islamic-period materials like Glazed ware or lime-mortar bonding by removing them arbitrarily from Period VI levels to those of Period VII so that their actual presence in those levels need not embarrass the ASI in this placing of the construction of an alleged “massive” or “huge” temple in Period VI. The device is nothing but manipulation and the so-called single “correction” of nomenclature of Period VI, after the Report had been prepared, does not remove the confusion.”

“12. That this brings us to the way in which the entire stratigraphy has been fixed, and **certain layers obviously of Islamic provenance pressed into pre-Muslim periods (Period VI and earlier)** as shown in Annexure No.1, Table 2, attached to the objection of Mr. Hashim dated 8.10.2003. This kind of false stratigraphy has led to situations that are impossible in correctly stratified layers, namely, the presence of later materials in earlier strata. The presence of earlier materials in later or upper layers is possible, but not the reverse (Obviously the entire stratigraphy has been falsified to invent a temple in “Post-Gupta-Rajputa” times.)

“13. That while digging up the Babri Masjid site, **the excavators found four floors**, numbered, upper to lower, as Nos. 1, 2, 3 and 4, Floor No.4 being the lowest and so the oldest. Floor No. 3 is linked to the foundation walls of the Babri Masjid – what the ASI calls the “demolished” or “disputed structure” - built in 1528. Floor No. 4 is described by the Report as “a floor of lime mixed with fine clay and brick crush”, i.e. a typically Muslim style surkhi and lime floor. **It is obviously the floor of an earlier Mosque/Eidgah and mihrab and taq were also found in the associated foundation wall (not, of course, identified as such in the ASI's report)**. Such a floor, totally Muslim on “stylistic grounds” is turned by the ASI into an alleged temple floor, “over which a column-based structure was built”. (as asserted by A.S.I.). No single example is offered by the ASI of any temple of pre-Mughal times having such a lime-surakhi floor, though one would think that this is an essential requirement when a purely Muslim structure is

sought by the ASI as Hindu one. Once this arbitrary appropriation has occurred (page 41), we are then asked by the ASI's report to imagine a "Massive Structure Below the Disputed Structure", the massive structure being an alleged temple. It is supposed to have stood upon alleged 50 pillars, and by fanciful drawings (Figure 23, 23A and 23B) in the ASI's Report, it has been "reconstructed". [Though one may still feel that it was hardly "massive" when one compares Figure 23 (showing Babri Masjid before demolition) and Figure 23B (showing the reconstructed temple with 50 imaginary pillars!)] Now, according to the ASI's Report, this massive structure with "bases" of 46 if its alleged 50 pillars now allegedly exposed, was built in Period VII, the period of the Delhi Sultans, Sharqi rulers and Lodi Sultans (1206-1526) : This attribution of the Grand temple, to the "Muslim" period is not by choice, but because of the presence of "Muslim" style materials and techniques all through. This, given their jaundiced view of medieval Indian history, must have been all the more reason for them to imagine a still earlier structure assignable to an earlier time. Of this structure, however, **only four alleged "pillar bases" , with "foundation" attached to Floor 4, have been found;** and it is astonishing that this should be sufficient to ascribe them to 10th -11th century and to assume that they all belong to one structure. That structure is proclaimed as "huge", extending nearly 50 metres that separate the alleged "pillar-bases" at the extremes. Four "pillar bases" can hardly have held such a long roof; and if any one tried it on them it is not surprising that the result was,

as the ASI Report admits, “short-lived” (Report, p. 269). (All of this seems a regular part of a propagandist archaeology rather than a report from a body called the Archaeological Survey of India.)”

“14. That further the four alleged pillar bases dated to 11th -12th centuries are said “ to belong to this level with a brick crush floor”. This amounts to a totally unsubstantiated that surkhi was used in the region in Gahadavala times (11th - 12th centuries). No examples of such use in Gahadavala times are offered. One would have thought that Sravasti (District Bahraich), from which the ASI team has produced a linga-centred Shavaite “circular shrine” of the Gahadavala period for comparison with the so-called “circular shrine” at the Babri Masjid site, would be able to produce at least one example of either surkhi or lime mortar from the Gahadavala period structures at Sravasti. But such has not at all been the case. One can see now why it had been necessary to call this period (period V) “Medieval-Sultanate” (p.40) (by a later “correction” submitted to the Hon'ble Court, this has been changed to “ Post-Gupta, Rajput”), though it is actually claimed to be pre-Sultanate, being dated 11th -12th century. By clubbing together the Gahadavala with the Sultanate, the surkhi is sought to be explained away; but if so, the alleged “huge” structure too must come to a time after 1206, for the Delhi Sultanate was only established in that year. And so, to go by ASI's reasoning, the earlier allegedly “huge” temple too must have been built when the Sultans ruled!”

“15. That the way the ASI has distorted evidence to suit its

“temple theory” is shown by its treatment of the mihrab (arched recess) and taq (niche) found in the western wall, which it turns into features of its imagined temple. On p. 68 of the ASI's Report are described two niches in the inner side of Wall 16 at an interval of 4.60 metres in trenches E6 and E7. These were 0.20 metre deep and 1 metre wide. A similar niche was found in Trench ZE2 in the northern area and these have been attributed to the first phase of construction of the so-called 'massive structure' associated with wall 16. Such niches, along the inner face of a western wall, are again characteristic of Mosque / Eidgah construction. Moreover, the inner walls of the niche are also plastered (as in Plate 49) which indicated that the plaster was meant to be visible. A temple niche, if found, it would in any case have to be on the outer wall. In the first phase of construction, the supposed massive structure was confined to the thin wall found in Trenches ZE1-ZH1 in the north and E6-H5/H6 in the south (p. 41). How then does one explain the location of niches outside the floor area of the massive structure? This is typical of a mosque/ eidgah, which has a long, wide north-south wall, with niches at intervals on its inner face and there may be a small covered area in the centre. Which would have narrow demarcating walls. And the ASI is able to produce no example of similar recess and niche from any temple.”

“16. That since the entire basis of the supposed “huge” and “massive” temple-structures preceding the demolished mosque lies in the ASI's reliance upon its alleged “pillar bases” I beg now to consider what these really are and what they imply. In this respect one must first remember

that what are said by the ASI to be pillar bases are in many cases are only one or more calcrete stones resting on brick-bats, just heaped up, though ASI claims that mud-mortar was sometimes used. In many claimed “pillar bases” the calcrete stones are not found at all. As one can see from the descriptive table on pages 56-67 of the report not a single one of these supposed “pillar bases” has been found in association with any pillar or even a fragment of it; and it has not been claimed that there are any marks or indentations or hollows on any of the calcrete stone to show that any pillar had rested on them. The ASI Report nowhere attempts to answer the questions (1) why brick bats and not bricks were used at the base, and (2) how mud-bonded brick-bats could have possibly with stood the weight of roof-supporting pillars without themselves falling apart. It also offers not a single example of any medieval temple where pillars stood on such brick-bat bases.”

“17. That despite the claim of these pillar bases being in alignment and their being so shown in fancy drawings (figures 23, 23A and 23B), the Reports claim that these bases are in alignment is not borne out by the actual measurements and distances; and there is indeed much doubt whether the plan provided by ASI is drawn accurately at all, there are enormous discrepancies between Fig. 3A (the main plan) and the Table in Chapter 4 on the one hand, and the Report's Appendix IV, on the other. Trench F7 has 4 alleged “pillar bases” in the former, for example; but only one in the latter!”

“18. That in fact the entire matter of the way the ASI has identified or created “pillar bases” is a matter of serious

concern. Complaints were also made to the Observers appointed by the High Court that the ASI was ignoring calcrete-topped brick-bat heaps where these were not found in appropriate positions and selected only such brick-bat heaps as were not two for of from its imaginary grids, and there creating the alleged “bases” by clearing the rest of the floor of brick-bats.”

“19. That the most astonishing thing that the ASI so casually brushes aside relates to the varying levels at which the so-called “pillar bases” stand. Even if we go by the ASI's own descriptive table (page 56-57), as many as seven of these alleged 50 “bases” are definitely above Floor 2, and one is in level with it. At least six rest on Floor 3, and one rests partly on Floor 3 and 4. since at least come that so many pillars were erected after the Mosque had been built in order to sustain an alleged earlier temple structure ! More, as many as nine alleged “pillar bases” are shown as cutting through Floor No. 3. So, are we to understand that when the Mosque floor was laid out, the “pillar bases” at all, but some kind of loosely-bonded brickbat deposits, which continued to be laid right from the time of Floor 4 to Floor 1.”

“20. That it may be added that even the table on pages 56-67 of the ASI's Report may not correctly represent the layers of the pillar bases, since its information of floors does not match that of the Report's Appendix IV which in several trenches does not attest to Floor NO. 4 at all, which the “pillar bases” in many cases are supposed to have sealed by, or to have cut through or stand on ! For example, “pillar base 22” on pp.60-61 is indicated as the

resting on floor 4, but there is no Floor 4 shown as existing in Appendix IV of the Report in Trench F2 where this base supposedly stands. Similar other discrepancies are listed below:

Information in text of ASI's Report	Information in Appendix 4 of Report
<i>PB No.3:ZG2-F1. 2(p.56)</i>	<i>Only F1.1 mentioned (p.8)</i>
<i>PB No.6:ZJ2-F1. 2(p.57)</i>	<i>F1.1 mentioned (p.12)</i>
<i>PB No.8:ZG1-F1. 2(p.58)</i>	<i>Only F1.1 mentioned (p.8)</i>
<i>PB No.18:H1-F1.4(p.60)</i>	<i>No.F1.4 (p.11)</i>
<i>PB No.22:F2-F1.4(p.60-61)</i>	<i>No. F1.4(p.6)</i>
<i>PB No.27:H5-F1. 4(p.62)</i>	<i>3 successive floors No. F1.4(p.11)</i>
<i>PB No.28:F6-F1.4(p.62)</i>	<i>No. F1.4 (p.7)</i>
<i>PB No.31:F6-F7-F1. 4(p.63)</i>	<i>3 floors mention for F6 (p.7); Floors 1 and 1A for F7 (p.7)</i>
<i>PB No.32:F6/F7-F1. 4(p.63)</i>	<i>3 floors mention for F6 (p.7); Floors 1 and 1A for F7 (p.7)</i>
<i>PB No.34,35:F7-F1. 4(p.64)</i>	<i>Only F1.1 and 1A (p.7)</i>
<i>PB No.36:G7-F1. 4(p.64)</i>	<i>No.F1.4 (p.10)</i>
<i>PB No.37:F8-F1. 3(p.65); no.F1.3 beyond 6 series (p.63)</i>	<i>-</i>
<i>PB No.39:G8-F1. 4(p.65)</i>	<i>3 successive floors (p.10)</i>
<i>PB No.45:G9-F1. 4(p.66)</i>	<i>3 successive floors (p.10)</i>
<i>PB No.44:F9-F1. 4(p.66)</i>	<i>2 floors mentioned (p.8)</i>
<i>PB No.46:H9-F1. 4(p.66)</i>	<i>3 floors (p.12)</i>
<i>PB No.47:F10/F10-F1 4(p.66)</i>	<i>E10:F1.1 mentioned (p.5); F10: 2 floors mentioned (p.8)</i>
<i>PB No.48:F10-F1. 4(p.67)</i>	<i>2 floors mentioned (p.8)</i>
<i>PB No.49:G10-F1. 4(p.67)</i>	<i>2 floors mentioned (p.10)</i>
<i>PBNo.49:G10/H10-F1.4 (p.67)</i>	<i>2 floors each in G10 and H10 (pp.10,12)</i>
<i>PB No.50:H10-F1. 4(p.67)</i>	<i>Floors mentioned (p.12)</i>

“21. That the ASI should have surely looked about for other explanations of the heaps of brickbats before jumping to its “pillar bases” theory. There is at least one clear and elegant explanation. When the surkhi-lime mortar bonded Floor No.4 was being laid out over the mound sometimes during the Sultanate period, its builders must have had to level the mound properly, the stones (the latter often joined with lime mortar) to fill them and enable the floor to filled up in order to lay out Floor 4 went our of repair, its holes had similar deposits of brickbats had to be made to fill the holes in order to lay out Floor 2 (or, indeed, just to have a level surface). This explains why the so called “pillar bases” appear to “cut through” both Floors 3 and 4, at some places, while at other they “cut through Floor 3 or Floor 4 only. They are mere deposits to fill up holes in the floors. Since such repairs were in time needed at various spots all over the floors, these brickbat deposits are widely dispersed. Had not he ASI been so struck by the necessity of finding pillars and “pillar bases” to please its masters, which had to be in some alignment, it could have found scattered over the ground not just fifty but perhaps over a hundred or more such deposits of brickbats. A real embarrassment of riches of “pillar bases”, that is! Only they are, of course, not pillar bases at all.”

“22. That it may here be pointed out that when Mr.B.R.Mani the first leader of the ASI team at Ayodhya, excavated at Lal Kot, District of South New Delhi, he describes “pillar bases” of “Rajput style”, about which he says:

“These pillar bases rest on stone pedestals and are 2.90m. Apart from each other. They might have supported some wooden canopy.

(Indian Archaeology, 1992-93 – A Review, official publication of ASI, New Delhi, 1997, p.9).”

A true copy of the relevant extract of the said report of Mr. Mani is enclosed herewith as ANNEXURE No.1 to this affidavit.

Mr. Mani illustrates these four pillar bases in Plates VI and VII of the same publication. Each comprises a number of squarish stone slabs resting on each other with a larger stone slab at the bottom. Yet these were not thought by him to be strong enough to support anything more than “a wooden canopy.” And yet at Ayodhya, single calccrete slabs resting on nothing more than brickbats are held by the same Mr. Mani and his team to have supported stone pillars bearing massive stone structures!”

“23. That having thus shown that there is no basis for the ASI's illusionary 50-pillared structure, it is still pertinent to ask why the ASI regards a pillared hall to have necessarily been a temple. In this aspect the ASI should have noticed such pillared structures of the Beghumpuri Mosque, the Kali Masjid and the Khirki Masjid, all built at Delhi by Khan Jahan Firozshahi in the 180's AD the original photograph of which are printed in Tatsuro Yamamoto, Matsuo Ara and Tokifusa Tsokinowa, Delhi: Architectural Remains of the Delhi Sultanate Period, Tokyo, 1967, Vol.I, Plates 14b, 18c and 20c. It is astonishing that the ASI should have closed its eyes to such structures; but this is just another proof that its Report is a simple product of

bias and partisanship.”

*“24. That much is made in the ASI Report of the “Circular Shrine”(Report, pages 70-71), again with fanciful figured interpretations of the existing debris (Figs. 24 and 24A in the Report). Comparisons with circular Shaivite and Vaishnavite Shrines (Fig. 18) are made. The ASI had no thought, of course, of comparing it circular walls and buildings of Muslim construction – a very suggestive omission. The surviving wall, even in ASI's own drawing makes only a quarter of circle, and such shapes are fairly popular in walls of Muslim construction. And then there are Muslim built domed circular buildings, such as the the 13th century tomb of Sultan Ghari at Delhi, where the inner tomb chamber is circular (See Ancient India, official publicaiton of ASI, 1947, volume, Pl.VIII). A true copy of the said Plate VIII is enclosed herewith as **Annexure No. 2** to this affidavit.”*

“25. That even if we forget the curiously one-eyed nature of ASI's investigations, let us first consider the size of the alleged “shrine”. Though there is no reason to complete the circle in the elliptical way as the ASI does, the circular shrine, given the scale of the Plan (Figure 17 in the Report), would have an internal diameter of just 160 cms. or barely 5 ½ feet! Such a small structure can hardly be a shrine. But it is, in fact, much smaller. The Plan in Fig. 17 of the report shows not a circle (as one would have if the wall shown in plates 59 and 60 or continued) but an ellipse, which it has to be in order to enclose the masonry floor. No “elliptic (Hindu) shrine” is, however, produced by ASI for comparison: the few that are shown are all

circular. As Plate 59 makes clear the drawing in Fig. 17 ignore a course of bricks which juts out to suggest a true circle, much shorter than the elliptic one: this would reduce the internal diameter to less than 130 cms. Or 4.3 feet ! Finally, as admitted by the ASI itself, nothing has been found in the structure in the way of image or sacred piece that can justify it being called a “shrine”.

“26. That, indeed, if the ASI insists on it being a shrine, it is strange that it did not consider the relevance of a Buddhist Stupa here. Attention is drawn to Plate XLV-A showing “exposed votive stupas” Sravasti, in the ASI's own Indian Archaeology, 1988-89- A Review, a true copy of which is enclosed herewith as Annexure No.3 to this affidavit. It is indicative of the ASI's bias that while it provided an example of an alleged circular Shaivite shrine from Sravasti, along with a photograph (Report's Plate 61), it totally overlooks the stupas found there. As shown above the small size of the so called “circular shrine” at the Babri masjid site precludes it from being a temple, and the stupas (which is not entered!) is the only possible candidate for it, if the structure has to be a pre-Muslim sacred structure. But the stupa is not a temple, let alone a Hindu temple.”

“27. That the short report on Inscriptions on pages 204-06, one of which is in Nagari, and two are in Arabic show how casual and preconceived in its notions the ASI was. There is no argument given for dating it to the 11th century: its time range could be 7th - 12th centuries; and if so it could be a Pala record of a Buddhist provenance – a piece of evidence negating the presence of a Hindu temple. There is

also no argument offered by the Arabic inscriptions can be dated to the 13th century with as much reason as to the 16th century.”

“28. That the ASI makes much use of terracotta figures. Yet its stratigraphy is found to be totally wrong. No later figurine or artefact can be found in an earlier layer, while the converse can, of course, be the case. Yet there are a number of cases where layers in different trenches assigned to early Periods by ASI in its table of terracotta objects (pages 219-243) contain items of later periods (as identified by ASI itself) in these early layers. These are evident from the chart given below showing, again how the propensity to date certain layers early so as to support the ancient temple thesis has landed the ASI into impossible discrepancies. These discrepancies show that (a) the dating of the individual layers is wrong, and (b) the terracotta evidence this does not support the presence of an alleged temple here built before the construction of the Babri Masjid:-

***DESCREPENCIES IN STRATIGRAPHY IN
RELATION TO TERRACOTTA FIGURINES
(Periods as defined by ASI's Report)***

<i>Artefact details</i>	<i>Discrepancies</i>
<i>S.No. 50, R. No. 1027. Part of human figurine. Mughal level. G5, layer 2, below Floor2</i>	<i>Layer 2 below Floor 2 belongs to Medieval period. It is impossible for a medieval period layer to have material from Mughal period which is later</i>
<i>S.No. 52, R.No. 393. Animal figurine. Late Medieval period. E8, layer 5</i>	<i>Layer 5 in E8 is Post Gupta (7th - 10th centuries AD). It is impossible for late Medieval (Mughal)</i>

	<i>period material to be found in an earlier period.</i>
<i>S.No. 67, R.No. 549, Animal figurine. Early Medieval. F9, layer 5</i>	<i>F9 layer 5 is post Gupta. It is impossible for Early Medieval period material to be found in post Gupta period which is earlier</i>
<i>S.No. 69, R.No. 594, Animal figurine. Medieval. E8, layer 5</i>	<i>E8 layer 5 is post Gupta. It is impossible for Medieval period material to be found in post Gupta period which is earlier</i>
<i>S.No. 71, R.No.607, Animal figurine. Mughal. E8, layer 5</i>	<i>E8 layer 5 is post Gupta. It is impossible for Mughal period material to be found in post Gupta period which is earlier</i>
<i>S.No. 73, R.No.628, Animal figurine. Mughal. E8, layer 6</i>	<i>E8 layer 6 is post Gupta. It is impossible for Mughal period material to be found in post Gupta period which is earlier</i>
<i>S.No. 76, R.No. 689, Animal figurine. Early Medieval. F8, layer 5</i>	<i>F8 layer 5 is post Gupta-Rajput. It is impossible for Early Medieval period material to be found in post Gupta period which is earlier</i>
<i>S.No. 84, R.No.739, Animal figurine. Post-Gupta. E8, layer 8A</i>	<i>E8 layer 8A is Gupta Level. It is impossible for post-Gupta period material to be found in post Gupta period which is earlier</i>
<i>S.No. 85, R.No.762, Animal figurine. Post-Gupta. E8, layer 9</i>	<i>E8 layer 9 is Gupta/Kushan Level. It is impossible for post-Gupta period material to be found in Gupta/Kushan period which is earlier</i>
<i>S.No. 86, R.No.767, Animal</i>	<i>F8 layer 7 is Gupta Level.</i>

<i>figurine. Post-Gupta. F8, layer 7</i>	<i>It is impossible for post-Gupta period material to be found in Gupta period which is earlier</i>
<i>S.No. 90, R.No. 793. Animal figurine. Medieval. H4/H5, layer 4</i>	<i>H4/H5 layer 4 is Early Medieval. It is impossible for Medieval period material to be found in Early Medieval period which is earlier</i>
<i>S.No. 114, R.No.1087, Animal figurine. Gupta. G7, layer 10</i>	<i>G7 layer 10 is Kushan. It is impossible for Gupta period material to be found in Kushan period which is earlier</i>
<i>S.No. 115, R.No.1088, Animal figurine. Gupta. G7, layer 10</i>	<i>G7 layer 10 is Kushan. It is impossible for Gupta period material to be found in Kushan period which is earlier</i>
<i>S.No. 119, R.No.1152, Animal figurine. Kushan. G7, layer 13</i>	<i>G7 layer 13 is Sunga. It is impossible for Kushan period material to be found in Sunga period which is earlier</i>
<i>S.No. 122, R.No.1177, Bird figurine. Early Medieval. G8, layer 5</i>	<i>G8 layer 5 is post Gupta-Rajput. It is impossible for Early Medieval period material to be found in post Gupta period which is earlier</i>

“29. That it may be mentioned that in the purely Muslim phase at Lalkot, South New Delhi District, excavated by Mr. B.R. Mani, the first team leader of the ASI at Ayodhya and joint author of its Report on Ayodhya, Mr. Mani found “a large number of crude handmade terracotta human and animal figurines”(Indian Archaeology, 1991-92 – A Review, page 15). Thus it cannot be argued that the

presence of such human and animal figurines suggests a non-Muslim or pre-Muslim association, let alone any affiliation with a temple.”

“30. That no Vaishnavite images have been found. All finds are stray ones or, as with the black schist pillar, visible within it when the Masjid had stood but not yet broken up by the Karsevaks and buried in the Masjid debris in 1992. Whatever little in stone has come out (as one decorated stone or inscribed slab -used in a wall), like stones with “foliage pattern, amalaka, kapotapadi door jamb with semi-circular pilaster, lotus motif” (Report, p.271), are in total very few, and all easily explicable as belonging to ruins elsewhere and brought for re-use during the construction of the Babri Masjid or the earlier Mosque/Eidgah. Moreover, the lozenge design (Report, Plate 90) is probably Islamic (compare Plate 92, with Arabic inscription). The extremely short list that the ASI is able to compile of such doubtful temple-relics shows that they did not come from any alleged “massive” temple at the site, but brought randomly from different earlier ruins.”

“31. That it is most interesting that while these few stray finds are sought to justify the thesis of the presence of an alleged temple at this site, but when Dr. B.R. Mani, the joint author of the ASI Report, found many more similar items in his excavations at Lalkot, South New Delhi district, his conclusions were quite different. He found, in his own words, “a stone Varaha figure, two stone amalakas, decorated pillar bases, and a number of other decorated architectural fragments reused in later

*structures or scattered on the mound or in the tank area of Anang Tal along with a huge part of another amalaka and pillar bases found in the eastern part of the tank” (Indian Archaeology, 1991-92 – A Review, official publication of ASI, New Delhi, 1996, p.12), Mr Mani nevertheless says that this site was away from “the temple-mosque complex” and contained the palace of Anang Pal (ibid, p.9). Clearly, in taking the much smaller and slimmer list of doubtful artefact at the Babri Masjid site as indicative of a temple, Mr. Mani and his colleagues have now simply pursued a given brief. A true copy of the relevant extracts of this report of Dr. B.R. Mani is enclosed herewith as **ANNEXURE No. 4** to this affidavit.”*

“32. That the bias and partisanship of the ASI's Report takes one's breath away. In almost everything the lack of elementary archaeological controls is manifest. The one-page carbon-date report, without any description of material, strata and comments by the laboratory, is meaningless, and open to much misuse. There has been no thermoluminescence (TL) dating of the pottery; nor any carbon-dating of the animal or human bones, although these are necessary for dating the remains themselves and the strata in which they are found, in order to test the ASI's own manipulated chronology. Indeed, no care has been exercised in its references to chronology, and Period I “Northern Black Polished Ware” has been pushed back to 1000 BC in the “Summary of Results” (page 268). when even in Chapter II of “Stratigraphy and Chronology”, the earlier limit of the period is rightly placed at 6th century B.C. (page 38). The urge is obviously to provide the

maximum antiquity to habitation at Ayodhya, however absurd the claim.”

“33. That quite obviously such claims as made by ASI in its Report and the demands of professional integrity cannot go together. What all well-wishers of Indian Archaeology have to consider is how, with a Report of the calibre we have examined, there can be any credibility left in the Archaeological Survey of India, an organization that has had such a distinguished past. But now the good repute of the Archaeological Survey of India has also suffered an irremediable blow. (It has been shown up as partisan and subservient to its master's wishes. Its so called “Conclusions” must be rejected in toto.)”

538. PW 31, Dr. Ashok Datta, aged about 58 years (vide his affidavit dated 20.01.2006), resident of K.P. Mukherjee Road, Post Barisa, Kolkatta (West Bengal), is working as Senior Lecturer, Department of Archaeology, University of Calcutta and deposed his statement as an expert witness (Archaeology). His cross examination is as under:

Part-I :(a) 20/23/24/25/27/30/31-01-2006, 01-02-2006 - by Nirmohi Akhara through Sri R.L. Verma, Advocate and Sri Tarunjeet Verma, Advocate (p. 12-112)

(b)01/20/21-02-2006-by Shri Madan Mohan Gupta, defendant no. 20 (Suit-4) through Km. Ranjana Agnihotri, Advocate (p. 113-148)

Part-II :(a) 22/23/24-02-2006, 01/02/03-05-2006-by Shri Madan Mohan Gupta, defendant no. 20 (Suit-4) through Km. Ranjana Agnihotri, Advocate (p. 149-214)

(b) 03/04/05-05-2006- by Ramesh Chandra Tripathi defendant no. 17 (Suit-4) through Sri Vireshwar Dwivedi,

Advocate (p. 214-243)

(c) 08/09-05-2006-by Mahant Suresh Das defendant no. 2/1 (Suit-4) through Sri Madan Mohan Pandey, Advocate (p. 244-272)

(d) 10-05-2006-by defendant no. 13/1 (Suit-4) through Sri Rakesh Pandey, Advocate (p. 273-281)

(e) 12-05-2006- by plaintiff (Suit-5) through Sri Ajay Pandey, Advocate (p. 282-295)

(f) 12-05-2006-Plaintiff (Suit-1) through Sri P.L. Mishra, Advocate adopted the cross examination already done on behalf of other defendants (p. 295)

539. He did M.A. (Archaeology) in 1972 and Ph.D. in Pre-History (Anthropology) in 1981 from University of Calcutta. Worked thereafter in Archaeology in West Germany in 1982 and about the experience and excavation work, has given the following details:

“3. That the deponent has been associated with the following excavations:

- (i) Excavation at KOLN in Germany in 1982.*
- (ii) Excavation at Mathura in 1977 with ASI Team.*
- (iii) Excavation at KARNASUVARNA, West Bengal in 1971.*
- (iv) Excavation at MANGALKOT, BURDWAN, West Bengal from 1986 to 1991.*
- (v) Excavation at DIHAR, BANKURA, West Bengal from 1991 to 1996.*
- (vi) Excavation at PAKHANNA, BANKURA, West Bengal from 1997 to 2000 and also in 2002-2003.*
- (vii) Excavation at DANTANA, MIDNAPUR, West*

Bengal in 2003 to 2004.”

540. PW 31 claims to have observed excavation at the disputed site for several days during March to August, 2003, has deposed statement objecting the correctness of the ASI report and said in paras 6 to 21 as under:

“6. That the final report of Archaeological Survey of India (ASI) dated 22-8-2003 submitted in this Hon'ble court is a one sided presentation with clear distortion of the material recovered during excavation and motivated inferences have been drawn from the evidence.”

“7. That the ASI has committed gross omissions in preparing the said report and one such omission is the total absence of any list in which the number of layers in each trench were assigned to the specific period as distinguished and numbered by the ASI itself. The chart placed between pages 37-38 of the report is given for some of the trenches only no other list or concordance of the layers of all the trenches has been given although the same was also essential to test whether the artefacts etc. have been assigned correct period.”

“8. That the ASI appears to have proceeded with preconceived notion to trace and identify the structural remains or artefacts in order to establish and give strength to the theory of an alleged Hindu temple said to be existing there before the Babri Mosque.”

*“9. That glazed tiles are also indications of Muslims habitation. A Scatter Diagram of Islamic Ceramics and so called pillar bases is enclosed herewith as **Annexure No. 2.**”*

“10. That the ASI has, in a casual manner, brushed aside

the varying levels at which the so-called 'pillar-bases' are said to have been found. The ASI's own descriptive table (pages 56-67), shows that as many as seven of these alleged 50 "bases" are definitely above Floor 2, and one is in level with it. At least six of them rest on Floor 3, and one rests partly on Floor 3 and 4. Nine alleged "pillar bases" are also shown as cutting through Floor No. 3. Thus it is clear that these are simply not 'pillar bases' at all, but some kind of brickbat deposits, which continued to be laid right from the time of Floor 4 to Floor 1."

"11. That in the light of my own field experience and observation (during the course of excavation at Ayodhya), the report submitted by ASI appears to be malafide and full of misinterpretation of archaeological data and far from the ground reality. The report is full of contradictions from the very beginning to the end. Any person having basic knowledge in archaeology may reject the report straightway."

"12. That the report contains that "As stated earlier 50 exposed pillar bases to its east attached with floor 2 " (page no. 54). It further states that "Subsequently during the early medieval period (eleventh-twelfth century A.D.) only four of the fifty pillar bases exposed during the excavation belong to this level with a brick crush floor. On the remains a massive structure with these structural phases and three successive floors attached with it" (page no. 269).

That above statement of ASI reveals few interesting points:-

a) It contradicts its own statement.

- b) *It appears from the above statement as well the chart that shows the locus of different alleged pillars that at least four so called pillar bases were attached with the brick crush or brick jelly floor found at a depth of 2.20 B.S. According to its chronological estimation this phases belongs to 11th - 12th century A.D.*
- c) *It also appears from the Iso-Matric projections of excavated site (Fig Nos. 23, 23A and 23B) and the chart showing the locus of different pillars that these so called pillar bases are found in different elevations and attached to four different floor levels.*
- d) *It, therefore, implies that there existed four Phases of constructions being characterized by pillared halls long before the construction of the disputed structure.*
- e) *According to the conclusion drawn by ASI as shown in fig no. 23, 23A and 23B, it appears that these so called pillar bases represent the remains of a huge pillared hall.*
- f) *If it is so then we have to subscribe to the Theory that there existed three more earlier Pillared halls.*
- g) *Again if we accept the theory that the last Pillared hall was destroyed and demolished before the construction of the present disputed structure, the question which immediately crops up in one's mind is that then who demolished the earlier pillared halls particularly the lowest one which should belong to 11th -12th century A.D. according to their own estimation.”*

“13. That this is a bogus and utopian idea that a massive pillared hall existed immediately below the disputed structure. In fact, these so called pillar bases, comprising two/three courses of broken bricks or brick-bats forming circular/square/rectangular or oblong with uneven calcrete stone block on its top, were used for resting the lime/surkhi floors.”

“14. That to impress upon the general people as well the honorable judges of the high court, the ASI has taken the help of isometric projection of the excavated site with superimposition of these pillars. This has been done deliberately to give an impression of the uniform distribution and alignment of these so called pillared bases. But the ground reality is different. They occur, according to their own statement and the chart providing the locus, in at least four different levels ranging from .50m to 2.20m covering four different floor levels. To avoid this difference in elevation they have taken the help of this iso-metric projection of pillars.”

“15. That the Ground plans showing different floor levels are drawn by ASI without showing minimum courtesy to the ethics of archaeological recording.”

“16. That the best example showing how the archaeological data has been manipulated to achieve a particular goal is represented in Fig. No. 22. The figure shows the section of J3 trench where the total deposit (approx. 10.50 m) has been divided into 14 layers. This is an incorrect statement showing the deposit of J3 as stratified which are largely filled with filling materials.

In this contest we can refer the guideline of Wheeler

where he has suggested that layer marking can be made within a pit provided the materials are found sealed by subsequent layer. But it is always desirable not to use the pit materials unless they are supported by other evidences. Moreover the pit materials should always be kept separately and marked as pit no. 1, pit no. 2 and so on so forth. But what the ASI has done in the present case is a gross violation of archaeological norms. In the final report, they described the deposit of J3 as pit materials and represent the trench as stratified by putting layer marking, although admitted in the report that these layer markings are superficial. There is no place of superficiality in archaeology. All the materials of this trench have been registered under a specific layer marking. The basic question which arises in one's mind is that why they did it? They did it because any person having archaeological background knows that dump/pit always yield best quality antiquities. But if the objects are labeled with dump/pit slip, it does not carry any weight or significance in terms of chronology.”

“17. That the mound is characterized by extensive structural activities in the form of floors and walls including foundation wall. As a result the whole stratigraphical sequence particularly in the upper level is disturbed by the filling materials (debris). But no attempt has been made by the ASI to co-relate different structures with stratigraphy which can be made by meaningful planning of excavation. The time and age of any structure can be determined only when it is related to layer. There lies the significance of stratigraphy.”

“18. That in the report the ASI has concluded “Now viewing in totality and taking into account the archaeological evidence of a massive structure just below the disputed are indicative of remain which are distinctive features found associated with the temples of north India”

This final conclusion drawn by ASI on the basis of materials as stated in their report does not rest on ground reality. The materials unearthed from dumps and pits do not support the theory of north Indian temple structure below the disputed mosque. How far it is reliable to believe that those who used fine decorative black basalt pillar, decorative stone lotus petal motif and other decorative stone patterns in their alleged temple would use brickbats and broken uneven calcrete blocks in their sacred temple which attaches too much of sentiment to the people.”

“19. That in the summary of results (chapter X) the ASI concluded on glazed ware, glazed tile, celadon and porcelain herds in the following manner “In the last phase of period vii glazed ware sherds make their appearance and continue in the succeeding levels of next period where they are accompanied by glazed tiles which were probably used in the original construction of the disputed structure. Similarly is the case of Celadon and porcelain sherds recovered in a very less quantity they come from secondary context” (page 270).

One can obviously ask the excavator in view of this above statement what does he mean by the word “secondary context” ? According to his own statement “the brick and stone structures that were raised in

Kushana and the succeeding periods of Gupta and post-Gupta times have added heights to the mounds. To build further structure upon the earlier debris the later people added deposit of earth excavated from the periphery of the mound which belonged to much earlier cultural periods. This is true for the rest of the structural phases also”

It means that from sultanate period onwards the mound was filled up from time to time with architectural debris and earth excavated from periphery region of the mound. This means that all the deposit from this level upwards is debris and, therefore, not stratified. Naturally any antiquity collected from this level onwards is coming from secondary context. This is also applicable to the objects shown by the excavator in pushing back the theory of so-called north Indian temple. But the learned excavator has forgotten that any object coming from below any floor level may be considered as stratified in the sense that the objects are at least not later in age than the age of the overlying floor. In the present case many glazed ware sherds including glazed tiles have been reported from below different Surbhi-lime floors. (see table on glazed ware and tiles etc, as provided in the report by ASI). This would further indicate that the debris between three different lime-surbhi floors immediately below the disputed structure and which contain glazed ware, glazed tile, celadon and porcelain were excavated from the periphery of the mound to raise the area in different structural phases. This means that the periphery region of the present mound was inhabited by Islamic culture people

immediately before the construction of the disputed structure who used these ceramics otherwise we can not explain the reason.”

“20. That it appears, therefore, on the basis of material evidences that the site was continuously occupied by the Islamic culture people right from the time of Sultanate period and the structures associated with this level belong to Islamic culture and in reality there did not exist any temple as suggested by ASI in their report.”

“21. That the good repute of the ASI has suffered an irreparable loss and the credibility of such a reputed organization has also suffered immensely on account of such a faulty report which does not stand the test of professional integrity.”

541. PW 32, Dr. Supriya Verma, aged about 46 years, (on 27.03.2006) resident of Unit II, Teachers Flatlets, University of Hyderabad Campus, Gachi Hbowli, Hyderabad (A.P.), was working at Hyderabad University since 2005 as per her affidavit dated 27.3.2006 filed under Order 18 Rule 4 C.P.C. followed by her cross examination as under :

- (a) 27/28-03-2006- Sri Ramesh Chandra Tripathi, defendant no. 17, through Sri Vireshwar Dwivedi, Advocate (p. 20-40)
- (b) 28/29/30/31-03-2006, 17-04-2006-By Akhil Bhartiya Ram Janam Bhoomi Punruddhar Samiti, defendant no. 20 (Suit-4) through Ms. Ranjana Agnihotri, Advocate (p. 40-98)
- (c) 17/18/-04-2006-by Nirmohi Akhara through Sri R.L. Verma, Advocate (p. 98-116)
- (d) 19/20/21-04-2004-By Mahant Suresh Das, defendant

no. 2/1 through Sri Madan Mohan Pandey, Advocate (p. 117-157)

(e) 15/17-05-2006- by Mahant Dharm Das, defendant no. 13/1 (Suit-4) through Sri Rakesh Pandey, Advocate (p. 158-172)

(f) 17/18/19-05-2006, 24-07-2006- by plaintiffs (Suit-5) through Shri Ajay Pandey, Advocate and Sri Ved Prakash, Advocate (p. 172-218)

(g) 24-07-2006-Plaintiff (Suit-5) through Sri D.P. Gupta, Advocated adopted the cross examination already done on behalf of other defendants)

542. She has sought to discredit ASI report on various grounds claiming expertise in Archaeology i.e. an expert witness (Archaeology). She did M.A. in 1982 from Punjab University, Chandigarh, M.Phil in 1985 and Ph.D. in 1997 from Jawahar Lal Nehru University, New Delhi. Worked as Lecturer in Archaeology in Punjab University (Chandigarh) in the Department of History from October 1999 to February 2005, as Post Doctorate Fellow (Archaeology) at the Centre for Historical Studies, Jawahar Lal Nehru University, New Delhi from October 1997 till July 1998 and as temporary Lecturer (Archaeology) at M.S. University, Baroda, in the Department of History from August 1998 to June 1999. Her subject of research in Ph.D. was “Changing Settlement Patterns in Kathiawar from the Chalcolithic to the Early Historic Period”, and participated in excavation at several sites like, Nageshwar, Samnapur, Nagwada and Bagasara and in 2006 was involved in Archaeological Project at Indore Khera in Anupshahr, District Bulandshahr (U.P.). She has authored following books:

(1) Chapter on Archaeology in the book entitled as

“Some Themes in World History” prepared for Class XI as a text book by the National Council of Education and Research Training, New Delhi in April 2006.

(2) Co-edited with Prof. Satish Saberwal the book entitled “Tradition in Motion: Religion and Society in History” published by Oxford University Press, New Delhi in 2005.

(3) All the chapters on Archaeology in “Bharat Ka Itihas Part I, prepared by the State Council of Education Research and Training, New Delhi prescribed by the Delhi State Government since 2004.

543. About research papers, PW 32 has given details as under:

(a) “Changing Settlement Patterns in Kathiawar”, published in the book “Iron and Social Change in Early India” edited by Prof. B.P. Shahu from Oxford University Press, New Delhi (2006) (Originally published in the Journal known as “Studies in History, Vol. VI, No. 2, 1990)

(b) “Ethnography as Ethnoarchaeology: a review of studies in ethnoarchaeology of South Asia”, published in the Book ‘Past and Present’: “Ethnoarchaeology in India”, published by Center for Archaeological Studies and Training, Eastern India and Pragati, Kolkata and New Delhi, 2006.

(c) “Introduction of the book “Traditions in Motion: Religion and Society in History”, edited by the deponent and Prof. Saberwal and published by Oxford University Press, New Delhi in 2005.

(d) “Defining Tradition: An Archaeological Perspective”, written jointly with Dr. J. Menon and published in S. Saberwal and S.Verma’s book ‘Traditions in Motion: Religion and Society in History’, Oxford University, Press, New Delhi, 2005.

(e) “In the absence of mounds: shifting villages, pastoralism and depopulation”, published in the book edited by R. Heredia and S. Ratnagar, ‘ Mobile and Marginalized peoples: Perspectives from the Past’ Manohar publishers, New Delhi, 2003.

(f) “Is Archaeology an Immature Discipline?” Published in The Indian Historical Review, Vol. XXVIII (2001).

(g) “The Development of “Harappan Culture” as an Archaeological Label: a case study of Kathiawar” published in The Indian Historical review, Vol. XXVI (1999).

(h) ‘Owning a Civilization’, jointly written with Dr. J. Menon published in the Summerhill Review, Vol. IV, no. 2, (1998) by the Indian Institute of Advanced Studies, Shimla.

(I) “Villages Abandoned: the case for mobile pastoralism in Post Harappan Gujarat’ published in Journal “Studies in History”, Vol. VII, No.2, (1991) by SAGE (London and New Delhi).

544. PW 32 witnessed the excavation by ASI for about 47 days as under:

5th April 2003 -12th April 2003

11th May 2003 - 31st May 2003

22nd June 2003 - 27th June 2003

8th July 2003 - 19th July 2003

545. From Para 6 to 30 of her affidavit PW 32 has discussed and pointed out irregularities/discrepancies/shortcomings in the excavation report of the ASI which we propose to refer and discuss while discussing ASI report later on.

546. **OPW 17, Dr. R. Nagaswamy**, aged about 76 years (on 17th August, 2006), resident of 22nd Cross Street Besent Nagar, Chennai (Madras), deposed his statement as an expert witness (Archaeologist) to support ASI report. His cross examination followed as under :

Part-I:(a) 17/18/19/21/22/23/24-08-2006- by Mohd. Hashim, defendant no. 5 (Suit-5) by Sri M.A. Siddiqui, Advocate (p. 30-116)

Part-II : Cross examination: (b) 25-08-2006, 04/05/06/07/08-09-2006- by Mohd. Hashim, defendant no. 5 (Suit-5) by Sri M.A. Siddiqui, Advocate (p. 117-184)

(c) 11/12/13/14/15/18/19/20/21/22-09-2006- by Sunni Central Waqf Board, defendant no. 4 (Suit-4) through Sri Z. Jilani, Advocate (p. 185-317)

547. He did Post Graduation in Sanskrit and Literature from Madras University in 1958 and Ph.D. from Pune University in 1974. He worked as Curator for Art and Archaeology, Government Museum, Madras in 1959-63; as Assistant Special Officer (Archaeology), Government of Tamilnadu in 1963-65; Director of Archaeology, Government of Tamilnadu from 1966-88 and retired from the post of Director on 31st August, 1988, appointed as Vice-Chancellor, Kanchipuram University Madras in February 1995 and served as such up to 1996, was working as Director, International Institute of Shaiv Siddhant Research,

Dharmapuram, Madras. He claims specialization in the field of Temple Arts and Culture, Archaeology, Art History, Tamil Literature from Sangam age to Modern period, Sanskrit Literature, Indian Epigraphy and Archaeology, Ancient Indian Law and Society, South Asian Art and Religion, Agamic and Vastu Literature, South Indian Music and Dance, South Indian Numismatics, Religion and Philosophy, and Village studies. He has given details of his literary and other achievements from paras 9 to 22 of the affidavit which we skip for the moment and may deal with at the appropriate stage whenever necessary. He claims to have studied ASI report, deposed in support of the finds and findings of the said excavation, and from paras 24 to 42 said as under:

“24. That Archaeological Survey of India which is more than one hundred years old and has produced the most outstanding stalwarts in the field of Archaeology is known throughout the world for its excellence in all spheres of Archaeological work especially in the field of excavation its work has been extremely accurate and scientifically praiseworthy. Archaeology provides scientific factual data for reconstructing ancient history and culture, and is an important tool of human understanding and ASI has been doing this exercise admirably.”

“25. That no excavator can create or manufacture a structure consisting a number of courses inside a trench. In some places long walls may cut through several trenches but these are easily seen through the layers, the baulk and retain them.”

“26. That Chronologically early antiquities can be found in later periods which is perfectly normal but later

antiquities are not found in earlier layers.”

“27. That the ASI in the opinion of the deponent has followed all the required archaeological principles and has undertaken precautions to safeguard the site and has completed the excavation works in compliance of court's order. The report submitted by the Archaeological Survey of India, reveals that their performance within a limited period of time is a work of highest scientific nature and is an important piece in the history of Archaeology.”

“28. That before excavation of the disputed site a GPR survey was conducted under the orders of the court which is a non destructive scientific surveying method on the spot. The GPR survey is considered to be the most scientific method for conducting survey before actual digging. The anomalies pointed out in GPR survey may be confirmed by actual digging and that is what the ASI has done.”

“29. That the GPR survey conducted before actual digging under the orders of the court indicated about anomaly alignment across the main platform north and south of the sanctum sanctorum extending to Ramchabutra. The anomaly alignment corresponded to a wall foundation belonging to successive construction period associated with ancient and Contemporaneous structures like pillars, foundation walls, slabs etc.”

“30. That the Archaeological Survey of India has arranged Archaeological documentation including drawing, and Photography, of the Structural remains, pottery, and antiquities, and collections of samples of plaster, floors bones, charcoal, palaeo-botanical remains for scientific studies and analysis.”

*“31. That in the year 1929 excavation were conducted at Mahasthan a great Hindu pilgrim centre in modern Bangladesh which was originally a portion of north India, about 8 miles from Bogra town. This place contains both Vaishnava and Saiva temples. The excavations were conducted by Dr. Nazeemuddin Ahmad and was published by the Archaeological Survey of India Bangladesh. In the said excavations archaeologists found an inscribed stone with Brahmi inscriptions of the Asokan period and the excavation proved the site to be ancient Mahasthan. In the excavation a number of carved stone pillars and pieces were found on the mound which proved the site to be an important Hindu temple, in almost every aspect. There were pillar bases. There were carved stone used. The habitation of the site goes back to Kushan period. In some instances the Temples have been built in successive phases over the existing structures. There were massive walls pointing to porches. There seems to be a central opening. Some of the carved stones of the Hindu temples are found used in Islamic structure. There were also large Islamic pottery and antiquities strewn over an area but no Islamic structure was found there. The number of Hindu carvings laying in the region are indicative of an important Hindu temple beneath the mound etc. Though it is an Islamic country, and though the excavator is an Mussalman they do not deny the existence of a Hindu temple laying buried but on the other that it is a Hindu temple. They being excellent Archaeologists have no hesitation in stating the truth. Photocopy of relevant pages prepared and annexed with this affidavit as **Annexure No. 3.**”*

“32. That the archaeological excavation at Ayodhya has shown indisputably that there existed a structure immediately beneath the disputed structure. It shows that the structure also had pillar bases. Pillar bases have been found in Mahasthan excavation in the Hindu temple area and that the Bangladesh Archaeologists have shown those pillar bases were meant to support a porch of a Hindu temple.”

“33. That from the perusal of the report it is clear that the layers are well stratified and the periodization has been done as per settled norms and the finds have also been recorded and interpreted properly.”

“34. That the carbon dating is a scientific mode of periodization which is considered to be reliable dating method in archaeology.”

“35. That Pillar bases are made up of some sources of brick bats and are either square or circular in formation' Calcreate stone blocks are kept on sand stone block-one decorated stone block was found here. The idea that they are not pillar bases but heaps of stone for holding floor level is not correct. The stones in the middle of the brick formation undoubtedly were intended for supporting pillars and this tradition seems to have been followed through the centuries in this areas where even indisputable pillar bases are found. Below this brick wall, was found another brick wall-decorated stone blocks were used on top of this wall. Beneath pillar bases, earlier pillar bases were found. Some more brick structures were found beneath these walls. Most of the pillar bases were found connected with 2nd floor.”

“36. That existence of circular shrine with pranal towards

north proves existence of Hindu temple.”

*“37. That the brick circular shrine is circular outside and square on the inner side, with a rectangular projection in the east with entrance, it has a water chute on the northern side which is obviously in level with the floor level of the inner sanctum clearly intended for the abhisheka to be drained, As this seems to be secondary shrine dedicated to Siva in his linga from the shrine is built to smaller dimension. Smaller dimension of subsidiary shrines with just minimum entrance space are seen in some of temples, eg. Manasor, Rajasthan- Kumbharia Shantinath Temple relevant pages are photostat copies prepared from those books, are annexed with this affidavit as **Annexure no. 4, 5** (Temples of India by Krishna deva, published by Aryan Books, New Delhi) The smaller dimension does not preclude the structure being a shrine. The absence of any significant artefacts belonging to other sister faiths like Buddhism or Jainism, precludes this structure being identified with any of those faith.”*

“38. That in the opinion of the deponent the excavation report, its finds, proves beyond doubt the existence of a Hindu temple under the surface of the disputed structure.”

“39. That the presence of different bones in Hindu temple area is nothing unusual, nor does it minimize the sanctity of the temple premises, Bones in archaeological excavation are quite common.”

“40. That all classical Hindu temples are laid according to a prescribed grid know as Vast pada vinayasa, Sacred diagram. Within the diagram and immediately outside the diagram several natural, benign or wild forces are present

that are propitiated. Among such forces are bhuta, pretas, Pisachas, etc which are offered worship when the temple is first erected and subsequently annually during the great festivals. During their worship different kinds of food offerings are made which include for Bhuta, Pretas, Pisachas etc. blood and meat of flesh of animals etc. suited to the nature of the evil forces (Mayamata, vol I, reference for meal offering and also for use of Lime and "Vastu Sastra" by D.N. Shukla, P. 114) photocopy of relevant pages prepared and annexed with this affidavit as Annexure No. 6 and 7. It is invariably part of Hindu worship. The offering is made generally during the mid of the night in all the directions. So the presence of Bones of animals or birds etc. does not preclude the place being a Hindu temple. There is a temple at Gudimallam now in Andhrapradesh near the famous Thiruppati Balaji Kshetra. The temple is well known to Indologists and carries in its sanctum a Siva linga which is in the form of human phallus and is dated to second century BC to the time of famous Bharhut sculptures of the Sunga Period. In order to assess the antiquity of this famous sculpture and its antiquity of the temple, the ASI conducted an excavation in side the sanctum of the temple. The excavated space between the linga and the sanctum wall was found to have been filled up in 12th - 13th century when the aforesaid temple was built. This filling contained bone pieces right in the garbhagraha area of a Hindu temple: the excavation shows that finds of bone does not mean the structure could not be a Hindu temple."

"41. That the Marici Samhita an early Vaishnava text,

(Pub Thiruppati Ed. 1926, p. 140) mentions parivara devas that include Nagas, Bhuta, Yaksha, Durga, Chota mukhi, Dhatri, Grahakshata, Rakshasa, Gandharva etc. At the beginning of festival all deities are offered Bali to propitiate them. Marichi p. 351. The following are the divinities to be propitiated with bali in addition to the well known ones. Deva Bhuta, Yaksha, Rakshara, Pisacha, Naga, Gandharvas and 18 ganas. (Bhrigu : Samhita Khiladhikara, also called Bhrgu Samhita Ed. Partha sarathi Bhattacharya, 1961 – Thiruppati, P. 434, Mahotsavavidhi.)

Kamikagama :Saiva – Pt. 1, 1975, 75 Ref. Vastidevabali

It gives what bali should be offered to whom.

Rudra – mamsam annam (cooked rice with meat)

Rudrajaya phenam (Moss)

Apa – fish

Apavatsa – Mamsa (meat)

Caraki – ghee, (Mamsam meat)

Grahas – Mamsannam (cooked rice with meat)

These are called Utkrshita bali (highly respected) bali.”

“42. That the sarvasiddhanta viveka, a Sanskrit text states a branch of the saivas offered Madhu, Matsya, and Mamsa. (Art and Religion of the Bhairavas, R. Nagaswamy, Tamil Arts Academy, Chennai, 2006 P.S. - 6 and Page 49, photocopy of relevant pages prepared and annexed with this affidavit as Annexure No. 8.”

548. OPW 18, Arun Kumar Sharma, a retired Superintending Archaeologist from ASI, aged about 73 years (vide his affidavit dated 28.08.2006), is resident of Sector 3, C.B.D. Belapur, Navi Mumbai (Maharashtra). His cross

examination followed as under:

Part-I : is his affidavit

Part-II : Cross examination: (a) 28/29/30/31-08-2006-by Mohd. Hashim, defendant no. 5 (Suit-5) through Sri M.A. Siddiqui, Advocate (p. 29-74)

(b) 31-08-2006, 01/25/26/27-09-2006, 01/02-11-2006- by Sunni Central Waqf Board, defendant no. 4 (Suit-5) through Sri Z. Jilani, Advocate (p. 74-152)

Part-III : (c) 03/06/07/08/09/10/13/14/15-11-2006- by Sunni Central Waqf Board, defendant no. 4 (Suit-5) through Sri Z. Jilani, Advocate (p. 152-272)

(d) 15-11-2006 defendant no. 26 through Sri Sayad Irfan Ahmad, Advocate and defendants no. 6/1 and 6/2 (Suit-3) through Sri Fazale Alam, Advocate adopted the cross examination already done by defendants no. 4 and 5 (p.273)

549. The witness has appeared as an expert (Archaeology) to support the findings of ASI. He did M.Sc. (Physical Anthropology) in 1958 from University of Sagar (Madhya Pradesh) and Post Graduate Diploma in Archaeology in 1968 from Institute of Archaeology, Government of India. In the Diploma examination he was awarded -

(a) Maulana Azad Memorial Medal for topping in the batch;

(b) Maulana Azad Memorial Prize;

(c) Sir Mortimer Wheeler Prize for excavation;

(d) Dr. K.M. Puri Prize for publication.

550. OPW 18 served ASI from 1959 to 1992 and had the opportunity to explore and excavate archaeological sites ranging from pre-historic time to modern time throughout the country.

The sites he excavated under the licence issued by Director General, ASI, as Team Director of the excavations and the reports of the said excavation were submitted to ASI within one year of the completion of the excavation, published in book form, are:

- (i) Excavations at Gufkral (J&K) in the year 1981-82
- (ii) Excavations at Karkabhat (Chhattisgarh)-1990
- (iii) Excavations at Sekta (Manipur)-1991
- (iv) Excavations at Anangpur (Haryana)- 1991-92
- (v) Excavations at Bhaithbari (Meghalaya) – 1991-92
- (vi) Excavations at Ladyura (presently in Uttranchal)-1992
- (vii) Excavations at Darekasa (Maharashtra)-1992

551. OPW 18 is author of the books containing reports of excavation and explorations and has also edited certain work as under:

A. **Excavations**

- (i) Emergence of Early Culture in North east India (New Delhi, 1993)
- (ii) Pre-historic Delhi and its Neighbourhood (New Delhi, 1993)
- (iii) Manipur – Its Glorious Past (New Delhi, 1994)
- (iv) Megaliths in India – in context of Sought-East Asia (New Delhi, 1994)
- (v) Early Man in Eastern Himalayas including Nepal (New Delhi, 1996)
- (vi) Pre-historic Burials of Kashmir (New Delhi, 1998)
- (vii) The Departed Harappans of Kalibangan (New Delhi, 1999)
- (viii) Archaeo-Anthropology of Chhattisgarh (New Delhi,

2000)

- (ix) Early Man in Jammu and Laddakh Kashmir (New Delhi, 2000)
- (x) Heritage of Tansa Valley (New Delhi, 2004)
- (xi) Excavating in a Cave, Cist and Church (New Delhi, 2005)
- (xii) Excavating Painted Rock Shelters (New Delhi, 2006)

B. Explorations

- (i) Pura-ratna – volumes – Shri Jagat Pati Joshi Facilitation volume, New Delhi, 2002.
- (ii) Puraprasanga – 2 volumes – Dr. Zia-ud-din Ahmed Desai commemoration volume, New Delhi, 2003.

552. OPW 18 participated as a team member in certain excavations and wrote reports on specific topics assigned to him in the following excavations:

- (i) Kali Bangal (Rajasthan)
- (ii) Burzahom (J&K)
- (iii) Lothal (Gujarat)
- (iv) Surkotada (Gujarat)
- (v) Malvan (Gujarat)

553. After retirement OPW 18 claims to have worked as under:

- (i) was appointed as Officer on Special Duty in 1993 in Indira Gandhi National Centre for the Arts, New Delhi and excavated the Rock Shelter site at Jhiri (M.P.) in 1993-94 in collaboration with the French Team. He was the leader of the Indian Team.
- (ii) On request from Gurudev Siddha Peeth, Ganeshpuri, Maharashtra, explored the entire Tansa Valley to

locate and document archaeological remains.

- (iii) From 1997, he was appointed as Director (Projects) in Bodhisatwa Nagarjun Smarak Sanstha Va Anusandhan Kendra, Nagpur to conduct explorations and excavations and, as Director, conducted excavations at Sirpur (Chhattisgarh) from 2000 to 2004. He is conducting excavations and simultaneous conservation at Mansar (Maharashtra) since 1997-98 till this date under license from Archaeological Survey of India.
- (iv) He has been appointed as Archaeological Adviser to the Government of Chhattisgarh since 2004 and is conducting excavations and simultaneous conservation at Sirpur (Chhattisgarh) since 2004 under license from Archaeological Survey of India.

554. OPW 18 also claims to have studied animal bones in excavation at Mirzapur and Karan Ka Teela (both in Haryana) and submitted report which has been published at the instance of Vice-Chancellor, Kurukshetra University; examined bones excavated from Sarai Nagar Rai, gave report which was published in book "Beginning of Agriculture"-Allahabad-1980 at the instance of Prof. G.R. Sharma (Late), Allahabad University. He is author of several research articles on various topics of archaeology published in international and national journals and is one of the expert of Indian Council of Historical Research, New Delhi to evaluate various projects for grant of fellowships to scholars; delivered lectures and imparted field training on exploration and excavation techniques to the students of Institute of Archaeology, Government of India. He visited excavation site on 6th - 7th August 2003, examined the

excavated structures, layers and deposits, and also examined the report of ASI as well as the photographs and other connected record. He deposed that the ASI has conducted its work strictly in accordance with well known principles and in para 15 of the affidavit said:

“15. That the report submitted by Archaeological Survey of India is in conformity with the archaeological principles and norms and is a most scientific report of the excavation of the disputed site at Ayodhya and is based on well-established and internationally accepted norms of archaeological excavations. From the perusal of the report, it is clear that the layers are well stratified and the periodisation has been done in a proper way and the finds have also been recorded and interpreted strictly in accordance with the settled archaeological norms.”

555. The rest of the averments contained in his affidavit in examination-in-chief, we find appropriate to refer at the stage while dealing with ASI report later on alongwith statement in cross-examination.

556. **OPW 19, Sri Rakesh Datta Trivedi**, aged about 71 years (as per his affidavit dated 03.10.2006), resident of Sector 8, Rohini, Delhi, retired Director, ASI, New Delhi, has deposed as an expert witness (Archaeology) to support ASI report. His cross examination followed as under :

(a)03/04/06/09/10/11/12/13/16-10-2006- by Mohd. Hashim, defendant no. 5 (Suit-5) through Sri M.A. Siddiqui, Advocate (p. 9-106)

(b) 17/18/19-10-2006, 15/16/18/20/21/22/23/24/-11-2006, 04/05-12-2006-by Sunni Central Waqf Board, defendant no. 4 through Sri Zafaryab Jilani, Advocate (p. 106-241)

(c) 05-12-2006- defendant no. 26 through Sri Syed Irfan Ahmad, Advocate and defendants no. 6/1 and 6/2 (Suit-3) through Sri Syed Irfan and Sri Fazle Alam, Advocate adopted the cross examination already done by defendants no. 4 and 5. (341-342)

557. He did M.A. (Ancient Indian History and Archaeology) in 1958 from Lucknow University, Lucknow, joined National Museum, New Delhi as Museum Lecturer and worked in the said museum between 1962 to 1974. During this period he got specialised training in Museology in France under the French Government Scholarship scheme in 1967-1969, also visited museums at United Kingdom, Czechoslovakia and West Germany for specialised studies. He joined ASI, New Delhi, in 1974 and retired as Director, ASI New Delhi in June 1993. During this period he visited archaeological sites, museums and monuments in Japan under the cultural exchange programme of Government of India; worked as Head of the Temple Survey Project of North India from 1977-1984 and was engaged in research, interpretation of Indian Art, Temple Architecture and its Sculptures connected with Ancient Temples; and is author of “Temples of the Pratihara Period in Central India” published by ASI in series of Architectural Survey of Temples and another book titled as “Iconography of Parvati” published by Agam Kala Prakashan, New Delhi which deals with Parvati as the consort Siva; wrote several articles and research papers of Indian art and culture and therefore his services were connected with the study and research of temple archaeology and iconography. He said to have studied both the volumes of the report submitted by the ASI and in this regard stated as under from paras 9 to 17 of the affidavit:

“9. That the deponent during his service was connected with the study and research of temple architecture and Iconography.”

“10. That the structural and architectural remains found in excavation at the disputed site proves the existence of remains of massive structure underneath. The existence of massive walls coupled with other structures and pillar bases further indicate the existence of an extensive pillared Mandapa-like structure which is found in temples of northern India.”

“11. That the existence of 50 pillar bases exposed (some of them fully, other partially and a few of them traced in section) also indicate the existence of the Mandapa. The pillared structure which was below the surface of the disputed structure was standing on the much bigger area on lateral sides and front side facing east, further proves the existence of a big Mandapa.”

“12. That in the Southern side of the disputed structure, the remains of a circular shrine, which dates back earlier to the pillared structure facing east, has a Vari-marga (Pranala) on the northern side to serve as an outlet for water which is usually found in the temples. To the east of it are situated the remains of water tank (Pushkarini) encountered under the Rama Chabutara. It may be mentioned here that Pushkarini is associated with Hindu temples.”

“13. That the Architectural and Sculptural remains like Makar pranala (Crocodile faced Chute) terminating in foliage pattern, architectural pieces carved with Patra-Lata or kalpa-valli motif, pillar bases encased by

orthostats and bhadra-ka-type pillar base, lower part of an octagonal pillar carved with foliage pattern, architectural piece carved with alternating padma and ratna (lotus and diamond) motifs reused in the lower portion of brick wall definitely belong to some earlier temple structure.”

“14. That the architectural pieces carved with diamond (ratna) pattern and ceiling slab carved with lotus relief, pieces of broken amalaka, ghatapallava pillars, fragmentary foliage and floral carvings, Shrivatsa mark carved on stone in low relief, carved bricks with Ardha ratna and rope design; all these are indicative of a temple repertoire.”

*“15. That the book written by Percy Brown titled as “Indian Architecture” (Buddhist and Hindu) published by D.B. Taraporewalla Sons and Company Private Limited, Bombay, deals with architectural and pillar remains of Hindu temples reused in mosques. **Annexure No.1** of this affidavit is true photocopy of the original book plate number XCVI showing re-erected pillars of Qutub Mosque which establishes that temple remains were adapted in mosque.”*

*“16. That **Annexure No. 2** of this affidavit is true photocopy of the original book plate number VI figure 1 and 2 of the same book relating to Islamic period also establishes reuse of temple remains and pillars in Islamic structure.”*

*“17. That **Annexure No. 3** of this affidavit is true photocopy of the original book “Indian Archaeology 1998-99 a Review” plate number 91 and **Annexure No. 4** of this affidavit is true photocopy of the original book Hindu*

Iconography (Based on Anthological Verses, Literature, Art and Epigraphs) by S.P. Tewari published by Agam Kala Prakashan, New Delhi, plate 10 and 12 which show the photo of Uma Mahesvara which indicate similarity to the badly damaged sculpture of Divine Couple.”

558. DW 6/1-1, Hazi Mahboob Ahmad, aged about 67 years (vide his affidavit dated 29.08.2005). His cross examination followed as under :

Part-I:(a) 29/30/31.08.2005, 01.09.2005- by plaintiffs (Suit-3) through Sri R.L. Verma, Advocate and Sri Tarunjeet Verma, Advcoate (p. 10-48)

(b) 01/02.09.2005- by Ramesh Chandra Tripathi, defendant no. 17 through Sri Vireshwar Dwivedi, Advocate (p. 48-64)

(c) 02/05/06.09.2005- by defendant no. 20 (Suit-4) through Km. Ranjana Agnihotri, Advocate (p. 64-90)

(d) 06.09.2005- by Mahant Suresh Das, defendnat no. 2/1 (Suit-4), through Sri Madan Mohan Pandey, Advocate (p. 90-101)

Part-II :(e) 07/08/09/12.09.2005- by defendant no. 13/1 through Sri Rakesh Pandey, Advocate (p. 102-154)

(f) 12.09.2005, 19/20/21.10.2005, 24/25.11.2005- by plaintiffs (Suit-5) through Sri Ved Prakash, Advocate (p. 155-207)

559. He has given his statement criticizing ASI report, and making allegations against certain authorities of the then Government of India also. He himself is defendant no. 6/1 in Suit-3 and had already submitted his objection dated 08.10.2003 and supplementary objection dated 03.11.2003, and, in support thereof filed affidavit dated 29.08.2005, criticizing ASI report as

a whole. We propose to refer the same later while dealing with the objections against ASI report.

560. **DW6/1-2, Mohd. Abid**, aged about 49 years, (in 2005) working as Senior Technical Assistant in the Archaeology Section of the Department of History, A.M.U., Aligarh, resident of Shivli Road, A.M.U., Aligarh, filed affidavit dated 12.09.2005 claiming himself to be an expert (Archaeology) and has deposed against ASI report. His cross examination followed as under :

- (a) 12/13.09.2005- by plaintiffs (Suit-3) through Sri R.L. Verma, Advocate (10-26)
- (b) 14.09.2005- by Mahant Suresh Das, defendant no. 2/1 (Suit-4), through Sri Madan Mohan Pandey, Advocate (p. 27-42)
- (c) 15.09.2005- by Ramesh Chandra Tripathi, defendant no. 17 (Suit-4) through Sri Vireshwar Dwivedi, Advocate (p. 43-53)
- (d) 15/16.09.2005- by defendant no. 20 (Suit-4), Akhil Bhartiya Sri Ramjanam Bhumi Punruddhar Samiti, through Km. Ranjana Agnihotri (p. 53-66)
- (e) 19/22/23/24/26/28.09.2005-by defendant no. 13/1 through Sri Rakesh Pandey, Advocate (p. 67-144)
- (f) 28/29.09.2005- by plaintiffs (Suit-5) through Sri Ajay Pandey, Advocate (p. 144-159)
- (g) 29.09.2005- Rajendra Singh, plaintiff (Suit-1) through Sri P.L. Mishra, Advocate adopted the cross examination already done by defendant no. 13/1 Dharm Das through Sri Rakesh Pandey, Advocate and plaintiffs (Suit-5) through Sri Ajay Kumar Pandey, Advocate (p. 159-160)

561. He did M.A. in Ancient Indian History from Agra

University, Agra and Diploma in Civil Engineering from A.M.U. He joined as Technical Assistant (Draftsman) in 1979 in the Archaeological Section of History Department of A.M.U. whereat the said post was later on upgraded as Senior Technical Assistant. He claims to have worked in several excavations, detailed by him in para 3 of the affidavit, as under:

“यह कि शपथी ने अलीगढ़ मुस्लिम विश्वविद्यालय के इतिहास विभाग के अन्तर्गत पुरातत्व अनुभाग के अपने कार्यकाल में पुरातात्विक उत्खनन की कुछ महत्वपूर्ण परियोजनाओं की उत्खनन प्रक्रिया में सक्रिय भागीदारी की है। शपथी ने प्रो० आर०सी०गौड़ के अधीन ‘अतरंजी खेड़ा’ (जिला एटा), ‘फतेहपुर सीकरी नेशनल प्रोजेक्ट आफ एक्सकेवेशन’, आगरा, लाल किला, सिद्धपुर तथा दोलतपुर (जिला बुलन्दशहर) में एवम् प्रो० एम०डी०एन० साही के अधीन ‘जखेड़ा’ (जिला बुलन्दशहर) में एवम् डा० माखन लाल के अधीन ‘राधन’ (जिला कानपुर) में भी उत्खनन कार्य में सक्रिय भागीदारी की है। इन पुरातात्विक उत्खननों में मैंने स्वयं खुदाई करने के साथ-साथ इन स्थलों पर उत्खनन की सभी अवस्थाओं (Stages) की सेक्शन ड्राइंग बनाने से लेकर उत्खनन में प्राप्त होने वाली महत्वपूर्ण पुरावस्तुओं को निकालना, उन्हें चिन्हित कर सूचीबद्ध करना, उनके प्राप्ति स्थान (Locus) को निश्चित करना, एवम् पुरास्थल पर खुदाई से प्राप्त पुरातात्विक परतों (Layers)के विभिन्न कालों के स्तरीकरण (Stratification) करना एवम् उनका काल निर्धारण आदि उत्खनन की विभिन्न प्रक्रियाओं से पूरी तरह जुड़े रहकर कार्य किया है। इस कारण वह पुरातात्विक उत्खनन के मानक, तकनीक तथा उसकी वैज्ञानिक व व्यवहारिक पद्धति व प्रक्रिया से अच्छी तरह से परिचित है।

उपरोक्त खुदाइयों से सम्बन्धित उल्लेख *Indian Archaeology-A Review* की 1979-80 (प्रष्ठ 71, 75) 1980-81 (पृष्ठ 66), 1981-82 (प्रष्ठ 65), 1982-83 (प्रष्ठ 89), 1983-84 (प्रष्ठ 81), 1984-85 (प्रष्ठ 80, 86), 1985-86 (प्रष्ठ 74, 78) तथा 1986-87 (प्रष्ठ 73) आदि की रिपोर्ट में मिलता है। इन खुदाइयों के अतिरिक्त शपथी ने *Prof. R.C.Gaur* तथा *Sri Makkhan Lal* आदि के साथ पुरातात्विक स्थलों के *Exploration* तथा सर्वे का कार्य भी किया है। मेरे इस प्रकार के

कार्यों के उल्लेख *Indian Archaeology 1978-79 -A Review* के प्रष्ठ 21 तथा *Indian Archaeology 1986-87--A Review* के प्रष्ठ 80 पर मिलते हैं।”

“That I, the deponent, have made an active participation in the excavation proceedings of some important projects of archaeological excavation during my stint in the archaeological section under the history department of Aligarh Muslim University. I, the deponent, have made an active participation in the excavations at 'Atranji Kheda' (District Etah), 'Fatehpur Sikri National Project of Excavation', Agra, the Red Fort, Siddhpur and Dolatpur (District Bulandshahar) under Professor R. C. Gaur and at Jakheda (District Bulandshahar) under Prof. M.D.N.Shahi and at Radhan (District Kanpur) under Dr. Makhana Lal. Besides personally doing the digging, I have worked at these archaeological excavations by completely associating myself with various excavation proceedings ranging from making section drawing of all stages of excavation at these places to taking out important archaeological antiquities, marking and listing them, determining their locus of discovery, making period-wise stratification of archaeological layers discovered through excavation at the archaeological sites and carrying out their periodization, etc. For this reason, I am well acquainted with the norms and method of archaeological excavation and with its scientific and practical method and process. The aforesaid excavations find mention in *Indian Archaeology – A Review* on pages 71 and 75 of its 1979-80 issue, on page 66 of its 1980-81 issue, on page 65 of the 1981-82 issue, on page 89 of the 1982-83 issue, on page

81 of the 1983-84 issue, on pages 80 and 86 of the 1984-85 issue, on pages 74 and 78 of the 1985-86 issue and on page 73 of 1986-87 issue. Besides these excavations, I, the deponent, have also carried out exploration and survey of archaeological sites with Prof R. C. Gaur, Sri Makhan Lal and others. This type of works of mine find mention on page 21 of Indian Archaeology- A Review, 1978-79 issue and on page 80 of on its 1986-87 issue.” (E.T.C.)

562. DW 6/1-2 remained present during the course of excavation conducted by ASI at the disputed site for 83 days, i.e., from 12.03.2003 to 22.03.2003, 26.03.2003 to 15.04.2003, 05.05.2003 to 06.06.2003 and 16.06. 2003 to 03.07.2003 under the instructions of Muslim parties as their nominee, and witnessed various proceedings of excavation at different level. Regarding his observations during the course of excavation etc. he has given his statement in paras 5 and 6 which we propose to refer in detail while dealing with ASI report later.

563. DW20/5, Jayanti Prasad Srivastava, aged about 74 years, (vide his affidavit dated 15.01.2007), is resident of Bharat Apartment Shalimar Garden Ex-2, Sahibabad, District Ghaziabad. His cross examination followed as under :

Part-I:

(a/1)15/16/17/18/19/31.01.2007,01/02//05/06/07/08/09/12/13/ 14.02.2007 - by Mohd Hashim plaintiff no. 7 (Suit-4) through Sri Mustaq Ahmad Siddiqui, Advocate (p. 9-189)

Part-II :(a/2) 15/19.02.2007- by Mohd Hashim plaintiff no. 7 (Suit-4) through Sri Mustaq Ahmad Siddiqui, Advocate (p. 190-209)

(b)19/20/21/22/23.02.2007,
12/13/14/15/16/19/20/21/22/23.03.2007- by plaintiffs no.

1, 6/1 and 6/2 Sunni Central Board of Waqf, Jiyauddin and Maulana Mahafujurrhman through Sri Zafaryab Jilani, Advocate (p. 209-376)

(c) 23.03.2007- Sri Syed Irfan Ahmad, Advocate for defendant no. 26 (Suit-5) adopted the cross examination of already made on behalf of plaintiffs (Suit-4) through Sri M.A. Siddiqui and Z. Jilani Advocates (p. 376)

(d) 23.03.2007- Sri Irfan Ahmad and Sri Fazle Alam, Advocates for defendants no. 6/1 and 6/2 (Suit-3) adopted the cross examination already done on behalf of plaintiffs (Suit-4) through Sri M.A. Siddiqui and Z Jilani, Advocates. (p. 376)

564. DW 20/5 is a retired Superintending Archaeologist, ASI, New Delhi. He deposed his statement to support findings of ASI report. He claims to be an Expert witness (Archaeology). He did M.A.(History) with specialization in Ancient Indian History and Culture from Lucknow University, Lucknow in 1955, passed Vidya Vachaspati Examination with a Combined Degree Course in Comparative Religion and Vedic Philosophy, Hindi and Ancient Indian Social Studies during the year 1960-61 from Arya Sahitya Mandal Ltd., Ajmer, Rajasthan; worked as a temporary Lecturer (History) in Sri Gandhi Vidyalaya, Sidhauri, District Sitapur; Technical Assistant in ASI, Excavation Branch, Nagpur (Maharashtra) from 15.05.1964 to December, 1971 for excavations in different parts of the country and in 1972 for excavation at Purana Qila, New Delhi; between 1964 to 1968 he was a Research Scholar at Vikram University, Ujjain (MP) under the guidance of Prof. M.N. Kaul, Former Head of History Department, Victoria College, Gwalior; worked on the History of Gwalior Region during the early medieval period from Circa

800 A.D. to 1300 A.D; joined ASI as an Exploration Assistant in the Central Circle, Bhopal in 1957 and explored an ancient mound at Ashta in the District Sehore (MP); attended excavation site at Ujjain in 1957-58 conducted by ASI; attended excavation site in District Sagar (MP) in 1960-61 and 1961-62 which work was undertaken by the Department of Ancient Indian History and Archaeology, Sagar University. He explored sites in district Hoshangabad (MP) in 1960-61 in Tawa Narmada River Valley; a site in Daddakadatur near Mysore in District Kolar in Karnataka in 1966-67; another site in District Karnoor (Andhra Pradesh) in 1967-68. Earlier while he was working as temporary lecturer at Sidhuli, he explored an ancient mound known as Maniva Kot in District Sitapur (UP) which was subsequently excavated by the Department of Archaeology and Museum, Government of U.P., Lucknow to establish its antiquity going up to sixth century BC. He also explored mounds and brick temples of Garhwal period in Village Nasirabad, Tehsil Misrikh, District Sitapur (U.P.) and visited a site at Village Unchgaon, Tehsil Sadhuli, District Sitapur in the year 1956-57 which was excavated by the Directorate of Archaeology & Museum, U.P. Government, Lucknow exposing the basement of massive Shiv Temple of Pratihara period of early Medieval Indian History. He joined as Deputy Superintending, Archaeologist (Sea Customs) ASI, Government of India, New Custom House Bombay, as an Art and Antiquity Expert for assisting the Customs Authorities in identifying the objects and antiquities which are prohibited for export purposes; posted as Deputy Superintending (Archaeologist), Northern Circle, Agra to assist and to carry out the administration and conservation of National Protected Monuments from July 1976

to May 1978; promoted as Superintending Archaeologist (Publication) in the office of Director General, ASI and was also posted as Superintending Archaeological (Special) for Delhi Group of Circles from July 1984 to May 1987 for demarcation of area around the National Protective Monuments. From 20th November, 1987 to 31st July 1991 he remain posted as Superintending Archaeologist, Excavation Branch to conduct excavation and exploration in the State of Punjab, Haryana, U.P. and M.P. and retired on 31.07.1991. In brief he claims to have excavated the following sites:

1. Adamgarh (Hoshangabad) MP 1960-61
(A Palaeolithic and Microlithic site)
2. Basenagar Vidisha (M.P.) 1963-64
(A Chalcolithic and early historic site)
3. Kalibangan (Sri Ganganagar) Rajasthan 1964-65
(A Pre Harappan and Harappan site)
4. Kalibangan (Sri Ganganagar) Rajasthan 1965-66
(A Pre Harappan and Harappan site)
5. Paiyampali (North Arcot) Tamil Nadu 1966-67
(A Neolithic and Megalithic site)
6. Singanpalli (Karnool) Andhra Pradesh 1967-68
(A Neolithic and Chalcolithic site)
7. Kalibangan (Sri Ganganagar) Rajasthan 1968-69
(A Pre Harappan and Harappan site)
8. Pauni (Bhandara Maharashtra) 1969
(An Early Buddhist Stupa site)
9. Pauni (Bhandara) Maharashtra 1969-70
(An Early Buddhist Stupa site)
10. Malwa (Surat) Gujarath 1970
(A Post Harappan and Chalcolithic Port Site)

11. Surkotada Bhuj (Kutch) Gujrat 1970-71
(A Harappan site)
12. Purana Qila (New Delhi) 1971-72
(A Proto Historic site)
13. Mathura (U.P.) 1973-74
(A Proto Historic Site)
14. Fatehpur Seekri (Agra, U.P.) 1976-77
(A National Project of Mediaeval Archaeology)
15. Fatehpur Seekri (Agra, U.P.) 1981-82
(A National Project of Mediaeval Archaeology)
16. Thaneshwar (Kurukshetra, Haryana) 1987-88
(An early historic site)
17. Sanghol (Ludhiana, Punjab) 1987-88
(A Late Harappan site)
18. Sanghol (Ludhiana, Punjab), 1988-89
(A Late Harappan site)
19. Sanghol (Ludhiana, Punjab) 1989-90
(A Late Harappan Site)
20. Directed explorations in districts Ludhiana, Ropar and Patiala during 1988-89.

565. DW 20/5's reports in regard to the independent exploration results published in the "Indian Archaeology-A Review" from 1957 to 1964, are:

1. Indian Archaeology-a-Review-1957-58; page:67 and Item: 20
2. I.A.R.-1958-59; Page-26, Item : 22
3. I.A.R.-1959-60; Page-69, Item : 15 and 16
4. I.A.R.-1960-61; Page-59, Item : 26
5. I.A.R.-1961-62; Page-98, Item : 21 and 22
6. I.A.R.-1962-63; Page-68, Item : 20 and 30
7. I.A.R.-1963-64; Page-87, Item : 13 and 14

566. Regarding exploration in District Hoshangabad (M.P.) the publication is in I.A.R. 1960-61, Item 31, and regarding Kolar, District Mysore and Karnool, the reference is I.A.R. 1967-68, page 3 Item 6.

567. DW 20/5 claim to remain present at the site of excavation for a period of five months i.e. from March 2003 to August, 2003 and in this regard from para 22 to 28 states as under:

“22. That the excavation at disputed site was carried out by the Archaeological Survey of India from 12th March 2003 to 7th August 2003.”

“23. That the deponent spent five months i.e. March 2003 to August 2003 at the excavation site at Ayodhya and observed the entire excavation.”

“24. That the excavation at disputed site at Ayodhya was carried out with limited but defined objects.”

“25. That during excavation, the Archaeological Survey of India adopted the latest techniques of layout of trenches where limited space was available.”

“26. That the excavation work was planned in phased manner in particular areas as per significant signals pointed out by the Ground Penetrating Radar Survey.”

“27. That the Archaeological documentation including drawing and photography of the structural remains, pottery and antiquities were done in very organized manner as per the norms of Archaeology.”

“28. That in order to maintain transparency all the excavated materials including antiquities, object of interest, glazed pottery, tiles and bones which were recovered from the trenches, were sealed in the presence of

Advocates, Parties or their nominees and kept on the same day of their recovery in the Strong Room provided by the authorized person.”

568. Regarding individual aspects of the matter referred to in the ASI report, his statement is in paras 29 to 33 and we propose to deal with it later alongwith ASI report but his assertion contained in para 34 of the affidavit may be reproduced as under:

“34. That there was a Temple Structure beneath the disputed Structure.”

E. Characteristics of Mosque

569. **PW 10, Mohd. Idris**, claims to be an expert in Muslim religious matters. His deposition is as under :

28.02.1997-**Examination-in-chief** (p. 1-5)

Cross examination: (a) 28.02.1997, 03/04.03.1997- by Nirmohi Akhara through Sri R.L. Verma, Advocate (p. 5-41)

(b) 04/05.03.1997-by Dharamdas through Sri Ved Prakash, Advocate (p. 41-58)

(c) 05/06.03.1997, 09/29.04.1997-by Sri Umesh Chandra Pandey through Sri Vireshwar Dwivedi, Advocate (p. 58-95), adopted by Hindu Mahasabha and Sri Ramesh Chandra Tripathi through Sri Hari Shankar Jain, Advocate (p. 99) and Sri Rajendra Singh, son of Sri Gopal Singh Visharad through Sri P.L. Mishra, Advocate (p. 99)

(d) 29.04.1997-by Sri Paramhans Ramchandra Das through Sri Madan Mohan Pandey, Advocate (p. 95-99)

(e) 29/30.04.1997-by Sri Deoki Nandan Agarwal, plaintiff (Suit-5) (p. 100-115)

570. He is aged about 52 years (in February, 1997 when his

statement-in-chief commenced on 28.02.1997) is resident of Qusba Mehrawal, District Basti. By profession he is a Teacher at Madarsa Darul Uloom Ahle Sunnat Faizul Islam which is at Mehrawal, District Basti. About his qualification and other expertise in the religious matters he said:

“मैं फाजिले दरसे निजामियां और फाजिले दरसे आलिया हूँ। मैंने कई मदरसों से तालीम हासिल की है। मुझे फाजिलेदरसे निजामिया की सनद जामियां हमीदिया रिजविया मदनपुरा बनारस से मिली थी और फाजिले दरसे आलिया की सनद अरबी एण्ड पर्शियन बोर्ड, इलाहाबाद से मिली है। फाजिल से पहले आलिम होता है। आलिम की सनद भी मुझे इन दोनों जगह से मिली है। मेरी तालीम 1962 में मुकम्मल हो गयी थी। उसके बाद मैं पढ़ाने लगा। मैं मेहरावल में ही पढ़ाता हूँ। मेरे मदरसे का नाम दारुलउलूम अहलेसुन्नत फेजुल इस्लाम है। मैं वहां पर 1963 से पढ़ा रहा हूँ। मैं जो मौजे पढ़ाता हूँ वह हैं फिकहा, हदीस, तफ्सीर, वगैरह हैं आजकल मैं सदर मददरिस/प्रिंसिपल/हूँ। मैंने कुरान शरीफ और उसके तफ्सीर को पढ़ा है और पढ़ाया भी है हदीस को भी मैंने पढ़ा है और पढ़ाया भी है।

कुरान शरीफ की जो खास-खास तफ्सीरे मैंने पढ़ी हैं वह हैं— तफ्सीर जलालैन, मदारेकुत्तनजील, तफ्सीर वैजावी, तफ्सीराते अहमदिया, तफ्सीरेकबीर, तफ्सीरे कश्शाफ वगैरह।

हदीस के खास-खास मजुएं भी मैंने पढ़े हैं। जैसे कि बुखासी शरीफ, मुसलिम शरीफ, तिरमिजी शरीफ, अबूदाउद, इब्नेमाजा वगैरह।

फिक्ह की अहम किताबों में—हिदाया, शरैवकाया, मुनियतुलमुसल्ली, फतावाहिन्दिया, फतहुलकदीर, दुर्मुख्तार, रद्दुलमुहतार, वगैरह। फतावाहिन्दिया और फतावाआलमगिरा एक ही किताब के अलग-अलग नाम हैं।”

“I am 'Fazil-e-darse Nizamian' and 'Fazil-e-darse Aalia'. I have got education from many schools. I obtained my 'Fazil-e-darse Nizamian' certificate from Jamian Hamidia Rizvia, Madanpura, Benares and 'Fazil-e-darse Aalia' certificate from Arabic and Persian Board, Allahabad. Aalim precedes Fazile. I have got the Aalim

certificate, too, from these two places. I completed my schooling in 1962. After that I began to teach. I teach at Mehrawal itself. The name of my school is Darul-uloom Ahlesunnat Fezul Islam. I have been teaching there since 1963. Subjects which I teach include fiqah, Hadis(tradition/narrative about sayings of Prophet Muhammad), Tafsir(explanation of the Quran), etc. Now a days I am head/principal of the school. I have read the holy Quran and its explanation and also taught them. I have read Hadis and also taught it.

Particular explanations which I have read on the holy Quran , are; Tafsir Jalalain, Madar-e-quttanzeel, Tafsir Vaizavi, Tafsira-raate Ahmadiya, Tafsir-e-kabir, Tafsir-e-kashshaaf, etc.

On Hadis I have also read particular mazus, such as Bukhaasi Sharif, Muslim Sharif, Tirmizi Sharif, Abu Dawood, Ibn-e-maaza, etc.

Important books on fiqah include Hidayah, Sharaivakay, Muniyatulmusalli, Fatawahindiya, Fathulkadir, Durremukhtaar, Raddulmuhtaar, etc.. Fatawahindiya and Fatawa-aalamgira are different names of the same book.” (E.T.C.)

571. PW 10 deposed further about the characteristic of a mosque etc. and said:

“कुरान शरीफ में तर्जें तामीर मस्जिद की बाबत कोई हुक्म नहीं है। यानी कि मस्जिद बनाने वाला आजाद है वह उसे किसी भी तरह से बना सकता है। मस्जिद में किसी गुम्बद या मीनार का होना जरूरी नहीं हैं हदीश में एक हुक्म यह है कि मस्जिदों में मीनार न बनाई जाये। मस्जिद में कुएं का होना या वजू का इन्तजाम होना भी जरूरी नहीं है। हदीश शरीफ में घर से वजू करके मस्जिद जाने की तरजीह दी गयी है। ऐसे शख्स को घर से चलने पर हर कदम पर दस दस नेकियां मिलती

हैं। सब खतायें माफ हो जाती हैं। तामीर करने वाला चाहे शिया हो चाहे दूसरी जमात से ताल्लुक रखता हो उससे वह मस्जिद सिर्फ एक ही जमात तक सीमित नहीं रह जायेगी बल्कि वह एक आम मस्जिद कहलायेगी। जिस मस्जिद में इमाम सुन्नी हो और नमाजियों की ज्यादा तादाद भी सुन्नियों की हो उसका मुतवल्ली शिया मुसलमान भी हो सकता है। अगर मस्जिद किसी ऐसी जगह बन जाये जिसके चारो तरफ कब्रिस्तान हो तो भी वह नजायज नहीं कहलायेगी। अगर मस्जिद में जाने के रास्ते में हिन्दुओं के मंदिर आते हों तो मस्जिद पहुँचने की कोई मनाही या बुराई नहीं है। ऐसी मस्जिद में नमाज पढ़ी जा सकती है ऐसी जगह पर मस्जिद बनाना भी जायज है अगर मस्जिद ऐसी जगह तामीर हो जाये जो गैर मुस्लिम मजहब वालों का अपना मुकद्दस मुकाम रहा हो तो मस्जिद के अपने रूतबा और पकीजगी में कोई फर्क नहीं आयेगा। अगर मस्जिद ऐसी जगह बन जाये जहाँ पहले मंदिर था और बाद में सिर्फ जमीन थी तो उस जमीन पर बनी हुई मस्जिद जायज रहेगी। अगर मस्जिद की इमारत शिकस्ता हो जाये, गिर जाये या शहीद हो जाये तो भी मस्जिद की जमीन की अहमियत और रूतबे में फर्क नहीं आयेगा क्योंकि वह खुद एक मस्जिद है। उस जमीन पर नमाज पढ़ी जा सकती है उस जमीन का इस्तेमाल किसी और मकसद के लिए हो सकता। अगर मस्जिद की दीवारों पर या खम्भों पर किसी जानदार चीज की तस्वीरें या मूर्तियाँ बनी हुई हों तो वहाँ चन्द सूरतों में की गयी नमाज मकरूह हो जायेगी। यानी उसके सबाब में कुछ कमी हो जायेगी लेकिन नमाज जायज रहेगी और चन्द सूरतों में कुछ कमी हो जायेगी लेकिन नमाज रहेगी और चन्द सूरतों में वह मकरूह भी नहीं होती उसका सबाब पूरा रहता है। अगर तस्वीर सामने हो, सजदेकी जगह पर हो तो नमाज मकरूह हो जायेगी। अगर तस्वीर सामने भी हो और नमाज पढ़ने वाले को उसका ऐहसास न हो या इलम न हो तो नमाज में कोई कमी नहीं आयेगी। अगर तस्वीर इतनी छोटी हो कि उस पर गौर न किया जा सके तो नमाज में कोई फर्क नहीं पड़ेगा। अगर मस्जिद के किसी हिस्से में मूर्तियाँ रखी हुई हो तो भी नमाज जायज रहेगी लेकिन उस मूर्ति को निकालने की भरपूर कोशिश करना जरूरी है

फिर भी मस्जिद वो बकरार रहेगी उस पर कोई फर्क नहीं पड़ेगा। उस मूर्ति के वहाँ रखे रहने पर भी वह तमाम जगह मस्जिद ही कहलायेगी किसी चीज के आने जाने पर मस्जिद की नवैय्यत पर फर्क नहीं पड़ेगा। अगर मस्जिद के किसी हिस्से में दूसरे किसी मजहब के लोगों ने अपने गैर मुस्लिम यकीदे के मुताबिक पूजा पाठ शुरू कर दी हो या वहाँ वो दर्शन के लिए आते हों तो भी मस्जिद की अपनी पकीजगी में फर्क नहीं आयेगा वो मस्जिद ही रहेगी।

कब्रिस्तान इस्लामिक मजहब के मुताबिक एक जगह से दूसरी जगह मुन्तकिल नहीं हो सकती। एक कब्र जहाँ बन गयी उसको उस उस जगह से कहीं मुन्तकिल नहीं किया जा सकता। मस्जिद को भी अपनी जगह से कहीं मुन्तकिल नहीं किया जा सकता। कब्रिस्तान से अगर कब्रों के निशानात भी मिट जायें तो भी वह कब्रिस्तान बकरार रहेगा। अगर कब्रों के निशानात मिटा दिये जायें और कब्रों को खोद दिया जाये तो भी वह कब्रिस्तान रहेगा।

हिन्दुस्तान के मुगल सल्तनत की तारीख भी मैंने पढ़ी है। तारीख में मुझे ऐसा कोई जिक्र नहीं मिला कि बाबर ने अयोध्या में कोई मंदिर तोड़कर मस्जिद बनायी हों बाबर के दौर में हिन्दुस्तान में किसी और जगह भी कोई मंदिर तोड़कर मस्जिद नहीं बनायी गयी।

औरंगजेब के जमाने में भी ऐसा किसी वाक्ये का जिक्र मैंने तारीख में नहीं पढ़ा। फतावेह आलमगिरी की बहुत से उलेमाओं ने एकठठा होकर तरबीब दी थी।”

*“The holy Quran gives no command as to construction of a mosque. That is to say, the builder of a mosque is free to build it any way he likes. It is not necessary for a mosque to have any dome or minaret. **Hadis contains a command that mosques should not have minarets.** It is also not necessary for a mosque to have a well or an arrangement for vaju (cleaning of hands and feet). Hadis Sharif lays emphasis on going to mosque after doing 'vaju' at home. Such a person gets blessings at every ten paces after leaving home. All his sins get*

*pardoned. The builder may be a Shia or of any other community; that will not limit the mosque to only one community. Rather, it will be called a public mosque. A mosque having Sunni as Imam and with Sunnis forming the majority of namazists, may have even a Shia Muslim as Mutvalli. **If a mosque is constructed at a place surrounded by graveyard even then it will not be called unholy.** If there are Hindu temples on the way to a mosque, there is no restriction or evil in reaching the mosque. Namaz can be offered at such a mosque. It is also legitimate to build a mosque. **If a mosque is built at a place which has been a holy place for non-Muslims, it will not affect the standing and sanctity of the mosque.** **If a mosque is built at a place which earlier had a temple and was subsequently just a piece of land, the mosque built on such a place will be legitimate.** If the building of the mosque gets damaged, demolished or martyred even then the land of the mosque will not lose its importance and standing because it is in itself a mosque. Namaz can be offered at this place. It can be used for any other purpose. **If the walls or pillars of a mosque have pictures or idols of animate things carved on them, the namaz offered there will be 'maqrub' in some situations. That is to say, it will be somewhat deficient in its rewards but it will be legitimate, and in certain situations it will have somewhat less force but it will be a namaz. In some situations, it is not 'maqrub' but it is fully rewarding. If the picture is right in front and at a holy place and namazist has no impression or idea about it even then the namaz will have no deficiency.** If the picture is so*

*small that it cannot be seen, it will have no impact on namaz. If 'murtis' (idols) are kept in any portion of the mosque even then namaz will be legitimate. But all out efforts are necessary to be made for taking them out. However, the mosque will continue to be such and it will not have any impact on its character. Even if idols remain to be placed there, such place in its major portion will be called mosque only. The character of the mosque will not be affected by to and fro movement of things. **If people of any other faith have started performing pooja-paath (worship and prayer) as per non-Muslim rites in any portion of the mosque, or they go to have darshan there, it will not affect the sanctity of the mosque and it will remain a mosque.***

As per Islamic faith, a grave yard cannot be shifted from one place to another. Once a graveyard is erected, it cannot be moved elsewhere. A mosque cannot be shifted from its locus to anywhere else. Even if traces of graves are obliterated from the graveyard, it will remain to be a graveyard. If signs of graves are wiped out and the graves are dug up even then it will remain to be a graveyard.

*I have also read the history of Mughal Sultanate of Hindustan. **In the history I have found no mention of Babur having demolished any temple to build a mosque. During the reign of Babur, mosque was not built by demolishing any temple at any other place also.***

*In the history, I have not read about any such **incident** even in reference to the reign of Aurangzeb. Many Ulemas of Fataweh Aalamgiri had assembled and given 'tarbeeb'." (E.T.C.)*

572. PW 11, Mohd. Burhanuddin, is aged about 60 years (on 16th September, 1997) and resident of Sambhal, District Moradabad. His cross examination followed as under :

(a) 16/17.09.1997- by Nirmohi Akhara through Sri R.L. Verma, Advocate(p. 3-23)

(b) 18.09.1997-by Dharamdas through Sri Ved Prakash, Advocate (p. 24-30)

(c) 18/19/30.09.1997, 11.10.1997- by Sri Umesh Chandra Pandey through Sri Vireshwar Dwivedi, Advocate (p. 31-64)

(d) 11.10.1997- by Sri Paramhans Ramchandra Das through Sri Madan Mohan Pandey, Advocate (p. 64-69)

(e) 12.11.1997-by Hindu Mahasabha and Sri Ramesh Chandra Tripathi through Sri Hari Shankar Jain, Advocate (p. 70-73)

(f) 12.11.1997-Cross examination made so far adopted by Sri Rajendra Singh, son of Sri Gopal Singh Visharad through Sri P.L. Mishra, Advocate (p. 73)

(g) 12/13/21.11.1997-by Sri Deoki Nandan Agarwal, plaintiff himself and next friend to other plaintiffs (Suit-5) (p. 73-93)

573. He is a teacher at Darul Uloom Nadvatul Ulema, Lucknow, a Madarsa also known as Nadva. About his educational qualification and expertise in religious matter pertaining to Islam he said:

“मेरी प्रारम्भिक तालीम संभल के दो मदरसों में हुई। संभल जिला मुरादाबाद में है। उसके बाद मैंने अपनी तालीम दारूल उलूम देवबंद से हासिल की। वहाँ से मैंने फाजिल की सनद हासिल की। यह सनद मुझे 1957-58 में मिली थी। उसके बाद देहली में मदरसा आलिया अरबिया-फतेहपुरी में पढ़ाया। आलिम की सनद से फाजिल की सनद बड़ी होती है। बाज मदरसों में आलिम का कोर्स होता है लेकिन उसकी सनद

नहीं दी जाती। देहली के बाद मैं दारूल उलूम नदवतुल उलेमा, लखनऊ 1970 में आया। (इस मदरसा को नदवा के नाम से जाना जाता है।) मैं नदवा में दिसम्बर 1970 से पढ़ा रहा हूँ। मैं खास तौर से हदीस, तफसीर और फिके पढ़ाता हूँ।

कुरान शरीफ पर खास-खास तफसीरे जो मैंने पढ़ी हैं वह हैं— खाजिन कशशाफ, इबबे कसीर, मजहरी, बयानुलकुरान, बैजाबी, मअहारिफ अल कुरान।

हदीस की जो खास खास किताबें पढ़ी है वो हैं बुखारी शरीफ, मुस्लिम शरीफ, तिरमिजी अबूदाउद, नसाई, इब्नेमाजा, मिशकातशरीफ।

जो फिकेह की किताबें पढ़ी हैं उनके नाम हैं— हिदाया, शरहवकाया, कन्जूददकायक, कुदूरी, बदाये, दददुल मुहतार, दुरुल मुख्तार।”

“I had my early schooling in two schools of Sambhal. Sambhal is in Muradabad district. After that I got my schooling from Darool Uloom, Devband. I obtained the Fazil certificate from there. I obtained the certificate in 1957-58. After that I taught at a Delhi-situated school known as Aaliya Arabia-Fatehpuri. The Fazil certificate is superior to the Aalim certificate. Certain schools run the Aalim course but no certificate thereof is awarded. After teaching at Delhi I came to Darul Uloom Nadwatul Ulema, Lucknow in 1970. (This school is known by the name of Nadwa). I have been teaching at Nadwa since December, 1970. I teach Hadis (collection of traditional sayings of Prophet Muhammad), Tafsir (explanation of the Quran) and fiqah in particular.

Particular explanations I have read on the holy Quran, are: Khazin Kashshaaf, Ibabe Kasir, Majhari, Bayanulquran, Baijabi and Ma-aharif Al Quran.

Particular books which I have read on Hadis, are: Bukhari Shari, Muslim Sharif, Tirmizi Abudawood, Nasai, Ibn-e-maza and Mishakat Sharif.

Names of the Fiqah books which I have read, are: Hidayah, Sharahwakaya, Kanjoodadkaayak, Kuduri, Badaye and Dadul Mahtar Durul Mukhtar. ” (E.T.C.)

574. In the matter of characteristic of mosque and other Islamic matters PW 11 said:

“कुरान शरीफ या हदीस में मस्जिद के तर्जें तामीर के बारे कोई खास हिदायत नहीं है। शरियत के निजाम से मस्जिद के लिए किसी खास तरह की इमारत की जरूरत नहीं है। किसी खास शकल की जरूरत नहीं है। सिर्फ उसे किब्ला रूख होना चाहिए। किसी गुम्बद या मीनार का होना मस्जिद के लिए जरूरी नहीं है। मस्जिद में किसी कुएं का होना या वजू का इन्तजाम होना भी जरूरी नहीं है। मस्जिद के चारों तरफ भी कब्रिस्तान हो सकता है मस्जिद के जाने के रास्ते में अगर किसी दूसरे मजहब की कोई इबादतगाह (धार्मिक स्थल) हो, तो भी मस्जिद की नवइत या पाकीजगी पर फर्क नहीं आयेगा। अगर मस्जिद की इमारत शिकस्ता हो जाये तो उसे गिराकर दुबारा बनाया जा सकता है। अगर कोई दूसरे लोग मस्जिद की इमारत को गिरा दें, तो भी वह मस्जिद कायम रहेगी अगर तामीरशुदा मस्जिद को गिरा दिया जाये, तो भी वह जमीन मस्जिद कायम रहेगी। जिस जगह पर एक दफा मस्जिद बना दी जाये, वह हमेशा मस्जिद रहेगी। जिस जगह पर एक दफा मस्जिद बना दी जाये, वह हमेशा मस्जिद रहेगी। अगर किसी मस्जिद की दीवारों पर या खम्बों पर कोई पशु-पक्षी या आदमी या औरतों या देवी-देवताओं की तसवीरे बनी हुई हों तो भी वहां पर नमाज पढ़ी जा सकती है, लेकिन अगर ऐसी अलामात किबले की तरफ वाली दीवार पर हों, तो नमाज हो जायेगी, मगर वह मकरूह हो जायेगी। उसमें त्रुटि आ जायेगी। मकरू से मतलब है कि उसे सबाब में कमी हो जायेगी। अगर मस्जिद के किसी हिस्से में किसी देवी-देवता की मूर्ति रख दी जाये, तो भी मस्जिद कायम रहेगी। अगर मस्जिद के किसी हिस्से में किसी दूसरे मजहब वाले अपनी इबादत शुरू कर दें, तो भी वह मस्जिद रहेगी।

“The holy Quran or Hadis has no specific command about the style of mosque construction. As per the order of Shariyat, there is no requirement of a particular type of building for a mosque. There is no requirement of a

particular shape. It is only required that it should be facing Kibla. It is not necessary for a mosque to have a dome or a minaret. It is also not necessary for a mosque to have a well or arrangement for 'vaju'. There may be a graveyard all around a mosque. Even if there is a worship place of any other faith on the way to a mosque, it will not affect the sanctity of the mosque. If the building of mosque gets dilapidated, it can be demolished and built afresh. Even if a mosque is demolished by other persons, the mosque will continue to be such. If a constructed mosque is demolished even then the land will continue to be a mosque. Any place where a mosque is once constructed, will always be a mosque. If any mosque has pictures of animals or birds or men or women or male and female deities engraved on its walls even then namaz can be offered there. But if such signs/symbols are on the wall facing Kibla, namaz will get offered but it will be 'maqrub'. There will be error in it. By the word 'maqrub' it is meant that it will develop short fall in its efficacy. Even if any idol of male or female deity is placed in any part of the mosque, it will continue to be a mosque. If followers of any other religion begin to perform worship in any part of mosque even then it will be a mosque.” (E.T.C.)

“कब्र को जरूरतन मुन्तकिल किया जा सकता है, लेकिन जगह के मुन्तकिल होने का सवाल ही पैदा नहीं होता।

जगह तो जमीन होती है, वह कैसे मुन्तकिल हो सकती है। कब्र के मुन्तकिल होने से मेरा मतलब मयइत (मृतक शरीर) के मुन्तकिल होने से है। अगर किसी कब्रिस्तान में कोई जगह बाकी न रही हो और वह कब्रिस्तान इतना पुराना हो चुका हो कि वह उसमें मयइत जमीन में जब्त हो गई हो और उसका कोई वक्फ ऐसा न हो जिससे उस जमीन के दूसरे इस्तेमाल पर पाबन्दी हो तो वह जगह दूसरे इस्तेमाल में आ सकती है,

वरना नहीं। यानी वाकिफ की मंशा के बगैर वह जगह दूसरे इस्तेमाल में नहीं आ सकती।

अपनी तालीम के दौरान मैंने हिन्दुस्तान की तारीख का मुतायला भी किया है, थोड़ा-बहुत। मेरे इल्म में ऐसा नहीं है कि बाबर ने अयोध्या में किसी मन्दिर को तोड़कर मस्जिद बनवाई हो। मेरे इल्म के मुताबिक बाबरी मस्जिद की तामीर किसी मन्दिर को तोड़कर नहीं की गई।”

“A grave can be shifted if there be any such requirement, but there is no question of shifting the place.

The place is certainly a piece of land. How can it be shifted. 'By shifting of the grave' I mean the shifting of the body of a dead person. If any graveyard is left with no place and the graveyard has become so old that dead bodies have got mixed with soil and there is no waqf putting restriction on the use of the land in any other way, the land can be put to some other use. If such is not the case, it cannot be used otherwise. That is to say, without the consent of the waqf, the land cannot be put to any other use.

In course of my study I have gone through the history of Hindustan to some extent. I have no idea whether Babar had built a mosque in Ayodhya after breaking down any temple. To my knowledge, the Babri mosque was constructed not by demolishing any temple.”
(E.T.C.)

575. PW 19, Maulana Atiq Ahmad, aged about 47 years (on 21st May, 2001 when his examination commenced), resident of Village Murla Kalan, District Sant Kabir Nagar, is working as Teacher at Nadvat-ul-Ulema, Daliganj, Lucknow. His cross examination followed as under :

(a) 21/22-05-2001- by Nirmohi Akhara through Sri R.L.

Verma, Advocate(p. 3-38)

(b) 23-05-2001- by Dharamdas, defendant no. 13, through Sri Ved Prakash, Advocate (p. 39-47)

(c) 23.05.2001, 09/10.07.2001- by Sri Umesh Chandra Pandey, defendant no. 22 through Sri Vireshwar Dwivedi, Advocate (p. 47-74), adopted by Hindu Mahasabha, defendnat no. 10 and Sri Ramesh Chandra Tripathi, defendant no. 17, through Sri Hari Shankar Jain, Advocate, plaintiffs (Suit-1) through Sri P.L. Mishra, Advocate and plaintiffs (Suit-5) (p. 84)

(d) 10-07-2001- Sri Paramhans Ramchandra Das, defendant no. 2. through Sri Madan Mohan Advocate (p. 74-84)

576. He stated about his qualifications, experience in religious matters (Islam) as under:

“मैं नदवत-उल-उलेमा में इस समय कार्यरत हूँ। मैं वहां पर उस्ताद हूँ। मैं 20 साल से वहां पर पढ़ा रहा हूँ। मेरी शुरू की तालीम मेरे गांव की है, उसके बाद मैं मदरसा नूरुल-उलूम, बहराईच में पढ़ा था। वहां पर मैं चार साल तक पढ़ा। मैंने बहराइच से मौलवी का इम्तेहान पास किया था। उसके बाद मैं दारुल-उलूम देवबन्द में चला गया। वहां से मैंने फाजिल की डिग्री हासिल कीं फाजिल का कोर्स 6 वर्षों का होता है। फाजिल का कोर्स करने के बाद मैंने देवबन्द से ही मुफ्ती का कोर्स किया। फाजिल करने के बाद मैंने इलाहाबाद बोर्ड से आलिम की परीक्षा पास की थीं यह परीक्षा मैंने फाजिल की डिग्री हासिल करने के बाद दी थी। नदवतुल उलमा लखनऊ में मैं इस्लामिक लॉ यानि फिकह और उसूले फिक पढ़ाता हूँ। इसके अलावा हदीस एवं तफ्सीर पढ़ाता हूँ। इस्लामिक लॉ में मुफ्ती से संबंधित विषय भी आते हैं। इस्लामिक लॉ में विशेष ज्ञान रखने वाले को ही मुफ्ती कहते हैं। मैं इस्लामिक फिक एकेडमी, दिल्ली का सेक्रेटरी हूँ। इस्लामिक फिक एकेडमी का हर साल एक सेमीनार मुस्लिम मसायल एवं इस्लामिक लॉ पर होता है। यह सेमीनार हिन्दुस्तान के मुख्तलिफ मुकामों पर होता है। चूंकि मैं उसका सेक्रेटरी हूँ इसलिए उन

सभी सेमीनारों में शामिल होता हूँ। मैं मुस्लिम पर्सनल लॉ बोर्ड का फाउंडर मेंबर भी हूँ। इस एकेडमी के सेमीनार हिन्दुस्तान के अन्दर ही होते हैं पर इसमें दूसरे मुमालिक से भी लोग शामिल होते हैं। 1999 में मैं शरीया स्कालरर्स आफ नार्थ अमेरिका की दावत पर अमेरिका उनकी कांफ्रेंस यानि दो कांफ्रेंस अटेण्ड करने गया था। इसके अलावा काहिरा में औकाफ की कांफ्रेंस में शिरकत करने गया था। काहिरा मिस्र की राजधानी है। अमेरिका में पहली कांफ्रेंस फरवरी 99 में हुयी थी और दूसरी कांफ्रेंस जिसमें मैं शामिल हुआ था वह नवम्बर 99 में हुयी थी। इन दोनों कांफ्रेंस में मैंने अपना पेपर पढ़ा। उपरोक्त पहली कांफ्रेंस में मेरा विषय उर्फ अर्थात् कस्टम्स से रिलेटेड था। दूसरे कांफ्रेंस में मसलेहत की शरीयत लॉ में क्या अहमियत है, उस सिलसिले में मैंने अपना पेपर पढ़ा। नदवतुल उलेमा जहां मैं पढ़ा रहा हूँ वहां और भी बहुत से उस्ताद हैं। मौलाना बुरहानुद्दीन सम्भली नदवतुल उलेमा के एक सीनीयर उस्ताद हैं। वह इस्लामिक फिक एवं तफ्सीर और हदीस पढ़ाते हैं। हदीस से संबंधित मैंने जो अहम किताबें पढ़ी हैं उनका नाम इस प्रकार है:— बुखारी शरीफ, मुस्लिम शरीफ, अबूदाउद शरीफ, तिदमजी शरीफ, इब्नेमाजा शरीफ, तहावी शरीफ, मुअत्ता इमाम मालिक। फिक पर मैंने जो अहम किताबें पढ़ी हैं उनमें हिदाया, शरए बकाया, बढ़ाए उस्सना, फतहुल फदी वगैरह हैं।”

“I am at present working with Nadwat-ul-Ulema. I am a teacher there. I have been teaching there for 20 years. I had my early education at my village. After that I got schooling at a school known as Nurool-Uloom situated in Bahraich. I got education there for four years. I passed the Maulvi examination from Bahraich. After that I migrated to Darool-Uloom, Deoband. From there I obtained my Fazil degree. Fazil is a 6-year course. After completion of a course in Fazil I did a course in Mufti from Deoband itself. After doing my Fazil I passed my Aalim examination from the Allahabad Board. I had appeared at this examination after obtaining my Fazil degree. I teach Islamic law, that is, Fiqah and Usule Fiq. Besides, I also

teach Hadis and Tafsir. The Islamic also covers topics related to Mufti. Only those having special knowledge in the Islamic law are called Mufti. I am secretary of the Islamic Fiq Academy, Delhi. The Islamic Fiq Academy organises a seminar on Muslim-related issues and the Islamic law every year. This seminar is held at different places of Hindustan. As I am its secretary, I participate in all those seminars. I am also a founder member of the Muslim Personal Law Board. Seminars of this Academy are held only within Hindustan but they are attended by people of other countries also. In 1999, on the invitation of Shariyat scholars of North America I went there to attend conferences two times. Besides, I went to participate in the Auqaf conference held in Cairo. Cairo is the capital of Egypt. The first conference was held in February, 1999 in America and the second conference, which I attended, was held in November, 1999. I read out my papers in both of these conferences. In the aforesaid first conference, my topic was custom-related. In the second conference, I read out my paper on what importance maxims hold in the Shariyat Law. There are many other teachers at Nadwat-ul-Ulema, where I am teaching. Maulana Surhan-ud-Din Sambhali is a senior teacher at Nadwat-ul-Ulema. He teaches Islamic Fiq, Tafsir and Hadis. The names of important books which I have read in relation to Hadis, are: Bukhari Sharif, Muslim Sharif, Abudawood Sharif, Tidmazi Sharif, Ibn-e-Maza Sharif, Tahawi Sharif, Muatta Imam Maalik. The important books which I have read on Fiq, include Hidayah, Sharye Bakaya, Badhaye Ussana, Fathul Fadi etc..” (E.T.C.)

577. Regarding characteristic of mosque etc. PW 19 said:

“इस्लाम में मस्जिद का तर्ज — ए— तामीर कहीं मुअइन नहीं है। मस्जिद उस जमीन को कहते हैं जिसे जमाअत के साथ नमाज पढ़ने के लिए वक्फ कर दिया जाए। अगर किसी जमीन पर सिर्फ इमारत है और उस पर गुम्बद या मीनार नहीं है तो भी वह मस्जिद कही जायेगी। मस्जिद में वजू खाना होना या नहाने की जगह का होना जरूरी नहीं है। आसानी के लिए ऐसा इन्तजाम कर दिया जाता है। मस्जिद के इर्द-गिर्द कब्रिस्तान हो सकता है। मस्जिद के आस-पास यदि कब्रिस्तान हो तो भी मस्जिद का स्वरूप नहीं बदलता। अगर मस्जिद के चारों तरफ दूसरे मजहब की इबादतगाहें हों तब भी मस्जिद कायम रहेगी। अगर मस्जिद में उसके खंभों या दीवारों पर तस्वीर आदमी या औरतों, पक्षी या जानवरों की तस्वीर हों तो भी उससे मस्जिद का स्वरूप नहीं बदलेगा। अर्थात् मस्जिद रहेगी पर चित्रों को ढक देना होगा ताकि नमाज के समय सामने न हों अर्थात् सामने न पड़े। अगर मस्जिद के अन्दर किसी दूसरे मजहब के देवी देवताओं की तस्वीर होती है तब भी मस्जिद का स्वरूप नहीं बदलेगा। मस्जिद जब एक बार बन गयी वह हमेशा मस्जिद रहती है। अगर मस्जिद की इमारत गिरा दी जाए या गिर जाए तब भी वह जगह मस्जिद रहती है। अगर किसी मस्जिद में दूसरे मजहब वाले अपने देवी-देवताओं की पूजा करने लगे तब भी वह जगह मस्जिद रहेगी।”

“In Islam, the style of mosque construction nowhere finds specific mention. The name of mosque is given to a piece of land which is gifted for offering namaz in group. If there is just a building on any land and such building has no domes or minarets even then it will be called a mosque. It is not necessary for there to be a place for doing waju or for having a bath in the mosque. Such an arrangement is made to provide facility. There may be a graveyard in the vicinity of the mosque. If there is a graveyard in and around a mosque even then the character of the mosque

does not change. If there are worship places of other faiths around a mosque even then the mosque will continue to exist. If a mosque has pictures of men or women or birds or animals even then the character of the mosque will not change. That is to say, the mosque will continue to be such and the pictures will have to be covered so that they may not be in front while offering namaz. If there are pictures of male and female deities of any other faith inside a mosque even then the character of the mosque will not change. A mosque once constructed will always be a mosque. A place continues to be a mosque even if the building of the mosque is demolished or it falls down. If the followers of any other faith begin to worship their respective gods-goddesses in any mosque even then its place will remain to be a mosque.” (E.T.C.)

578. PW 22, Mohd. Khalid Nadvi: Other details have already been dealt under the category “Witness of facts” in para 319.

579. His basic education is from Nadve wherefrom he obtained degree in Alim and Fazil in 1975 and 1977 respectively, taught at Zamia Islamiya, Bhatkal, Karnataka from 1978 to 1985, taught at Zamia Hidayah, Jaipur from 1985 to 1992, and taught for one year at Nadve. In his education, Tafshir of Quran-i-Karim, Hadis, Fiqah and Arabi Adab was included. The Tafshir of Quran-i-Karim included Ibne Kasir, Kashshaf, Madarikul, Tanjil, Khajin, Tafsire Kurtuvi, Mariful, Quran, Tadabbure Quran etc. The prominent books of Hadis include Bukhari Sharif, Muslim Sharif, Tirmiji Sharif, Muatta Imam Malik, Abudaud Sharif etc. which had all been read by him. In Fiqah he has read Hidayah, Sharhe Wakaya, Kuduri etc. With respect to characteristics of mosque etc. he said:

“कुरान शरीफ और हदीस शरीफ में मस्जिद की तर्ज या शकल का कोई तजकीरा मौजूद नहीं है। शरीयत की और किताबों में भी मस्जिद की तर्ज या उसके आकार का कोई जिक्र नहीं मिलता है। सिर्फ किबलारुख होने की बात मिलती है। **किसी मस्जिद में गुम्बद या मीनार का होना जरूरी नहीं है।** मस्जिद में कुए या पानी का इंतजाम वजू के लिए होना जरूरी नहीं है। हूजूर मोहम्मद साहब के जमाने में जिन तीन मस्जिदों की तामीर का जिक्र मिलता है। वह मस्जिदे कुबा, मस्जिदे नबवी और मस्जिदे जुआसा है। इनमें गुम्बद या मीनार होने का कोई जिक्र नहीं मिलता। हुजूर साहब के जमाने में अजान ऊँची जगह से अजान दी जाती थी जिससे आवाज दूर तक जा सके। अजान देने का मुकाम मस्जिद के अन्दर या बाहर दोनों जगह हो सकता है। मस्जिदे नबवी में जुमे की पहली अजान मस्जिद के बाहर जौरा नामक स्थान से दी जाती थी।

यदि किसी जगह पर स्थित इमारत को गिरा दिया जाय या वह गिर जाय तो वह जगह मस्जिद ही रहेगी। यदि मस्जिद के किसी हिस्से में किसी देवी या देवता की प्रतिमा रख दी जाय तो भी मस्जिद की हैसियत नहीं बदलती बल्कि मस्जिद ही रहेगी। यदि मस्जिद में दूसरे धर्म के लोग अपनी इबादत शुरू कर दे तो भी मस्जिद की हैसियत नहीं बदलती बल्कि मस्जिद ही रहेगी। मौलाना बुरहानुद्दीन साहब नदवे में उस्ताद हैं। वह शोवए तफसीर के हेड हैं। वह आजकल उलमा की फेहरिस्त में सफे अव्वल पर हैं।”

*“There is no mention about the form or shape of mosque in holy Quran and holy Hadis. In other books of Shariyat as well, no reference is found about the form or shape of mosque. Reference is found only about (they) facing Kibla. **The presence of dome or minaret is not essential in any mosque.** It is not essential to have a well or arrangement of water in a mosque for ‘Vazu’. The three mosques said to have been built in the period of Prophet Mohammad, are Quba mosque, Nabavi mosque and Juasa mosque. No reference is found about presence of dome or*

minaret therein. During the period of Prophet, the Ajaan call was given from an elevated place so that it may reach far off places. The place for giving the Ajaan call could be both inside and outside the mosque. The first Ajaan call of Juma was given at Nabavi mosque from an outside place called Jaura.

*If the building at any place is demolished or it collapses, the said place would remain a mosque. **If the idol of any God or Goddess is placed in any part of a mosque, then also the status of the mosque does not change and it remains a mosque. If the followers of other religion start practicing their religious faith in a mosque, then also the status of the mosque does not change and it remains a mosque.** Maulana Burhanuddin is master at 'Nadva'. He is head of Shov-e-tafsir. Presently he is on top of the list of Ulemas." (E.T.C.)*

580. PW 25, Sibte Mohammad Naqvi: His details has already been dealt with under the category "Witnesses of facts" in para 324 With respect to the characteristics of mosque, his statement is very brief and as under:

"इस्लाम में मस्जिद का स्वामित्व अल्लाह में निहित होता है। मस्जिद में किसी मसलक का अर्थात शिया और सुन्नी मुसलमान नमाज पढ़ सकता है।"

"In Islam the ownership of mosque is vested in Allah. Muslim of any sect i.e. Shia or Sunni can offer Namaz in mosque."(E.T.C.)

581. PW 26, Kalbe Jawwad, aged about 38 years (on 2/3rd April 2002 when his examination-in-chief commenced), is resident of Mohalla Johari, Lucknow. His cross examination followed as under :

- (a) 03/04-04-2002- by Nirmohi Akhara through Sri R.L. Verma, Advocate (p. 6-33)
- (b) 04/05/15-04-2002 - by Dharamdas, defendant no. 13, through Sri Ved Prakash, Advocate (p. 33- 40)
- (c) 15.04.2002- by Paramhans Ramchandra Das, defendant no. 2, through Sri M.M. Pandey, Advocate, (p. 40-52)
- (d) 15/16-04-2002- by Hindu Mahasabha, defendant no. 10 and Sri Ramesh Chandra Tripathi, defendant no. 17, through Sri Hari Shankar Jain, Advocate (p. 52-62)
- (e) 16/17-04-2002- by Umesh Chandra Pandey, defendant no. 22 through Sri Vireshwar Dwivedi, Advocate (p. 62-89)
- (f) 17-04-2002- Sri Rajendra Singh, son of Sri Gopal Singh Visharad plaintiff (Suit-1) through Sri P.L. Mishra, Advocate adopted the cross examination by other defendants (p. 89)
- (g) 17-05-2002- by plaintiffs (Suit-5) through Sri Ved Prakash, Advocate (p. 90-98)

582. PW-26 claims to have acted as Imam of Friday Namaz at Asfi Masjid, Lucknow. About his family background, he said:

‘मेरे वालिद साहब लखनऊ में शियों के इमामे जुमा रहे हैं। इसी तरह से मुस्लिम पर्सनल ला बोर्ड के नायब सदर भी रहे हैं और अलीगढ़ मुस्लिम यूनिवर्सिटी में शिया थियोलॉजी विभाग के हेड रहे हैं और थियोलॉजी फेकल्टी के डीन भी रहे हैं। मेरे दादा मौलाना कल्बे हुसैन साहब भी बड़े आलिमें दीन व मुजतहद रहे हैं। मेरे परदादा मौलाना कल्बे सादिक उर्फ आका हसन साहब आल इंडिया शिया कांफ्रेंस के फाउंडर व इसी तरह से शिया कालेज के फाउंडर और शिया अनाथालय के फाउंडर और बहुत से आर्गनाइजेशंस के फाउंडर रहे हैं। लखनऊ में सारे शियों की जुमे की नमाज आसफी मस्जिद में होती है। उस आसफी मस्जिद के जुमे की नमाज की इमामत जब मैं लखनऊ में रहता हूँ तब मैं ही करता हूँ।

आसफी मस्जिद नवाब आसिफ उद्दौला साहब ने बनवायी थी और उन्हीं के नाम से आसिफी मस्जिद है। लखनऊ में शिया हजरात की एक और मस्जिद है जो जुमा मस्जिद कहलाती है। यह ठाकुरगंज में है। वह भी शाही ज़माने की बनी हुई है। आसिफी मस्जिद का इंतजाम हुसैनाबाद ट्रस्ट करती हैं। मेरे वालिद साहब भी इसी आसिफी मस्जिद में इमाम ए जुमा रहे हैं।

मेरे परदादा मौलाना आका हसन साहब भी मुजतहिद रहे हैं।”

“My father was the Jumma Imam of the Shias at Lucknow. He was also the deputy head of Muslim Personal Law Board as well as the Head of Shia Theology Department of Aligarh Muslim University and the Dean of Theology faculty. My grandfather Maulana Kalbe Hussain was a known religious scholar and Mujathad. My great grandfather Maulana Kalbe Sadiq @ Aka Hassun was the founder of All India Shia Conference, the Shia college, Shia Orphanage and many other organisations. All the Shias of Lucknow offer the Jumma Namaz at the Asifi mosque. The Amamat (acting as Imam) of Jumma Namaz at said Asifi mosque is done by me whenever I am present in Lucknow.

“The Asifi mosque was built by Nawab Asif-ud-daula and the Asifi mosque has been named after him. The Shias have another mosque in Lucknow, which is known as Jumma mosque. It is at Thakurganj and it was also built during the royal times. The Asifi mosque is maintained by Hussainabad trust. My father was also the Imam-e-Jumma of this Asifi mosque.

My great grandfather Maulana Aka Hasan was also a Mujathid.” (E.T.C.)

583. About his own qualification experience in religious matters etc., PW 26 said:

“मेरी इब्नेदाई तालीम यहीं लखनऊ में हुई। मैंने लखनऊ में शाही जमाने से कायम सुलतानुल मदारिस से आखरी डिग्री सदरूल अफाज़िल हासिल की हैं। सदरूल अफाज़िल से पहले उसी मदरसे से सन्दुल अफाज़िल की डिग्री भी मैंने हासिल की। सदरूल अफाज़िल मैंने तकरीबन 1982 के आसपास किया। यहां से तालीम हासिल करने के बाद मैं अलीगढ़ मुस्लिम यूनिवर्सिटी से बी०ए० और एम०ए० किया। एम०ए० मैंने फारसी में किया उसके बाद मैंने पी०एच०डी० में एडमिशन लिया और एम०फिल पास किया। उसी जमाने में यानि 86 के अंत में मेरे वालिद साहब का इंतकाल हो जाने के कारण मैं वापस आ गया और पी०एच०डी० मुक्कमल नहीं कर पाया। आला दीनी तालीम के सिलिसिले में सन् 87 के आखिर में मैं ईरान चला गया था। वहां के मजहबी शहर कुम में हौजा-ए-इल्मिया में दाखिला लिया। मैं सन् 2001 तक वहां रहा। मैं तकरीबन एक साल से मुस्तकिल लखनऊ में रह रहा हूँ। जिस दौरान मैं कुम में जेरे तालीम था उस दौरान मोहरर्म के दौरान 3 महीने और रमजान के दौरान 2 माह लखनऊ आ जाता था।”

“My initial education was at Lucknow. I obtained my last degree of Darul Afazil from the Sultanul Madaris established at Lucknow during the royal times. Prior to Sadrul Afazil, I had also obtained the degree of Sandul Afazil from that very Madarsa. I did my Sadrul Afazil around the year 1982. After my education here, I did my B.A. and M.A. from Aligarh Muslim University. I did my M.A. in Persian. Thereafter, I took admission in Ph.D. and also did M.Phil. In that very period i.e. around the end of 86, I had to return as my father expired and I could not complete my Ph.D. At the end of the year 87, I went to Iran in connection with highest religious education. There I took admission in Hauza-e-ilmia in the religious city Kum. I remained there till the year 2001, in which period I remained involved in education at Kum. For the last one year I have been permanently residing at Lucknow. In that

period, I used to come to Lucknow for three months during Moharram and two months during Ramzan.” (E.T.C.)

584. With respect to certain other matters PW 26 said:

“हौजा-ए इल्मिया में करीब 400 मदरसे हैं इनमें कुल छात्रों की संख्या लगभग तीस हजार होगी। वहां के बड़े उलेमा इसे चलाते हैं। इस समय शिया मसलत का दुनिया में सबसे बड़ा दीनी मरकज कुम शहर है। कुम के 7-8 बड़े उलेमा ऐसे हैं जिनकी तकलीद हिन्दुस्तान के शिया मुसलमान करते हैं। ईरान के अलावा ईराक के शहर नजफ अशरफ के तीन बड़े आलिमों की तकलीद भी हिन्दुस्तान के शिया मुसलमान करते हैं ईरान और ईराक के अलावा दुनिया में और कोई मुल्क ऐसा नहीं है जिसके किसी आलिम की तकलीद हिन्दुस्तान के शिया मुसलमान करते हों। पिछले 20 साल में पाकिस्तान में ऐसा कोई आलिम नहीं रहा है जिसकी तकलीद हिन्दुस्तान के शिया मुसलमान करते हों। यदि पाकिस्तान का कोई आलिम कोई फतवा जारी करे तो हिन्दुस्तान के शिया मुसलमान उसे नहीं मानेंगे क्योंकि इतना बड़ा कोई आलिम वहां नहीं है। शिया मसलत की फिक्ह को आमतौर से लोग फिक्ह जाफरिया के नाम से जानते हैं वरना दरअसल वह फिक्ह इस्लामी है। यह फिक्ह जाफरिया हमारे छठे इमाम हजरत इमाम जाफर सादिक (अ०स०) की तरफ मंसूब है।”

“There are about 400 Madarsa in Hauja-e-ilmia. There would be about thirty thousand students in all in them. The reputed Ulemas used to run them. Presently the largest religious preaching place of Shia faith in the world is the city of Kum. There are 7-8 such reputed Ulemas of Kum, who are followed by the Shia Muslims of India. The Shia Muslims of India also follow three big scholars of Nazaf Asharaf city of Iraq besides Iran. Besides Iran and Iraq, there is no other country in the world, the scholars of which are followed by the Shia Muslims of India. If any scholar of Pakistan issues any fatwa (religious direction), the Shia Muslims of India would not follow the same because there is no such reputed scholar over there. The

fiqh of Shia faith are usually known by people as Fiqh Zafaria, which actually is Islamic Fiqh. This fiqh Zafaria is owed to our sixth Imam Hazrat Imam Zafar Sadiq (A.S.).” (E.T.C.)

585. Regarding characteristic of mosque and the inter relationship of Shia and Sunni, PW 26 said:

“मस्जिद की शरई हैसियत के बारे में शिया और सुन्नी फिक्ह में मेरी नजर में कोई बुनियादी फर्क नहीं है। मस्जिद की शरई हैसियत और मिलकियत के सिलसिले में कुरान शरीफ में साफ एलान है। “इन्नल मसाजिदा लिल्लाह” जिसके मायने हैं कि मस्जिदें सिर्फ अल्लाह के लिए हैं। कुरान शरीफ में या हदीश शरीफ में मस्जिद के किसी खास किस्म की इमारत होने का कोई तजकिरा नहीं है मस्जिदों की शकल सूरत के ताल्लुक से इमामों के वहां भी कोई तजकिरा नहीं मिलता है सिवाये इसके कि मस्जिदों को ज्यादा ज़ीनत मत दो ज्यादा सजाओ नहीं। शरीअत के मुताबिक किसी मस्जिद में मीनार और गुम्बद का होना जरूरी नहीं है और मना भी नहीं है। इस्लाम में मोहम्मद साहब के आने के बाद की पहली मस्जिद मदीने से थोड़ा पहले मस्जिद कुबा के नाम से मशहूर है। जब वह मदीने पहुंचे तो मस्जिदें नबवी की तामीर हुई। मैंने इतिहास में पढ़ा है कि इन दोनों मस्जिदों में गुम्बद और मीनार नहीं थी जब यह कायम हुई। खजूर के तने को जमीन में गाड़ कर खंबे बनाये गये थे और खजूर की शाखों से छत डाली गयी थी। इन दोनों मस्जिदों में वजू का अलग इंतजाम होने की कोई बात किसी इतिहास में नहीं मिलती है। मस्जिद के अंदर वजू के पानी का इंतजाम होना जरूरी नहीं है। मैंने बहुत सी ऐसी मस्जिदें देखी हैं जहां मस्जिद के पास कुंआ मौजूद हो। हमारे यहां यह है कि हमेशा बा वजू रहना चाहिए। इस में कोई शर्त नहीं है कि आदमी घर से वजू करके आये या मस्जिद में वजू करे। यदि मस्जिद के इर्द गिर्द कब्रिस्तान वाके हो तो इससे मस्जिद की नवय्यत पर कोई असर नहीं पड़ता है। मस्जिद के एक बार तामीर हो जाने के बाद और उसमें नमाज पढ़ लेने के बाद कोई गैर मुसलमान उस पर कब्जा कर ले तो उससे मस्जिद की नवय्यत नहीं बदलती और वह मस्जिद ही बनी रहती है। मस्जिद हर हाल में मस्जिद ही रहेगी चाहे उसमें दूसरे धर्म के मानने वाले उसमें अपनी इबादत शुरू कर दे या

उसमें मूर्तियां रख दें। मस्जिद की इमारत यदि गिरा दी जाये और वहां केवल जमीन बची हो तो वह भी मस्जिद ही होगी बल्कि हमारे यहां तो यहां तक है कि उसके नीचे एवं ऊपर फिजा में जो एरिया है वह भी मस्जिद ही मानी जायेगी। यदि किसी मस्जिद के किसी जुज में या भाग में किसी दूसरे मजहब के चित्र आदि हो तो भी मस्जिद की नवयुत नहीं बदलती। मस्जिद की शरई हैसियत के बारे में दीनी किताबों में "एहकामे मस्जिद" के नाम से एक अलग ही चैप्टर मिलता है। मेरी जानकारी में शिया मुसलमानों में से किसी मुसलमान ने आज तक न मेरे सामने यह बात कही और न मेरी जानकारी में ऐसी कोई बात आई कि बाबरी मस्जिद से शिया मुसलमानों ने अपना हक छोड़ दिया है या वे हक छोड़ना चाहते हैं। मैंने बाबरी मस्जिद का नाम सुना है वहां जाने का इत्तिफाक कभी नहीं हुआ। पाकिस्तान के किसी मौलान सैय्यद मोहम्मद नकी साहब नाम शिया आलिम के नाम से मैं वाकिफ नहीं हूँ। मेरे ध्यान में नहीं है कि आज से 14-15 साल पहले इस नाम के कोई शिया आलिम गुजरे हों। चौधरी सिबते मो० नकवी साहब के नाम से वाकिफ हूँ। यह मेरे वालिद साहब के अच्छे दोस्तों में रहे हैं वह अच्छे स्कालर है और सुलतानुल मदारिस से तालीम याफता हैं प्रिंस अंजुम कदर को मैं जानता था। वह शिया आलिम की हैसियत नहीं रखते हो बल्कि सोशल रिफारमर थे उनका शुमार शिया रहनुमा में नहीं होता था। क्योंकि हमारे यहां उलेमा ही रहनुमा होते हैं। लखनऊ या उ०प्र० या हिन्दुस्तान में हमारे यहां केवल बड़े उलेमाओं की बात शिया लोग मानते हैं।

मुझे मालुम है कि मैं जिस मुकदमें में गवाही दे रहा हूँ वह बाबरी मस्जिद से सम्बन्धित है। मेरी जानकारी में जो अखबारात और एककिताब से हासिल हुई, बाबरी मस्जिद बाबर के जमाने में बनी थी उसे बाबर के हुक्म से मीर बाकी ने बनवाया था। जहां तक मेरी मालूमात है इसमें 1949 तक नमाज होती रही।"

"According to me, there is no fundamental difference regarding the Sharai status of mosque in Shia and Sunni fiqah. The holy Quran contains explicit directions regarding the Sharai status and ownership of mosque. The phrase 'Innal Masajida Lillah' means mosques are only for

*Allah. The holy Quran Sharif or the Hadis Sharif do not contain any mention about the mosque being in any particular form. No reference is found with the Imams about the shape of mosques except for the fact that do not decorate the mosque excessively. **According to the Shariyat, it is not essential to have minarets and domes in any mosque and neither is there any such restriction.** The first mosque in Islam after the advent of Prophet Muhammad, is famous as Masjid-Quba, which lies a bit ahead of the Masjid-Madine. When he reached Madine, the Nabvi mosque was built. I have studied in history that when both these mosques were built, they did not have minarets and domes. The stems of date-palm were fixed in the ground to serve as pillars and the branches of the date-palm were utilized as roof. Reference is not found in history about there being separate arrangement for Vajoo in both these mosque. It is not essential to have arrangement of Vajoo water inside the mosques. I have seen many such mosques where wells existed near the mosque. It is necessary amongst us that one should always perform Vajoo, and there is no such restriction that a person should perform Vajoo at home or at the mosque. If there is any graveyard around a mosque, it has no bearing on the status of the mosque. If after the construction of a mosque and offering of Namaz therein, any non-Muslim occupies it, then the status of the mosque does not change and it remains a mosque. **A mosque will remain a mosque in all circumstances irrespective of the fact that followers of other religion may start practising their religious practises therein or may place their deities. If***

*the structure of a mosque is demolished and only land remains there, then also it would remain a mosque and in fact it is believed amongst us that even the ground beneath it as well as the open air area above it is also considered as mosque. **The status of the mosque does not change even if there is any picture of other religion inside the mosque or any part thereof.** A separate chapter titled ‘ Ahkam-e-masjid’ is found in the religious books regarding the Sharai status of the mosque. In my knowledge, the Shia Muslims have not stated till date before me nor has any such information come to my knowledge that the Shia Muslims have either relinquished their claim over the Babri mosque or that they want to do so. I have heard about Babri mosque but I never got the opportunity to visit the same. I am not conversant with the name of any Shia scholar named Maulana Syed Mohammed Naqi. I do not recollect whether there was any Shia scholar of the same name about 14-15 years ago. I am conversant with the name of Chaudhary Sibte Mohammed Naqvi. He was a good friend of my father. He is an excellent scholar and has received education at Sultanul Madaris. I knew Prince Anjum Kadar. He did not have the status of a Shia scholar and instead was a social reformer. He is not considered as a protector of Shia because amongst us, the Ulemas are the protectors. Whether in Lucknow or in U.P. or in India, the Shias adhere only to reputed Ulemas.*

*I know that the case in which I am giving evidence, is related to Babri mosque. **According to my knowledge derived from newspapers and books, the Babri mosque was built during the reign of Babar by Mir Baqi under***

the orders of Babar. To the best of my information, Namaz was offered here till 1949.” (E.T.C.)

F. Sanskrit Inscriptions said to be found in 1992:

586. OPW 8, Ashok Chandra Chaterjee, a Businessman and Journalist, has deposed to prove recovery of stone slab containing Sanskrit inscriptions on 06.12.1992 during the course of demolition of disputed structure. His examination-in-chief commenced on 03.10.2002 and followed as under :

(a) 03-10-2002 - by Nirmohi Akhara, defendant no. 2, through Sri R.L. Verma, Advocate (p. 9-19)

(b) 03/04/07-10-2002 - by defendant no. 6 through Sri Abdul Mannan, Advocate (p. 19-45)

(c) 07/08/09/10/11/22/23/24/25/26/28-10-2002- by Sunni Central Waqf Board, defendant no. 4, through Sri Zafaryab Jilani, Advocate (p. 45-179)

(d) 29/30-10-2002 - by defendant no. 5 through Sri Mustaq Ahmad Siddiqui, Advocate (p. 180- 212)

(e) 30-10-2002- defendant no. 26 through Sri T.A. Khan, Advocate and defendants no. 6/1 and 6/2 (Suit-3) through Sri Fazale Alam, Advocate, adopted the cross examination already done by defendants no. 4, 5 and 6 (p. 212)

587. As per his affidavit dated 03.10.2002 he is aged about 52 years and is resident of Civil Lines, Faizabad. Since birth, he is residing at Faizabad, Graduate in Science and possess a Law Degree; Partner of a Firm M/s Majestic Automobiles, Faizabad and owner of a Cine Talkies, namely, Majestic Talkies. He claims to be a Free Lance Journalist for the last 16-17 years and reporter of a weekly newspaper “Panchjanya” at Faizabad Division. He got recognised journalist identity card in 1990 from U.P. Information Directorate and his name is mentioned in

the list of recognised journalist at Serial No. 28. Regarding the disputed structure and place, he deposed in paras 3 to 14 as under:

“3. मैं अयोध्या स्थित श्रीराम जन्मभूमि मंदिर जिसके सम्बन्ध में यह विवाद चल रहा है, को भलीभांति जानता हूँ। मैं हिन्दू धर्मानुयायी हूँ। मेरे परिवार में देवी देवताओं की पूजा-अर्चना होती रही है बचपन से ही मैं अपने माता-पिता, भाई-बहन के साथ फैजाबाद में बड़ी देवकाली, कालीबाड़ी आदि मंदिरों में दर्शन करता रहा हूँ और अयोध्या में श्रीराम जन्मभूमि, कनक भवन, हनुमानगढ़ी, नागेश्वरनाथ आदि मंदिरों का दर्शन करता रहा हूँ।”

“3. I properly know Ayodhya-located Sri Ram Janam Bhumi Temple over which this dispute is going on. I am an adherent of Hinduism. My family has been performing worship and prayer of male and female deities. Right since my childhood I have been going along with my parents and siblings to have darshan at temples such as Badi Devkali, Kalibadi, etc. in Faizabad and also at temples like Sri Ram Janam Bhumi, Kanak Bhawan, Hanumangarhi, Nageshwarnath, etc. at Ayodhya. ” (E.T.C.)

“4. फरवरी 1986 में जब श्रीराम जन्मभूमि मंदिर का ताला खोलने का आदेश हुआ तब मैं फैजाबाद कचेहरी में ही था। ताला खोलने के आदेश की जानकारी होने पर मैं अयोध्या में श्रीराम जन्मभूमि स्थल पर पहुंच गया जहां अन्य कई पत्रकार भी मौजूद थे। भगवान श्री रामलला के दर्शनार्थियों की भारी भीड़ एकत्रित थीं पुलिस-प्रशासन द्वारा श्रीराम जन्मभूमि का ताला खोलते ही दर्शनार्थी अति प्रसन्नता में उछल-कूद, नृत्यागायन करने लगे घण्टा, घड़ियाल, शंख बजने लगे रामधुन गाते हुए लोग भगवान श्रीरामलला का दर्शन करने लगे। अयोध्या की गली-गली मोहल्ले-मोहल्ले दर्शनार्थियों-रामभक्तों से भर गये। बड़े ही उल्लास के साथ लोग भजन-कीर्तन करते हुए भगवान रामलला का दर्शन-पूजन करने लगे।”

“4. In February, 1986, when an order was issued for opening the lock of Sri Ram Janam Bhumi temple, I was at

the Faizabad Kutchery itself. On coming to know the order for opening the lock I reached Sri Ram Janam Bhumi site at Ayodhya. Many other journalists were present there. A large crowd of devotees of Lord Sri Ram Lala were assembled. Immediately after the lock of Sri Ram Janam Bhumi being opened by the police and the administration, the devotees out of ecstasy began to engage themselves in frolics, dancing and singing; bells, gongs and conchs began to ring and chanting Ram Dhun people began to have darshan of Lord Sri Ram Lala. Every street and locality of Ayodhya was flooded with devotees and Rama worshippers. Chanting hymns and devotional songs, people with great joy began to have darshan and perform poojan of Lord Sri Ram Lala.” (E.T.C.)

“5. श्री राम जन्मभूमि मंदिर का ताला खुलने तथा उसके बाद भी श्रीराम जन्मभूमि से सम्बन्धित आन्दोलनों और घटनाओं का समाचार संकलन व रिपोर्टिंग साप्ताहिक समाचार पत्र को करता रहा हूँ। सन् 1989 के नवम्बर माह में श्री राम जन्मभूमि मंदिर का शिलान्यास संतों की इच्छा एवं सन्त-महंत – विद्वानों की उपस्थिति में श्री कामेश्वर चौपाल जी के द्वारा किया गया जो कि एक अनुसूचित जाति के व्यक्ति थे इसका समाचार भी मैंने प्रमुखता से समाचार पत्र को भेजा था।”

“5. *At the time of unlocking Sri Ram Janam Bhumi temple and even after that I have continued to do news compilation and reporting on the agitations and incidents connected with Sri Ram Janam Bhumi for the weekly newspaper. In November of 1989, keeping in view the desire of saints and in presence of saints, mahantas and scholars, the foundation stone of Sri Ram Janam Bhumi temple was laid by Sri Kameshwar Chaupal, who belonged to a scheduled caste. News regarding this was prominently sent to the newspaper.” (E.T.C.)*

“6. अक्टूबर सन् 1990 में श्री राम जन्मभूमि आन्दोलन के समय में अयोध्या में विवादित स्थल के आस-पास आन्दोलनकारियों के समीप रह कर समाचार संकलन करता रहा। 2 नवम्बर सन् 1990 को अयोध्या में गोलीकाण्ड के समय मैं अयोध्या में ही लाल कोठी वाली गली में आन्दोलनरत निहत्थे हिन्दुओं के पास ही मौजूद था। इस आन्दोलन में भाग लेने लाखों की संख्या में श्रद्धालु रामभक्त कारसेवक आये हुए थे।”

“6. *At the time of Sri Ram Janam Bhumi agitation in October, 1990, I continued to do news compilation by keeping myself close to agitationists in and around the disputed site in Ayodhya. At the time of firing in Ayodhya on 2nd November, 1990, I was present right near the agitating unarmed Hindus in the Lal Kothi street in Ayodhya itself. Lakhs of devotees, Rama-worshippers and karsevaks had come there to participate in this agitation.*”
(E.T.C.)

“7. 6 दिसम्बर 1992 को जिस दिन विवादित ढांचा ध्वस्त हुआ उस दिन मैं विवादित स्थल पर ही समाचार संकलन हेतु विद्यमान था जहां कारसेवकों के अतिरिक्त देश-विदेश के बहुत से पत्रकार भी मौजूद थे। विवादित भवन के ध्वस्त किये जाते समय तीन गुम्बदों वाले भवन के पीछे अर्थात् पश्चिम की तरफ मैं खड़ा था। मेरे साथ कई अन्य पत्रकार और प्रेस फोटोग्राफर भी वहाँ खड़े थे।”

“7. *On 6th December, 1992, when the disputed structure was demolished I was present for compilation of news at the disputed site itself where besides the karsevaks many journalists from inside and outside the country were also present. While the disputed building was being demolished, I was standing behind the three-domed building, that is, towards the west. Many other journalists and press photographers were also standing there along with me.*”
(E.T.C.)

“8. जून सन् 1992 में श्रीराम जन्मभूमि परिसर के पूरब तरफ उत्तर

प्रदेश सरकार द्वारा कराये जा रहे समतलीकरण के दौरान जब कुछ पत्थर के टुकड़े मिले जो मंदिर के पुरावशेष मालूम होते थे और कुछ खण्डित मूर्तियां, मृदा मूर्तियां, मिट्टी के बर्तन आदि मिले तो दूसरी जानकारी मिलते ही मैं समतलीकरण स्थल पर गया वहाँ अन्य कई पत्रकार और भी आये हुए थे हम सभी पत्रकारों ने उन पुरावशेषों, मृदा मूर्तियों, मिट्टी के बर्तनों आदि को देखा और इसकी रिपोर्ट अपने-अपने समाचार पत्रों में भेजा। समतलीकरण के दौरान प्राप्त उपरोक्त सभी वस्तुएं अर्थात् मंदिर के पुरावशेष, कुछ खण्डित मूर्तियां, मृदामूर्तियां और मिट्टी के बर्तन आदि रामकथा संग्रहालय-राजसदन अयोध्या में पुरातत्व विभाग उत्तर प्रदेश के संरक्षण में रखा गया।”

“8. In June, 1992, in course of the levelling operation carried out by the Government of Uttar Pradesh in the eastern side of Sri Ram Janam Bhumi premises, some pieces of stones appearing to be the remains of the temple were discovered and some fractured idols, ceramic idols and earthen ware etc. were also found. On coming to know of it, I went to the site of the levelling operation. Many other journalists had also come there. All of us, the journalists, witnessed all those antiquities that included earthen idols, ware etc. and filed reports on it for their respective papers. All the afore-said objects discovered in course of the levelling operation - which included antiquities of the temple, some broken idols, ceramic idols, earthen ware etc. were preserved at the Ram Katha Museum - Raj Sadan, Ayodhya under the care of Archaeology Department, Uttar Pradesh.” (E.T.C.)

“9. 6 दिसम्बर सन् 1992 को जब मैं विवादित भवन के पीछे खड़ा था तो मैंने देखा कि पश्चिम की दीवाल के कुछ भाग का प्लास्टर उखड़ा हुआ है और दीवाल में बेतरतीब ढंग से असमान आकृति एवं आकार के पत्थर एवं ईंटें लगी हुई हैं जैसा कि पुरातत्व विभाग उत्तर प्रदेश द्वारा निर्मित श्वेतश्याम एलबम कागज संख्या 201-सी-1 के चित्र संख्या 4,5,6,13,14

और 18 में दर्शित है और रंगीन एलबम कागज संख्या 200-सी-1 के चित्र संख्या 21,22,23,24,27,33 और 34 में दर्शित है।”

“9. On 6th December, 1992, when I was standing behind the disputed building, I saw that plaster had come off some portion of the western wall and bricks and stones of uneven size and shape were used in the wall in a disorderly manner, as is shown in pictures 4,5,6,13,14 and 18 of the black-white album (paper no. 201-C-1) prepared by archaeology department and in pictures 21,22 23,24,27,33 and 34 of the coloured album (paper no. 200-C-1).”
(E.T.C.)

“10. थोड़ी देर बाद कारसेवकों द्वारा सरिया-बल्ली-लोहे के पाइपों से तीन गुम्बदों वाले भवन के दक्षिण और बीच वाले गुम्बद के बीच की पश्चिम दीवार पर प्रहार करने पर दीवाल में बेतरतीब ढंग से असमान आकृति एवं आकार के ईंटें, लखौरी ईंटे और पत्थर गिरने लगे। मेरे सामने ही कई अलंकृत शिलाखण्डों के साथ एक शिलाखण्ड लगभग साढ़े तीन फुट लम्बा लगभग दो फुट चौड़ा एवं लगभग 6 इंच मोटा रहा होगा, भी गिरा। ये सभी शिलाखण्ड किसी मंदिर के अवशेष लगते थे। उत्सुकतावश मैं तथा मेरे साथ वहां खड़े कुछ पत्रकार उस शिलाखण्ड को देखने लगे। तभी वहां उपस्थित एक साधू ने कहा कि यह किसी प्राचीन मंदिर का शिलालेख लगता है इसे संभालकर ले चलो और अन्य अलंकृत शिलाखण्डों को भी ले चलकर रामकथाकुंज में स्थित भवन के पास एकत्रित करो। कुछ कारसेवकों ने शिलालेख जैसा प्रतीत होने वाले शिलालेख को उठाकर रामकथा कुंज स्थित भवन के पास ले जाकर गिरा दिया जिससे वह खण्डित हो गया। पश्चिमी दीवाल से निकले अन्य शिलाखण्डों को भी कारसेवकों ने उस साधू के निर्देश पर रामकथा कुंज स्थित भवन के पास ले आकर रख दिया। विवादित भवन के दीवारों से निकलते जा रहे अन्य शिलाखण्ड जो मंदिर के अवशेष प्रतीत होते थे उन्हें उठा-उठाकर कारसेवक राम कथा कुंज भवन के पास रखे। उपरोक्त शिलालेख जैसा प्रतीत हो रहे शिलाखण्ड के आस पास इकट्ठा रखने लगे। उस समय मैं और अन्य बहुत से पत्रकार वहां पर मौजूद थे तथा उत्सुकतावश देख रहे थे जो टूटे हुए मंदिरों के अवशेष लग रहे थे। रामकथा कुंज के पास उपरोक्त शिलाखण्ड एवं मंदिर के अन्य

पुरावशेषों के रखते समय उन्हें देखने के लिए भीड़ बढ़ने लगी तो पुलिस वालों ने उन सभी शिलाखण्डों को अपने संरक्षण में ले लिया और लोगों को समझा बुझाकर वहां से दूर हटाया।”

“10. After some time, when the western wall, lying between southern and central dome of the three-domed building, was struck by karsevaks with iron-rods, wooden poles and iron-pipes, the bricks, lakhauri bricks and stones of uneven size and shape used in the wall in an unsystematic manner began to fall. Right in my presence, a block of stone which may have been around 3½ feet in length, around two feet in width and around six inches in breadth, fell off besides many decorated stone blocks. All these stone-blocks appeared to be remains of some temple. I and some journalists standing there with me began to see that stone-block out of curiosity. At that very time a saint present there said: “It appears to be a stone -block of some ancient temple. Let us take it and the decorated stone-blocks carefully and assemble them near the building located at Ram Katha Kunj”. Some karsevaks picked up a stone block looking like an inscription and dropped it near Ram Katha Kunj-situated building as a result of which it got broken. Under the direction of the saint, the karsevakas took away other stone blocks coming off the western wall and dropped it near Ram Katha Kunj-located building. Other stone blocks, which came off the walls of the disputed building and which appeared to be remains of the temple, were taken away by the karsevaks and were kept near the Ram Katha Kunj Bhawan. They began to put together the aforesaid stone-blocks looking like inscriptions. At that time I and many other journalists were present there and were out of curiosity witnessing what

appeared to be the remains of temples. While the aforesaid stone-blocks and other antiquities of temple were being kept, the crowd began to get larger and the policemen took all those stone blocks in their custody and got people away by persuading them.” (E.T.C.)

“11. 6 दिसम्बर 1992 को विवादित भवन के दीवारों से निकले प्राचीन मंदिर के अवशेषों से सम्बन्धित रिपोर्ट मैंने तथा अन्य पत्रकारों ने अपने-अपने समाचारपत्रों को भेजा। 7 जनवरी 1993 को पुलिस-प्रशासन द्वारा विवादित स्थल की वैरीकेटिंग कराये जाते समय मेरे सामने ही एक आमलक निकला उसे मैंने देखा और अन्य लोगों को भी बताया।”

“11. On 6th December, 1992, I and other journalists sent reports on the remains of the ancient temple coming off the walls of the western building, to their respective newspapers. On 7th January, 1993, while barricading was being done by the police administration at the disputed site, an 'amalak' came out right in front of me which I saw and about which I told other persons too.” (E.T.C.)

“12. 13 दिसम्बर 1992 को प्रातः काल डा. सुधा मलैया, जिनसे मेरा परिचय 6 दिसम्बर, 1992 को ही रामकथा कुंज के पास शिलाखण्ड रखते हुए हुआ था, ने मुझे टेलीफोन करके कहा कि वह विवादित भवन के दीवारों एवं मलवों से प्राप्त पुरावशेषों तथा शिलालेख जैसा प्रतीत होने वाले शिलाखण्ड को देखना और उनका अध्ययन करना चाहती हूँ, उन्हें वहाँ तक पहुंचाने में मैं उनकी मदद करूँ।”

“12. On the morning of 13th December, 1992, Dr. Sudha Malaiya, with whom I had got acquainted while putting the stone block near Ram Katha Kunj on 6th December, 1992 itself, told me over telephone that she wanted to see and study the antiquities and inscription-like stone-blocks discovered from the walls and debris of the disputed building and requested me to help her reach there.”

(E.T.C.)

“13. मैंने अपनी मोटरसाईकिल से डा. सुधा मलैया को रामकथा कुंज स्थित भवन, जहां विवादित भवन से निकले पुरावशेष—शिलाखण्ड रखे थे, वहां ले गया। वहां पहुंचने के थोड़ी देर में ही डा.एस.पी.गुप्ता भी वहां आ गये जिनका परिचय डा. मलैया ने मुझसे कराया। उन लोगों ने वहां रखे शिलाखण्ड, पुरावशेष तथा शिलालेख को देखा और उनमें से कई के फोटो खींचे । शिलालेख का फोटो खींचने के लिए मैं उसको सीधा किये खड़ा रहा। डा. एस.पी.गुप्ता, डा. सुधा मलैया उस शिलालेख को देखने लगे, वहां उपस्थित दैनिक आज के फोटोग्राफर ने उसका फोटो ले लिया। जिसमें मैं शिलालेख को पकड़े हुए खड़ा हूँ और डा. सुधा मलैया तथा डा. एस.पी. गुप्ता उसको देख रहे हैं। यह फोटो दैनिक आज के लखनऊ संस्करण में 15 दिसम्बर 1992 को प्रकाशित हुआ था जो मेरे पास मौजूद है।”

“13. I took Dr. Sudha Malaiya on my motorcycle to Ram Katha Kunj- located building where the antiquities and stone blocks discovered from the disputed building were kept. Soon after our reaching there Dr. S.P. Gupta also reached there and Dr. Malaiya introduced him to me. They witnessed the stone-blocks, antiquities and inscriptions placed there and photographed many of them. To enable the inscription to be photographed, I kept standing, putting it straight. Dr. S.P.Gupta and Dr. Sudha Malaiya began to see the inscription and the photographer of the daily 'Aaj' took photograph of it, in which I am standing holding the inscription and Dr. Sudha Malaiya and Dr. S.P. Gupta are looking at it. This photograph was on 15th December, 1992 published in the Lucknow edition of the daily 'Aaj' and it is with me.” (E.T.C.)

“14. 6 दिसम्बर 1992 को सायंकाल लगभग 6 बजे जैसे ही यह समाचार आया कि उत्तर प्रदेश के मुख्यमंत्री श्री कल्याण सिंह ने त्यागपत्र दे दिया है और उत्तर प्रदेश में राष्ट्रपति शासन लागू हो गया है वैसे ही अयोध्या—फैजाबाद में कर्फ्यू लगा दिया गया। पुलिस—अधिकारियों से

सम्पर्क करने पर उन्होंने बताया कि अयोध्या-फैजाबाद में बाहर से लोगों का आना बन्द कर दिया गया है और जो कारसेवक यहां मौजूद हैं उन्हें अविलम्ब बसों एवं ट्रेनों द्वारा बाहर भेजने की व्यवस्था की जा रही है।”

“14. On the evening of 6th December, 1992, at around 6 o'clock, as soon as there came the news that the Chief Minister of Uttar Pradesh, Sri Kalyan Singh had resigned and the President Rule had been promulgated in Uttar Pradesh, curfew was clamped in Ayodhya-Faizabad. On being contacted police officials told that the entry of outsiders in Ayodhya-Faizabad had been banned and arrangements were being made for immediately sending back the karsevaks, present there, by buses and trains.”
(E.T.C.)

588. OPW 10, Dr. Koluvyl Vyassrayasastrri Ramesh, has appeared as expert (Epigraphist) to prove the report (Paper No. 306C-1/1 to 306C-1/11) consisting of transcription of the estampage of the stone slab, prepared from the estampage (paper No. 203C-1/1). His examination-in-chief commenced on 11.11.2002 and followed as under :

11-11-2002- **Examination-in-chief** (p. 1-5)

Cross examination :(a) 11-11-2002- by Nirmohi Akhara, Defendant no.3, through Sri R.L. Verma, Advocate (p. 6-9)

(b) 11-11-2002- by defendant no. 6 through Sri A. Mannan, Advocate (p. 1012)

(c) 11/12/13/14/-11-2002, 17-02-2003- by Sunni Central Waqf Board, defendant no. 4 through Sri Z. Jilani, Advocate (p. 12-57)

(d) 17/18-02-2003- by defendant 5, Mohd. Hashim, through Sri M.A. Siddiqui, Advocate (p. 57-67)

(e) 18-02-2003- defendant no. 26 through Sri Syed Irfan

Ahmad, Advocate and defendants no. 6/1 and 6/2 (Suit-3) through Sri Fazale Alam, Advocate, adopted the cross examination already done by defendants no. 4, 5 and 6 (p. 67)

589. He is aged about 67 years of age (as per his affidavit dated 11.11.2002) and is resident of J Block, Kuvempnagar, Mysore. He is a retired Joint Director General, ASI, New Delhi. He did M.A. in Sanskrit Language and Literature from Madras University in 1956; Ph.D. in History in 1965 from Karnataka University; joined the office of Government Epigraphist for ASI at Ootacamund in 1956; later selected by Union Public Service Commission for the post of “Deputy Superintending Epigraphist” for Sanskrit inscriptions in 1966, promoted as Superintending Epigraphist in 1976, Chief Epigraphist in 1981, Director of Epigraphy in 1984 and Joint Director General, ASI, New Delhi in 1992 wherefrom retired on 30.06.1993. Since October, 1998 he is serving as Honorary Director, Oriental Research Institute, University of Mysore. Authored 14 books, 10 in English and 4 in Kannada, wrote more than 200 articles published in research journals of epigraphical and allied subjects. The important publications which he claim in para 5 of the affidavit are as under:

“5. During the course of my service as an Epigraphist and after my retirement, I have authored 14 books, 10 in English and 4 in Kannada. I have published more than 200 Articles in research Journals, all on Epigraphical and allied Subjects. Among my important publications may be mentioned:-

*(a) Corpus of Western Ganga Inscriptions
(Published by Indian Council of Historical Research New*

Delhi)

*(b) Bagh Copper plate hoard of the Gupta period
(Published by Archaeological Survey of India New Delhi)*

*(c) Recently Discovered Copper Plate Inscriptions
in the collection of the Department of Archaeology
government of Karnataka (Published by the Department of
Archaeology Government of Karnataka)*

*(d) More Copper Plate inscriptions in the
collection of the Department of Archaeology Government
of Karnataka (Published by the Department of Archaeology
Government of Karnataka)*

*(e) Indian Epigraphy (Sandeep Prakashan New
Delhi)*

*(f) Vatapi Chalukyas and their times (Agam
Prakashan New Delhi)*

*(g) A History of South Kanara (Published by the
Karnataka University)*

*(h) I have been an office bearer (President and
Secretary and Executive Editor) of the Epigraphical
Society of India since its inception in 1974. I have attended
a large number of seminars in India and abroad on topics
relating to Epigraphy and History, the latest being
International Seminar on Epics” at the University of
Malaya Kualalumpur in which I presented a paper on
“Epigraphical References to Great Indian Poems”. (in
October 2002)”*

590. Regarding the document he sought to prove, paras 6 to 15 of the affidavit of OPW 10 are as under:

*“6. Sri Deoki Nandan Agrawala along with his counsel
approached me and requested for decipherment of the 20*

line stone inscription on the basis of estampage made available to me which is the same as paper No. 203C-1/1 on record of this suit.”

“7. I studied the said Estampage thoroughly and deciphered the same and translated it in English and prepared my report which I handed over to Sri Deoki Nandan Agrawala.”

“8. My report consists of transcription of estampage in Nagari transliteration in Roman and translation in English.”

“9. Although certain portions of the inscription are broken or damaged, the overall purport and the crux of its import are clear beyond doubt. The epigraph mentions Govindachandra who belonged to the Gahadarwala Dynasty and ruled over a fairly vast empire between 1114 and 1155 A.D. This shows that the inscription is of the 12th century A.D. The chaste Sanskrit and orthographical features as well as palaeography also confirm that the inscription belongs to 12th century A.D.”

“10. I state that in my report a mention of verse at page 2 line 8, is typographical error; which should be read as verse ‘6’. On the same page of my report, ‘verse 7’ has been inadvertently omitted which is in appreciation of Mame’s valorous deeds in battle fields.”

“11. Verses 19 and 24 of the inscription mention Saketa Mandala of which Ayodhya was the headquarters.”

“12. Verses 21 to 24 mention the construction of a lofty stone temple for God Vishnuhari by Meghasuta. He was succeeded by Aayushya Chandra, the younger son of Alhana who, while residing at Ayodhya, which had

towering abodes, intellectuals and temples, endowed the entire Saketa Mandala with thousands of wells, reservoirs, alms-houses, tanks, etc.”

“13. Verse 27 (damaged in part) alludes to the episodes of Vishnu’s incarnation as Narasimha (who killed Hirnyakasipu), Krishna (who killed Banasura), Vamana (who destroyed Bali) and Rama (who killed ten-headed Ravana).”

“14. I state that according to the contents of the inscription, the temple of Vishnuhari constructed by Meghasuta must have been in existence in the temple town of Ayodhya from 12th century A.D.”

“15. That the ‘report’ mentioned hereinbefore by me and filed in this case as paper No. 306C-1/1 to 306C-1/1 is the same report which I prepared and signed by me. I identify my signature thereon.”

The translation of inscription of stone slab shall be dealt later while dealing with the relevant issue.

591. OPW 15, Dr. M. N. Katti, aged about 64 years (as per his affidavit dated 31.03.2003), resident of Vijaya Nagar III Stage, Mysore (State of Karnataka), is a retired Director (Epigraphy, ASI). His cross examination followed as under :

- (a) 31-03-2003-by Nirmohi Akhara, defendant no. 3, through Sri R.L. Verma, Advocate (p. 7-17)
- (b) 01/02-04-2003-by defendant no. 6 through Sri Abdul Mannan, Advocate (p. 18-37)
- (c) 02/03/04/28-04-2003- by Sunni Central Waqf Board, defendant no. 4 through Sri Zafaryab Jilani, Advocate (p. 37-77)
- (d) 28-04-2003- by defendant no. 5, Mohd. Hashim

through Sri M.A. Siddiqui, Advocate (p. 77)

(e) 28-04-2003- defendant no. 26 through Sri Sayad Irfan Ahmad, Advocate and defendants no. 6/1 and 6/2 (Suit-3) through Sri Fazale Alam, Advocate adopted the cross examination already done by defendants no. 4, 5 and 6 (p. 78)

592. He deposed to prove paper No. 203-C1/1 and 203C1/2 i.e., the Estampages of the inscriptions on the stone slab said to have been recovered in 1992 which was kept in Ram Katha Kunj in the custody of the Commissioner, Faizabad. Having passed M.A. (Sanskrit) from Osmania University, Hyderabad in 1961, did Post-Graduate Diploma in Archaeology from School of Archaeology, ASI, New Delhi in 1963 and joined as Epigraphical Assistant, office of Government Epigraphist of India ASI at Ooctacomund in 1964. The said office was later on shifted to Mysore in 1966. He was selected by Union Public Service Commission for the post of Deputy Superintending Epigraphist for Dravidian inscriptions in 1970 and again as Deputy Superintending Archaeologist in 1974. He was promoted as Superintending Epigraphist in December, 1978, as Chief Epigraphist in 1984 and Director Epigraphy in 1992 wherefrom he retired in March, 1997. After retirement also he was engaged as consultant for epigraphy in ASI in June, 1997 till December, 1997 at Mysore. During the course of his service as well as after retirement he edited twelve volumes dealing with epigraphy published by ASI and two volumes of the Journal of Epigraphical Society of India and one Dictionary of 'Personal Names of Mysore District'. He is author of a book "Lipshashtra Pravesha" written in Kannada, published in 1972, and edited another book in Kannada, i.e., "Namma Maisuru"

published in 2001, has written more than 100 research articles. Regarding estampages on the stone slab, i.e., paper No. 203C-1/1 and 203C-1/2 he said in para 10 and 11 as under:

“10. I was instructed by the Director General of Archaeological Survey of India to prepare the Estampages of the inscriptions on the stone slab and pillar which I had prepared at Ayodhya, District-Faizabad in February, 1994 where they were kept in Ram Katha Kunj in the custody of Commissioner Faizabad under tight Police Security. I have seen these Estampages which are paper no. 203C-1/1 and 203C-1/2. When I had prepared them at Ayodhya, then I made necessary note on the back of them under the my initial and also I had put line numbers on either side of the text portion of the inked Estampages of 20 lines which are same Estampages and which bear my initial, one set of these Estampages is also with the Archaeological Survey of India, New Delhi.”

“11. In the month of August, 1996, I was instructed by the Director General, Archaeological Survey of India to carry the above Estampages to Lucknow, meet the Commissioner, Faizabad and file the same in the Hon'ble High Court Accordingly, I came to Lucknow where Commissioner, Faizabad met me and then the above Estampages marked as Paper No. 203C1/1 and 203C1/2 kept in sealed envelope, were submitted by us before the Joint Registrar, Hon'ble High Court, Lucknow Bench, Lucknow.”

G. Artefacts in Debris:

593. OPW 14, Dr. Rakesh Tiwari, was working as Director, Rajya Puratatva Sangthan, U.P. Lucknow. His examination-in-

chief commenced on 07.02.2003 and followed as under :

07-02-2003- **Examination-in- chief** by affidavit (p. 1-4)

Cross examination:(a) 07-02-2003-by Nirmohi Akhara, defendant no. 3, through Sri R.L. Verma, Advocate (p. 5-10)

(b) 10/11-02-2003- by Mahmood Ahmad, defendant no. 6, through Sri Abdul Mannan, Advocate (p. 11-26)

(c) 11/13/14/19-02-2003, 05-03-2003-by Sunni Central Waqf Board, defendant no. 4 through Sri Zafaryab Jilani, Advocate (p. 26-81)

(d) 07/08-05-2003- by defendant no. 5 through Sri Mustaq Ahmad Siddiqui, Advocate (p. 81-94)

(e) 08-05-2003- defendant no. 26 through Sri Sayad Irfan Ahmad, Advocate and defendants no. 6/1 and 6/2 (Suit-3) through Sri Mohd. Azhar, Advocate adopted the cross examination already done by defendants no. 4, 5 and 6 (p. 94)

594. OPW-14 claims to have prepared two lists of certain artefacts and finds, kept at Ram Katha Kunj, Ayodhya and from paras 2 to 6 of the affidavit dated 07.02.2003 has said:

“2. मैं अपनी टीम के साथ माननीय उच्च न्यायालय लखनऊ पीठ लखनऊ के आदेश के अनुपालन में सन् 1990 में अयोध्या स्थित विवादित स्थल पर जाकर वाद के पक्षकारों एवं उनके अधिवक्ताओं की उपस्थिति में विवादित भवन एवं परिसर का श्वेतश्याम व रंगीन फोटोग्राफी तथा वीडियोग्राफी अपने निर्देशन एवं देखरेख में करवाया था।

“2. In compliance with the order of the Hon'ble High Court, Lucknow Bench, Lucknow, I along with my team went to the disputed site situated in Ayodhya and ensured the black and white and the coloured photography and videography of the disputed building and premises under my direction and care and in presence of parties to the suit

and their counsels.” (E.T.C.)

“3. श्वेत श्याम व रंगीन फोटो विवादित भवन एवं परिसर के जिस-जिस भाग के लिये गये थे उनका विवरण उल्लिखित करते हुए दो एलबम तैयार किया गया। यह दोनों एलबम तथा बीडियो कैसेट को माननीय उच्च न्यायालय लखनऊ पीठ लखनऊ को प्रेषित कर दिया था तथा निगेटिव अपने विभाग में सुरक्षित रखवा लिया था जो आज भी सुरक्षित रखे हुए हैं।”

“3. *Detailing the portions of the disputed building and premises of which the black and white as well as colour photographs were taken, two albums were prepared. I sent these two albums and video cassettes to the Hon'ble High Court, Lucknow Bench, Lucknow and ensured the retention of the negatives with my department which are kept safe even today.*” (E.T.C.)

“4. दिसम्बर सन् 1992 में जब विवादित भवन ध्वस्त हो गया तो सचिव पर्यटन एवं सांस्कृतिक कार्य विभाग के आदेश पर मैं अपनी टीम के साथ विवादित स्थल पर गया जहाँ विवादित भवन का मलवा बिखरा हुआ था उनमें कहीं-कहीं प्राचीन पुरावशेष की श्रेणी में आने वाले प्रस्तरखण्ड भी धूल धूसरित बिखरे हुए थे। विवादित स्थल के निकट ही स्थित रामकथा कुंज में भी उपरोक्त विवादित भवन के पुरावशेष रखे हुए थे जहाँ पुलिस मौजूद थी।”

“4. *In December, 1992, when the disputed building was demolished, I, under the orders of the Secretary, Department of Tourism and Cultural Affairs, went along with my team to the disputed site, where the debris of the disputed building was strewn in which stone-blocks categorized as antiquities were also lying covered with dust. The antiquities of the aforesaid disputed building were kept also at Ram Katha Kunj, located near the disputed site itself, where the police was present.*” (E.T.C.)

“5. जिलाधिकारी फैजाबाद की अपेक्षानुसार मेरे निर्देशन व देख-रेख

तथा श्री गिरजाशंकर तिवारी निदेशक राम कथा संग्रहालय राज सदन, अयोध्या व श्री इन्द्र देव सिंह अपर नगर मजिस्ट्रेट फैजाबाद की उपस्थित में राम कथा कुंज में रखे हुए पुरावशेषों पर संख्या आर.के.के.-1 से लेकर आर.के.के.-265 तक अंकित की गयी तथा तदनुसार उन पुरावशेषों की सूची बनायी गयी जिस पर श्री गिरजाशंकर तिवारी व श्री इन्द्रदेव सिंह ने अपने-अपने हस्ताक्षर मेरे समक्ष ही किये उस सूची की प्रतियां सम्बन्धित अधिकारियों को प्रेषित कर दिया गया था। उक्त पुरावशेषों की मूल सूची आठ पृष्ठों में व सचिव पर्यटक एवं सांस्कृतिक कार्य विभाग के पत्र अपने साथ लाया हूँ जिसकी छायाप्रति बतौर संलग्नक एक व दो के इस शपथपत्र के साथ संलग्न है। कालान्तर में पुनः निरीक्षण करने पर यह पाया गया कि एक वास्तुखण्ड पर गलती से दो नम्बर अंकित हो गये थे।”

“5. *As required by the District Magistrate, Faizabad, the antiquities kept at Ram Katha Kunj were marked with the numbers ranging from R.K.K.-1 to R.K.K.-265, under my direction and supervision and in presence of Sri Girja Shankar Tiwari, Director, Ram Katha Sangrahalaya, Raj Sadan, Ayodhya and Sri Indra Dev Singh, Additional City Magistrate, Faizabad. Accordingly the list of those antiquities was prepared on which Sri Girja Shankar Tiwari and Sri Indra Dev Singh put their respective signatures right in front of me. Copies of those lists were sent to the concerned officers. Along with the letter of the Secretary, Department of Tourism and Cultural Affairs, I have brought the 8-page original list of the said antiquities, photocopies of which are annexed to this affidavit as annexures 1 and 2. Subsequently, on re-inspection it was found that two numbers were by mistake marked on a stone-block.*” (E.T.C.)

“6. उपर्युक्त पुरावशेषों की सूची मैंने स्वयं प्रमाणित करके माननीय उच्च न्यायालय लखनऊ पीठ लखनऊ को पहले भी प्रेषित किया है।”

“6. *After personally certifying the aforesaid list of*

antiquities I have sent the same to the Hon'ble High Court, Lucknow Bench, Lucknow even earlier.” (E.T.C.)

595. About the list of the documents etc. which he has annexed as Annexure-1 to his affidavit we shall deal with in detail later.

H. Commissioner/Survey Report:

596. PW 17, Zafar Ali Siddiqui, aged about 65 years (on the date of commencement of his statement-in-chief on 20.10.2000), is resident of Mohalla Dariyapur, District Sultanpur. His cross examination followed as under :

- (a) 20.10.2000, 13/14.11.2000- by Nirmohi Akhara through Sri R.L. Verma, Advocate(p. 4-37)
- (b)15-11-2000- by Dharamdas, defendant no. 13, through Sri Ved Prakash, Advocate (p. 38-44)
- (c)15/16/17-11-2000, 08.01.2001- by Sri Umesh Chandra Pandey, defendant no. 22 through Sri Vireshwar Dwivedi, Advocate (p. 44-80)
- (d) 08.01.2001- Sri Paramhans Ramchandra Das, defendant no. 2. through Sri Madan Mohan Advocate adopted by cross examination on behalf of defendant no. 3 and defendant no. 22 (p. 80)
- (e) 08.01.2001-Sri Rajendra Singh, son of Sri Gopal Singh Visharad through Sri P.L. Mishra, Advocate (p. 80-87)
- (f) 08.01.2001- 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. 87)
- (g) 08.01.2001- Plaintiffs no. 1 and 2 through Sri Vireshwar Dwivedi advocate the cross examination already done by other plaintiffs (p. 87)

597. By profession he is an Advocate practising since 1961-62. He claims to have surveyed the disputed site on private request of one of the plaintiffs (Suit-4) and had prepared a report and map (Paper No. 191C-2). He sought to prove the above survey report and map and said as under:

‘पहले मुझसे इस मुकदमें के वादी हाशिम साहब ने इस झगड़े की जमीन का सर्वे करने को कहा था इसके बाद वादी के वकील साहब श्री मन्नान साहब, श्री जिलानी साहब एवं श्री मुश्ताक अहमद साहब ने इस सर्वे काम को करने के लिए इंगेज किया था। उनके कहने के बाद मैंने इस झगड़े वाली जमीन का सर्वे 19, 20, 21 जुलाई, 1990 को किया था मुझे वादी ने नजूल का नक्शा दिया था। मुझे 23 प्लाट का सर्वे करने के लिए कहा गया था। वादी ने नजूल का खसरा 1931 का भी मुझे दिया था। उसमें विवादित जमीन के सभी 23 प्लाट दिखलाये गये थे। उस विवादित जमीन के एक प्लाट पर एक मस्जिद बनी थीं वह मस्जिद प्लाट सं० 583 पर बनी थी। मस्जिद के पूरब तरफ प्लाट सं० 586,581 व 584 स्थित थे। मस्जिद के उत्तर तरफ प्लाट सं० 582 स्थित था। मस्जिद के दक्षिण तरफ प्लाट सं० 590 व 588 स्थित थे। यह नम्बर मैं 1931 के नजूल के नक्शे व खसरे से बता रहा हूँ।

नजूल के 1931 वाले नक्शे में दक्षिण की तरफ एक सिहद्दा बना था। उसी से मैंने कार्य शुरू किया । मैंने इस सिहद्दे को ढूँढने के लिये कुछ प्लाटों की नाप जोख की और तब यह मालूम किया गया कि यह सिहद्दा इसी जगह पर होगा उस जगह की खुदाई करने पर सिहद्दा मिला था । सिहद्दा के पश्चिम व उत्तर के प्लाटों से मैंने नाप जोप की थी। सिहद्दे की स्थिति नक्शे के हिसाब से मैंने मौके पर ठीक पायी थी सिहद्दों से सबसे करीब एक बाग मिला था जो 632 से 638 तक स्थित था। अर्थात् वह बाग इतने नम्बरों को लेकर बनी थी। 1931 के नक्शे के हिसाब से मैंने नाप जोख की थी और वह मौके पर बिल्कुल सही पायी थी। अर्थात् मौके पर हूबहू मिलती थी। मैं जब सर्वे कार्य कर रहा था उस समय कोर्ट से सर्वे कमिश्नर एक गये थे और मुझे यह हिदायत दी गयी थी कि मैं इनको असेस भी करूँ और अपनी भी एक रिपोर्ट बनाऊँ । मेरे इस सर्वे कार्य में अयोध्या के कई लड़के मेरी मदद कर रहे थे।

जिस समय मैंने सर्वे का कार्य किया उस समय वादी के वकील श्री

मन्नान श्री जिलानी, श्री मुश्ताक अहमद साहब एवं वादी मौजूद थे। फ़ैजाबाद के आफताब अहमद सिद्दीकी वकील साहब भी मौजूद थे। मैंने मौके पर जब नाप जोख की थी तो नोट्स तैयार किया था। सर्वे करने के करीब एक एक माह के अन्दर अर्थात् अपने नोट्स बनाने के एक माह के अन्दर मैंने अपनी एक रिपोर्ट तैयार करके रख ली थी। यह नोट्स मैंने मौके पर बनाये थे। मैंने इस नाप जोख के समय मौके पर एक रफ स्केच भी बनाया था। उसी की मदद से मैंने नक्शा तैयार किया था। मैंने जो नक्शा बनाया था व रिपोर्ट जो बनायी थी वह इस समय भी मेरे पास है। मैं यह रिपोर्ट व नक्शा पेश कर सकता हूँ। (रिपोर्ट पेश करने के विषय पर विपक्षीगण के अधिवक्ताओं ने आपत्ति की और उन्होंने यह कहा कि यह आपत्तियां वो पहले ही लिखित रूप से दाखिल कर चुके हैं। उनका कहना है कि यह रिपोर्ट गवाह के द्वारा दाखिल नहीं हो सकती है एवं इस संबंध में सर्वे कमीशन की रिपोर्ट पहले ही खारिज हो चुकी है। चूंकि गवाही चल रही है इसलिए यह उचित होगा यह रिपोर्ट फिलहाल रख ली जाये परन्तु एडिमीसिविलिटी एवं ग्राहता के संबंध में अलग से आदेश गवाह का बयान खतम होने पर दिया जायेगा।) गवाह द्वारा रिपोर्ट व नक्शा लिया गया जिस पर पेपर नं० 191 सी 2 डाला गया। इस रिपोर्ट पर मेरे हर पेज पर दस्तखत हैं और नक्शे पर भी हैं। इस रिपोर्ट पर कोई तिथि अंकित नहीं है। यह रिपोर्ट मैंने 13, 14 अक्टूबर सन् 2000 को टाईप कराकर तैयार की और नक्शा भी उसी दिन पुराने नक्शे से ट्रेस करके बनाया है। यह रिपोर्ट भी मैंने पुरानी रिपोर्ट पर तैयार की अर्थात् टाईप करायी। यह नक्शा मेरे हाथ द्वारा ट्रेस किया गया। जो चीज नक्शे में दिखायी है वह रिपोर्ट में लिखी है वह मौका और नक्शे के हिसाब से सही है।”

“Initially the plaintiff of this suit, Mr. Hashim, had asked me to survey the disputed land. Subsequently, the counsel of this case viz. Mr. Mannan, Mr. Jilani and Mr. Mustaq Ahmad, engaged me to carry out this survey. On their instruction, I conducted survey of the disputed land on 19th 20th and 21st July 1990. The plaintiff had furnished Nazul map of 1931. I had been asked to survey 23 plots. The plaintiff had also given me the nazul khasra of 1931.

All the 23 plots of the disputed land were shown in it. A mosque was built over a plot of said disputed land. That mosque was built over plot no. 583. Plot Nos. 586, 581 and 584 were situated to the east of the mosque. The plot no. 582 was to the north of the mosque. The plot nos. 590 and 588 were situated in south of the mosque. I am giving these numbers on basis of the nazul map and khasra of 1931.

There existed a 'Sihadda' (tri-junction pillar or platform) in south of the Nazul map of 1931. In order to discover this 'Sihadda', I measured certain plots and then located the place/point of 'Sihadda'. After digging at that place, 'Sihadda' was found. I had measured the plots to west and north of the 'Sihadda'. I had found the location of the 'Sihadda' on the spot, to be in accordance with the map. Nearest to the 'Sihadda' was a grove over numbers 632 to 638 i.e. the grove existed over the said numbers. I had carried out the measurement as per the map of 1931 and it was found in order on the spot i.e. it was exactly the same on the spot. When I was carrying out the survey, the Survey Commissioner of the court also arrived over there and I was instructed to assist him, besides preparing my own report. Many local boys of Ayodhya also assisted me in this survey.

At the time of the survey, the plaintiff's counsel Sri Mannan, Sri Jilani, Sri Mushtaq Ahmad and the plaintiff were present over there. Sri Aftaab Ahmad Siddiqui, Advocate, of Faizabad was also present. When I had carried out the measurement, I prepared notes. Within one month of conducting the survey or within one month of preparation of my notes, I had kept a report after its

preparation. I had carried out the measurement and prepared my notes on the spot. I prepared a report within one month. At time of measurement at the spot, I had also prepared a rough sketch, and I had prepared the map by its help. The map and report prepared by me, are with me at present. I can produce the said map and report (in the matter of production of the report, the counsel for the opposite parties raised objection and contended that they have already filed the written objections in this behalf. They contended that the witness cannot file the report and the report of Survey Commission in this behalf, has already been rejected. Since evidence is being led, it would be proper that the said report be taken for the time being but orders regarding the admissibility of the same would be passed after conclusion of evidence of the witness). The report and map were taken from the witness which were numbered as paper no. 191C-2. All the pages of this report and the map bear my signature. This report does not contain any date. I had got this report typed out on 13,14 October, 2000 and on the same day I had got the map traced out from the old map. This report was also prepared i.e. got typed out by me from the old report. This map has been traced by me in my own hands. The items appearing in the map and described in the report, are correct as per the location and map.” (E.T.C.)

598. DW 3/10 Sri Pateshwari Dutt Pandey; is an Advocate aged about 74 years (vide his affidavit dated 23rd March 2004) and was cross examined as under :

(a) 23.03.2004- 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) 23.03.2004- by plaintiffs (Suit-5) through Sri Ved Prakash, Advocate (p. 8-9)

(c) 23.03.2004- Mahant Suresh Das, defendant no. 2/1 (Suit-4 and 5) through Sri M.M. Pandey, Advocate adopted the cross examination already done by Vireshwar Dwivedi and Sri Ved Prakash Advocates (p. 9)

(d) 24.03.2004- by defendant no. 20 (Suit-4) through Km. Ranjana Agnihotri, Advocate (p. 11)

(e) 24/25.03.2004- by defendant no. 11 through Sri Abdul Manna, Advocate (p. 12-22)

(f) 25/26/29/31.03.2004, 01/19/20.04.2004- by Sunni Central Waqf Board, defendant no. 9 through Sri Zafaryab Jilani, Advocate (p. 22-90)

(g) 21/27.04.2004- by plaintiff no. 7 (Suit-4) and defendant no. 5 (Suit-5) Mohd Hashim through Sri Mustaq Ahmad Siddiqui, Advocate (p. 91-110)

(h) 27.04.2004- defendant no. 6/1 through Sri Irfan Ahmad, Advocate and defendant no. 6/2 through Sri Fazale Alam, Advocate adopted the cross examination already done by Sri Abdul Mannan, Sri Zafaryab Jilani and Sri Mustaq Ahmad Siddiqui, Advocates (p. 111)

599. He claimed to have submitted Commission's report on 13.10.1973 pursuant to an order in O.S. No. 9 of 1973 Nirmohi Akhara Vs. Baba Ram Lakhani Izlasi, in the Court of Civil Judge, Faizabad and has filed a copy of the said report and proved the same. He prepared and submitted said report after inspecting the premises in question on 22th August, 26th August 1973 and 6th September 1973. The aforesaid suit itself had been

decided finally in 1978. It is not necessary to make any further discussion on this aspect of the matter since the above report, if necessary, would be discussed later on. The statement of DW 3/10 in detail would also be referred and discussed later on if necessary.

Documentary Evidences

600. Documents of plaintiff (Suit-1) :

Sl. No	Description of Paper	Paper No./ Exhibit mark	Register/ Page No.
1	Copy of the affidavit by Abdul Ghani dated 16-2-1950, in the court of City Magistrate Faizabad U/s 145 Cr.PC. P.S. Ayodhya District Faizabad	69/C-Ex.1	5/5
2	Copy of the affidavit of Wali Mohammad dated 3.2.1950, in the Court of City Magistrate Faizabad U/s 145 Cr.P.C. Rex Vs. R.J.B.&B.M.	183-Ex.2	5/9-10
3	Copy of affidavit filed by Hasnu dated 29.12.1950 in the Court of City Magistrate Faizabad U/s 145 Cr.P.C.	184/C-Ex.3	5/11-12
4	Copy of affidavit of Mohd. Umar dated 11.2.1950, in the Court of City Magistrate Faizabad U/s 145 Cr.P.C.	185/C-Ex.4	5/13-14
5	Copy of affidavit of Ajeemullah dated 13.2.1950 in the Court of City Magistrate Faizabad U/s 145 Cr.P.C.	186/C-Ex.5	5/17-18
6	Copy of affidavit filed by Latif dated 13.2.1950 in the Court of City Magistrate Faizabad U/s 145 Cr.P.C.	187/C-Ex.6	5/19-20
7	Copy of affidavit of Mohd. Husain dated 14.2.1950, in the Court of City Magistrate Faizabad U/s 145 Cr.P.C.	188/C-Ex.7	5/21-22

8	Copy of affidavit of Abdul Sattar dated 16.2.1950, in the Court of City Magistrate Faizabad U/s 145 Cr.P.C.	189/C- Ex.8	5/23-24
9	Copy of affidavit of Ramzan dated 16.2.1950, in the Court of City Magistrate Faizabad U/s 145 Cr.P.C.	190/C- Ex.9	5/25-26
10	Copy of affidavit of Hoshaldar dated 16.2.1950, in the Court of City Magistrate Faizabad U/s 145 Cr.P.C.	191/C- Ex.10	5/27
11	Copy of affidavit of Abdul Sakoor dated 16.2.1950, in the Court of City Magistrate Faizabad U/s 145 Cr.P.C.	192/C- Ex.11	5/29
12	Copy of affidavit of Abdul Razal dated 16.2.1950, in the Court of City Magistrate Faizabad U/s 145 Cr.P.C.	193/C- Ex.12	5/31
13	Copy of affidavit of Abdul Jaleel dated 14.2.50, in the Court of City Magistrate Faizabad U/s 145 Cr.P.C.	194/C- Ex.13	5/33
14	Copy of affidavit of Peeru Dated 11.2.50 filed before City Magistrate, Faizabad in proceedings u/s 145 Cr.P.C.	195/2 Ga- Ex.14	5/35
15	Copy of the report of Deputy Commissioner Faizabad in compliance of Commissioner's order dated 14.05.1877 in Misc. Appeal No. 56 decided on 13.12.77	319/1Ga- 319/2Ga- Ex.15	5/41
16	Copy of the order of the Commissioner Faizabad dated 13.12.1877 in Mohd. Asgar Vs. Khem Das, Misc. Appeal No. 56	320/Ga- Ex.16	5/45
17	Copy of judgment dated 18.6.1883 passed by Sub Judge, Faizabad in case no. 1374/943, Syed Mohd. Asghar Vs Raghubar Das	321/Ga- 321/2Ga- Ex.17	5/47
18	Copy of the application of Mohd. Asghar dated 2.11.1883 in the Court of Assist. Commissioner	322/Ga- Ex.18	5/55

	Faizabad Mohd. Asgar Vs. Raghubar Das		
19	Copy of report dated 28.11.1858 of Sheetal Dubey Thanedar Awadh (case no. 384)	325Ga-Ex.19	5/61
20	Copy of application/complaint dated 30.11.1858 of Mohd. Khateeb (in case no. 884)	326Ga-Ex.20	5/65
21	Copy of report dated 1.12.1858 of Sheetal Dubey Thanedar Awadh (case no. 884)	327Ga-Ex.21	5/69
22	Copy of report dated 6.12.1858 of Thanedar Awadh (case no. 884)	328Ga-Ex.22	5/73
23	Copy of application dated 9.4.1860 of Mohammadi Shah	329Ga-Ex.23	5/77
24	Copy of the plaint dated 22.10.1882 of Suit No. 374/943 of 1882 Mohd. Asghar Vs. Raghubar Das in the Court of Munsif Faizabad	349/Ga-Ex.24	5/83
25	Copy of the judgment dated 22.8.1871	350Ga-Ex.25	5/87
26	Copy of plaint dated 22.2.1870 case Mohd. Asghar Vs. Sarkar Bahadur	351Ga-Ex.26	5/91
27	Copy of the order dated 22.1.1884 in case no. 19435 by Asstt. Commissioner, Faizabad	352/Ga-Ex.27	5/95
28	Copy of the application of Raghubar Das dated 27.6.1884 before Asstt. Commissioner, Faizabad	353/Ga-Ex.28	5/99
29	Copy of the order dated 12.10.1866 of Deputy Commissioner, Faizabad in case no. 223	354Ga-Ex.29	5/103
30	Copy of memo of appeal dated 13.12.1870 before Commissioner against order dated 03.04.1877 passed by Dy. Commissioner.	355/Ga-Ex.30	5/107
31	Copy of Application dated 5.11.1860 of Rajjab Ali in the Court of Deputy Commissioner Faizabad, Meer Rajjab Ali Vs. Akali Singh	356/Ga-Ex.31	5/117

32	Copy of the Map Kistwar, village Ramkot Tehsil Haveli District Faizabad 1344, 1345 F, in 1937	357/Ga-Ex.32	5/123
33	Copy of order dated 26.8.1868 disposed of by Major J. Read Commissioner, Faizabad in appeal no. 275 Niamat Ali Shah Vs. Ganga Dhar Shastri	358/1Ga-2Ga Ex.33	5/127-129
34	Copy of the order dated 12.1.1884 passed by Asstt. Commissioner, Faizabad in Case No. 19435 in respect of Najool of Ram Janam Bhumi Pargana Haveli Awadh, Faizaadl Mohd. Asghar Vs. Raghubar Das	359/Ga-Ex.34	5/131

601. Documents filed by defendants (Suit-1):

Sl. No	Description of Paper	Paper No./ Exhibit Mark	Register/ Page No.
1	Document written by Dr. H. C. Rai Proved by Gaya Prasad Tewari in the Court of Civil Judge, Faizabad on 14.12.1961	423 Ga-Ex. A1 (Not relevant now)	Relate to substitution matter have not enclosed
2	Document written by Dr. H. C. Rai Proved by Gaya Prasad Tewari in the Court of Civil Judge, Faizabad on 14.12.1961	425 Ga-Ex. A2 (Not relevant now)	Relate to substitution matter have not enclosed
3	Grant certificate of Chief Commissioner in favour of Rajjab Ali and Mohd. Asghar	6/83-Ex. A3	6/33
4	Death report of Mohd. Shami Mohalla Raiganj Ayodhya dated 26.6.1958	437 Ga-Ex. A3A (now not relevant)	8/565
5	Report dated 16.9.1938 by Sri S.M. Owais, District Waqf Commissioner	73/1-5A-Ex. A4	6/35

6	Report dated 8.2.1941 by Mr. A Majeed District Waqf Commissioner	74/1-2A-Ex. A5	6/45
7	Application dated 5.6.1934 of Zaki and others U/s 15 of Police Act	75/1-Ex. A6	6/49
8	Agreement dated 25.7.1936 between Mohd. Zaki and Abdul Gaffar	75A-Ex. A7	6/63
9	Income expenditure statement of 1299, 1306 and 1307 Fasli	76A-Ex. A8	6/75
10	Asal Photo Masjid Babri	42-Ex. A9	6/151
11	Naqual register Tahkikat Moafi dated 14.3.1860	53/1 and 53/2, Ex. A10	6/153
12	Copy of register moafiyat faizabad govt. order 234 dated 29-06-60	80/C-Ex. A11	6/163
13	Naqual register A6 jeem Mutallikan Faizabad.	81/C-Ex. A12	6/165
14	Copy of application dated 25.9.1866 by Mohd. Afzal, Mutwalli, Masjid Babri, Oudh	57/C-Ex. A13	6/173
15	Copy of letter dated 25.8.1863 of Chief Commissioner Oudh to Commissioner, Faizabad	83C-Ex. A14	7/181
16	Copy of order dated 5/6.9.1863 of Finance Commissioner, Oudh to Commissioner, Faizabad	84C-Ex. A15	7/183
17	Copy of Robekar Rozanamacha-408 issued by extra Asst. Commissioner referring order dated 31.08.1863 of Dy. Commissioner, Faizabad and copy of the order sheet dated 9, 16, 28 and 30.09.1863 of Asst. Commissioner, Faizabad	41/59 Ex. A16	7/185
18	Copy of Robekar alongwith order sheet dated 16.8.1865 of Karnegi, Deputy Commissioner, Faizabad	41/60 Ex. A17	7/193
19	Copy of the order dated 30.10.1865 of Assistant commissioner	41/61-Ex. A18	7/193
20	Order and decree dated 30.1.1870 and 03.02.1870 of Settlement Officer's Court, Faizabad in Case No. 5, Mohd. Afzal Ali and Mohd Asghaer Vs. Government.	88C-Ex. A19	7/207

21	Copy of order dated 22.8.1871 of Settlement Officer, Faizabad	89C-Ex. A20	7/231
22	Khasra 1277 Fasli (1873 AD) showing Plot No. 163	90C-Ex. A21	7/233
23	Copy of plaint dated 19.1.1885, Raghubar Das Vs. Sec. of State (case no. 61/280(1885))	91/1,2C-Ex. A22	7/237
24	Written Statement of Mohd. Asghar, defendant no. 2 in case no.61/280(1885) dated 22.12.1885	92/C-Ex. A23	7/255
25	Copy of the report dated 6.12.1885 of Gopal Sahai, Ameen, Raghuar Das Vs. Saheb Bahadur Secy. of State in case no. 61/280 of 1885	93/1/C-Ex. A24	7/271
26	Map prepared by Gopal Sahai, Ameen, Court Commissioner on 6.12.1885	94/2C-Ex. A25	7/277
27	Judgment dated 24.12.1885 Raghubar Das Vs. Secy. of State from the Court of Sub Judge, Faizabad case no. 61/280	94/1C-Ex. A26	7/283
28	Copy of judgment dated 18/26.3.1886 of F.E.A. Chemier D.J. Faizabad in CA no. 27/1885	95/1C-Ex. A27	7/319
29	Decree dated 18/26.3.1886, Raghubar Das Vs. Secy. of State, CA No. 27/1885, Court of D.J. Faizabad (F.E.A. Chamier)	96/1C-Ex. A28	7/325
30	Copy of report E.L. Norton Esquire L.R. to govt. 18.12.1929 with reference to the application U/s 92 CPC	97/1C-Ex. A29	7/331
31	Naqal Intekhab Khewat Mauja Bahoranpur 1332 F.	98/C-Ex. A30	7/333
32	Copy of account for the period 7.4.1924 to 28.3.1925 given by Sayed Mohd Zaki	100C-Ex. A31	7/357
33	Naqal Hisab for the period 29.3.1925 to 14.4.1926	101/C-Ex. A32	7/379
34	Copy of account income and expenditure dated 27/29.05.1943 regarding Mohd. Bahoranpur Moafi Mauja Bahoranpur for 25.9.41 to 12.9.42	102/C-Ex. A33	7/401
35	Naqal Indraj Waqf No. 26, Faizbad Govt. Gazette dated	103/C-Ex. A34	7/409

	26.2.1944		
36	Hisab Amdani aur kharch Sunni Central Board of Waqf 1.4.1947 to 31.3.1948	104/C-Ex. A35	7/413
37	Report of Auditor (Khajahnci) 27.7.1948	105/C-Ex. A36	7/415
38	Nakal Khasara Abadi Kistwar	106/C-Ex. A37	7/417
39	Nakl Khasara Abadi Kistwar	107/C-Ex. A38	7/419
40	Naqual Naksha Kistwar Bandobhast	108/C-Ex. A39	7/421
41	Intekhab Naksha Abadi Mauja Ramkot Pargana Haveli	109/C-Ex. A40	7/423
42	Khewat Mauza Bahoranpur	110/C-Ex. A41	7/425
43	Copy of judgment dated 30.03.1946 Shia Waqf Board Vs. Sunni Waqf Board Regular Suit No. 29/1945, judgment by Sri. S.A. Ahsan	176/1C-Ex. A42	8/431
44	Copy of order of Dy. Commissioner Faizabad dated 6.10.1934 on the list of compensation regarding Babri Mosque	266 Ga-Ex. A43	8/459
45	Copy of estimate of Tahavar Khan Thekedar, Babri Masjid Ayodhya 15.4.1935	267 Ga-Ex. A44	8/461
46	Copy of order passed by Dy Commissioner, Faizabad dated 26.2.1935 on application of Tahavar Khan	268 Ga-Ex. A45	8/467
47	Copy of the report of Mubaraq Ali, Bail order 27.1.1936 regarding construction of mosque	269 Ga-Ex. A46	8/469
48	Copy of the order dated 29.1.1936 passed by A. D. Dixon regarding the repairs of the Babri Mosque, Ayodhya	270 Ga-Ex. A47	8/471
49	Copy of the inspection note dated 21.11.1935 by Zorawar Sharma Asst. Engineer P.W.D.	271/1-2 Ga-Ex. A48	8/473
50	Copy of the order dated 12.5.1934 passed by Milner White regarding cow slaughter question at	272 Ga-Ex. A49	8/477

	Shahjanpur and Ayodhya Riot no. XV-162, 1929-30 to 1934-35		
51	Copy of the application moved by Tahavar Khan, Thekedar dated 16.4.1935	276 Ga-Ex. A50	8/479
52	Copy of the application moved by Tahavar Khan Thekedar dated 25.2.1935 (cow slaughter question)	274 Ga-Ex. A51	8/483
53	Copy of the application moved by Tahavar Khan Thekedar dated 30.4.1936	275 Ga-Ex. A52	8/485
54	Copy of the application moved by Tahavar Khan Thekedar dated 2.1.1936	276 Ga-Ex. A53	8/493
55	Report of the auditor dated 27.7.1948 for the year 1947-48	299-Ex. A54	8/501
56	Naqual Hisab Amdani Aur Kharcha Babat 1.10.1947 to 31.3.1948, Sunni Central Waqf Board U.P. Jawwad Husain Mutwali	300 Ga-Ex. A55	8/503
57	Report of the auditor for 1948-1949, Babat Waqf file no. 26	301 Ga-Ex. A56	8/505
58	Naqual Hisab Aamdani Aur Kharch 1.4.1948 to 31.3.1949	302 Ga-Ex. A57	8/507
59	Naqual report of the auditor from 1949-50 M. Husain, Auditor 23.12.1950	303 Ga-Ex. A58	8/509
60	Copy of the report of income and expenditure 1.4.1949 to 31.3.1950 by Jawad Husain Mutwali	304 Ga-Ex. A59	8/511
61	Copy of the register Waqf U/s 38 U.P. Muslim Waqf act No. 13/1936	305 Ga-Ex. A60	8/513
62	Copy of the application by Abdul Gaffar Pesh Imam Babri masjid dated 20.8.1938	306 Ga-Ex. A61	8/515
63	Naqual Murasala no. 5007/26/7 dated 25.11.1948	307 Ga-Ex. A62	8/519
64	Naqual report Mohd. Ibrahim Waqf Inspector dated 10.12.1949 for protection of mosque	308 Ga-Ex. A63	8/523
65	Naqual report Mohd. Ibrahim Saheb Waqf Inspector dated 23.12.1949 for protection of mosque	309 Ga-Ex. A64	8/529
66	Notice of Shiya Central Board to	310 Ga-	8/537

	Sunni Central Board 11.4.1945	Ex. A65	
67	Original letter dated 20.11.1943 in reply of the letter no. 5272 dated 27.10.1943	311 Ga-Ex. A66	8/539
68	Copy of the application dated 19/20.7.1938 of Mohd. Zabi S/o Mohd. Razi addressed to Waqf Commissioner Faizabad	312 Ga-Ex. A67	8/547
69	Copy of the order of Dy. Commissioner Faizabad dated 19.1.1928 file no.14/77, 1922	313 Ga-Ex. A68	8/559
70	Copy of robekar dated 15.12.1858, Case no. 884 Awadh Darbar Janam Sthan-petitions moved to Thanedar Nihang Singh	361 Ga-Ex. A69	8/569
71	Copy of order dated 5.12.1858 regarding eviction of Faqir Tek Singh	362 Ga-Ex. A70	8/573
72	Shajara Sub Malikan Mauja Bahoranpur Pargana Haveli Awadh	177-Ex. A71	8/577
73	Naqual Hisab Madkhala Mohd. Zaki 9.7.1925	99/C-Ex. A72	7/337

602. Documents of plaintiff (Suit-3) :

Sl. No	Description of Paper	Paper No. /Exhibit mark	Register / Page No.
1	Certified copy of agreement executed by Panchas of Nirmohi Akhara dated 19.3.1949	39C1/4-20 Ex.1	9/15
2	Certified copy of the order dated 9.2.1961 passed by City Magistrate, Faizabad	39C1/21-Ex.2	9/49
3	Original Certificate of erection/re-erection of the building file no. 289/59 in the name of Mahant Raghunath Das Chela Dharam Das, Ramkot Ayodhya along with the map	39C1/22 Ex.3	9/91
4	Original map/plan for the erection of the building file no. 397 dated 6.9.1963 in the name of Mahant Raghubar Das Chela Dharam Das resident of Ramkot, Ayodhya along with the certificate for the construction	39C1/24-25-Ex.4	9/53

	of the building.		
5	Copy of the application moved by Vedanti Raja Ram Chandra Charya dated 6.2.1961 before City Magistrate Faizabad	39C1/26-Ex.5	9/59
6	Certified copy of the written statement of Baba Baldev Das dated 29.12.50 in the Court of City Magistrate, Faizabad in case no. 1/2/18, U/s 145 Cr.P.C.	39C1/27-28-Ex.6	9/61
7	Copy of the order dated 30.7.53 by Sri Prem Shanker City Magistrate Faizabad in case no. 1/2/18 U/s 145 Cr.P.C. P.S. Ayodhya Rex Vs.R.J.B.-B.M.	39C1/29-30-Ex.7	9/65
8	Original Qabuilyat (consent) by Jhingoo S/o Gaya in favour of Mahant Nirmohi Akhara regarding Sita Koop on 4 Annas Stamp executed on 11.6.1900 along with its translation	39C1/31-32-Ex.8	9/69
9	Original agreement (Theka) dated 29.10.1945 of the Shop of Janam Bhumi Remkot Ayodya in favour of Gopal S/o Babu Kurmi by Narottam Das dated 13.10.1942 on 1 rupee stamp along with its translation	39C1/33-34-Ex.9	9/73
10	Original agreement (Theka) 29.10.1945 of shop of Janam Bhumi executed in favour of Mata Prasad by Mahant Raghunath Das, Nirmohi Akhara on a stamp of rupees 1 and 4 Annas along with translation	39C1/35-36-Ex.10	9/77
11	Certified copy of the order dated 30.10.1922 regarding amendment of plaint	39C1/40-41-Ex.11	9/89
12	Certified copy of judgment of C.A. No. 10/1923 decided on 22.10.1923 in the Court of Sub Judge Faizabad in the case Mahant Narottam Das Vs. Ram Swaroop Das	40C1/2-5-Ex.12	9/93
13	Postal receipt of registered letter sent to Priya Dutt Ram dated 6.10.59	41C1/9-Ex.13	9/117
14	Receipt registered letter sent to S.P. Office Faizabad dated 6.10.59	41C1/10-Ex.14	9/119
15	Extract from the book "A History of Dasnami Naga Sanyacies" written by Sri Yadunah Sarkar admitted on 24.3.2009	51C1/1-17, Ex. 15	Separate

16	Registered letter by Dy. Commissioner Faizabad to Mahant Raghunath Das Chela Mahant Dharam Das dated 30.11.59	41C1/5- Ex.16	9/109
17	Envelop registered A/D dispatched by Commissioner Faizabad dated 1.12.59	41C1/6- Ex.17	9/111
18	Acknowledgment S.P. Faizabad dated 7.10.59	41C1/7- Ex.18	9/113
19	Acknowledgment Priya Dutt Ram receiver Janam Bhumi dated 10.10.59	41C1/8- Ex.19	9/115
20	Book Sri Mad Bhagwat Gita published by Geeta Press Gorakhpur, C.M. Appl. No. 83(O) of 2003	43C1/1- Ex. 20	Book
21	Book "Rajasthan Ki Bhakti Parampara evam Sanskriti" writer Dinesh Chandra Shukla evam Omkar Narain Singh Jodhpur, C.M. Appl. No. 83(O) of 2003	43C1/8- Ex. 21	Book

603. Documents of plaintiffs (Suit-4) :

Sl. No.	Description of Paper	Paper No./Exhibit mark	Register/ Page No.
1	Grant certificate of Chief Commissioner Faizabad dated 22.12.60	7C1/1,2- Ex. 1	10/27
2	Copy of the register Moafi for rent free holdings dated 29.6.1860	8Ga 2 Ex. 2	10/29
3	Naqual Indrajat register No. Jeem, Mashmula register No. 6/Ga dated 27.9.1902 with inspection note dated 27.9.1902	9Ga 1- Ex. 3	10/33
4	Copy of the map relating to village Ramkot Bandobast Sabiqua Awwal of 1 st settlement 1861	10Ga 1- Ex. 4	10/35
5	Copy of Intekhab Khevat Aala Patwari Mutalliqua Mauza Bahoranpur, pargana Haveli tahsil Faizabad, District Faizabad relating to 1357F, Mashmoola 1355 to 1358	11Ga 1- Ex. 5	10/37
6	Copy of the robekar of Dy. Commissioner Faizabad dated 13.9.1868	12Ga 1- Ex. 6	10/39
7	Copy of the robekar Dy. Commissioner Faizabad dated 13.9.1865	13Ga 1- Ex. 7	10/41

8	Copy of the judgment sabika register aam no. 15047, 23.8.1871	14Ga 1- Ex. 8	10/43
9	Copy of the order dated 22.8.1871 of Settlement Officer, Faizabad (Numberdaari Masumule Missil Haqiyat Bandobast Sabik Oudh)	15Ga 1- Ex. 9	10/45
10	Copy of Khsara abadi mauza Ramkot az jild Bandobast Sabik naqual no. 167 and 163 register no. 3056	16Ga 1- Ex. 10	10/47
11	Naqual Indrajaaat Khasara Kishtwar Mashmoola Sabik Mauza, Ramkot Pargana Haveli, District Faizabad relating to Plot No. 163 & 167	17Ga 1- Ex. 11	10/55
12	Naqual Shajara Malikan Mauza Bahoranpur, Pargana Haveli Awadh District Faizabad	18Ga 1- Ex. 12	10/59
13	Copy of the plaint dated 19.1.1885 in case no. 61/280, year 1885 (Mahant Raghubar Das Vs. Secy. of State) in the Court of Sub Judge Faizabad Mai Naqsha Nazari	19Ga 1/1-2- Ex.13	10/63
14	Copy of written statement filed by Syed Mohd. Asghar Mutawalli Masjid Babari (Raghubar Das Vs. Secy. of State) Case no. 61/280, year 1885 decided on 24.12.1885 along with Hindi Translation	20/1Ga 1 and 20/2Ga 1-Ex.14	10/67
15	Copy of the report commissioner 6.12.1885 along with map case no. 61/280 year 1885 (M. Raghubar Das Vs. Secy. of State)	21/1Ga 1 and 21/2Ga 1-Ex.15	10/75
16	Copy of Judgement Munsif/Sub Judge Faizabad Pt. Hari Kishan dated 24.12.1885 (Dawa Banvane Mandir Chobootra) Case no. 61/280 year 1885 (M. Raghubar Das. Vs. Secy. of State)	22/1Ga 1 to 22/4Ga 1-Ex.16	10/85
17	Copy of judgment dated 18/26, 3-1886, passed by F.E.A. Chemier, District Judge, Faizabad in civil appeal no. 27/1886, Raghubar Das Vs. Secy. of State and Mohd. Asghar	23/1Ga 1 to 23/3Ga 1-Ex.17	10/91
18	Copy of decree in C.A. No. 27/1886 Court of District Judge Faizabad in Raghubar Das Vs. Secy. of State	24Ga 1/1 to 24Ga 2/1- Ex.18	10/95
19	Copy of the application Mumtaz	25/1Ga 1	10/99

	Husain dated 18.12.29 in the Court of Civil Judge Faizabad recorded by E.L. Norton Esquire I.C.S.M.L.C., L.R. to Govt. United Provinces (Suit no. 2/50 Gopal Singh Visharad Vs. Zahoor Ahmad	to 25/2Ga 1-Ex.19 (page 97-99)	
20	Copy of judgment dated 30.3.1946 in R.S. No. 29/1945 passed by Sri Akhtar Ahsan Esquire Civil Judge Faizabad (Shia Central Board Vs. Sunni Central Board)	26/1- 8Ga 1- Ex.20 (page 101-115)	10/115
21	Copy of report S.M. Visht District Waqf Commissioner dated 16.9.1938 suit no. 2/50 Gopal Singh Visharad Vs. Zahoor Ahmad	27/1Ga 1 to 27/4Ga 1-Ex.21	10/119
22	Copy of report Pister Sri A. Majeed District Waqf Commissioner dated 8.2.41 in suit no. 2 of 1950, Gopal Singh Visharad	28/1Ga 1 to 28/5Ga 1-Ex.22	10/125
23	Copy of application of Mohd. Zaki and others in the Court of Civil Judge Faizabad in case no. 2 of 1950 Gopal Singh Vs Zahoor Ahmad and others	29/1Ga 1 to 29/2Ga 1-Ex.23	10/135
24	Agreement dated 25.7.1936 between Mohd. Zaki and Abdul Gaffar.	30/1Ga 1 to 30/2Ga 1-Ex.24	10/139
25	Copy of order dated 30.7.53 passed by Sri Prem Shanker City Magistrate 1st class in case no. 1/2/18, U/S 145 Cr.P.C. State Vs. Janam Bhumi	31/1Ga 1 to 31/2Ga 1-Ex.25	10/143
26	Postal receipt dated 19.9.61, High Court Branch, Lucknow	32/Ga 1- Ex.26	10/145
27	Postal receipt dated 21.9.61, High Court Branch Lucknow.	34/Ga- Ex.27	10/149
28	Postal receipt Dy. Commissioner Faizabad dated 19.9.1961	36/Ga 1- Ex.28	10/153
29	Postal receipt dated 19.9.61, High Court	38Ka 1- Ex.29	10/157
30	Postal receipt dated 19.9.61, High Court	40Ka 1- Ex.30	10/161
31	Postal receipt dated 19.6.61 to Babu Priya Dutt Ram	42Ka 1- Ex.31	10/165
32	Copy of the report of Auditor of Sunni Central Board of Waqf for the year 1947-48, waqf file no. 26 District Faizabad regarding Babri	202/Ga 1-Ex.32	11/177

	Masjid Faizabad along with Hindi transliteration		
33	Copy of the account of income and expenditure for 1947-48, filed by Jawad Husain Mutawalli Babri Masjid with Hindi transliteration	203/Ga 1-Ex.33	11/181
34	Copy of the report of auditor for 1948-49, included in the Waqf file no. 26	204/Ga 1-Ex.34	11/185
35	Copy of the account of income and expenditure for the year 1948-49, file by Mutawalli S.C.W.B. along with transliteration	205/Ga 1-Ex.35	11/187
36	Copy of the report of auditor for the year 1949-50, file no. 26 along with Hindi Transliteration	206/Ga 1-Ex.36	11/191
37	Copy of the account of income and expenditure for 1949-50 filed by Mutawalli Babri Masjid with Hindi Transliteration	207/Ga 1-Ex.37	11/193
38	Copy of form of registration of Waqf U/s 38 of the Waqf act (13/1936) including in Waqf file no. 26	208/Ga1 -Ex.38	11/197
39	Copy of extract of Waqfs in respect of Waqf no. 26 of the Masjid Babri District Faizabad Published in U.P. Gazette dated 26.2.1944 along with transliteration	209/Ga 1-Ex.39	11/207
40	Copy of application of Abdul Ghaffar Pesh Imam Babri Masjid to the Waqf Commissioner Faizabad dated 20.8.1938 along with Hindi Transliteration	210/Ga 1-Ex.40	11/211
41	Copy of the notice issued by the Secy. Sunni Central Waqf Board to Munshi Jawad Husain Mutwalli Babri Masjid dated 25.11.48 letter no. 5007/26VII, along with transliteration	211/Ga 1-Ex.41	11/215
42	Copy of plaint in case no. 2/50 Gopal Singh Visharad vs. Zahoor Ahmad and others in the Court of Civil Judge Faizabad	212/Ga 1/1/3 Ex. 42	11/219
43	Copy of W.S. in the above suit by defendant no. 9, S.P. Faizabad dated 1.5.1950	213/Ga 1-4-Ex. 43	11/225
44	Copy of the W.S. by defendant no. 6	214Ga	11/233

	in the above suit by deputy Commissioner Faizabad	1/1-4- Ex. 44	
45	Copy of the W.S. of defendant no. 8, City Magistrate Faizabad Sri Markandey Singh	215/Ga/1 /1-3 Ex. 45	11/241
46	Copy of plaint in R.S. No. 25/50, Paramhans Ramchandra Das Vs. Zahor Ahmad in the Court of Civil Judge Faizabad	216Ga 1/1-4 Ex. 46	11/247
47	Copy of W.S. filed by Dy. Commissioner Faizabad defendant no. 6 in case no. 25/50, Paramhans Ramchandra Das Vs. Zahoor Ahmad in the Court of Civil Judge Faizabad dated 1.1.51	217/Ga 1/1-4 Ex. 47	11/255
48	Copy of W.S. filed by defendant no. 7 Deputy Commissioner Faizabad in case no. 25/50, Paramhans Ramchandra Das Vs. Zahoor Ahmad	218C 1/1-4- Ex. 48	11/263
49	Copy of the Tarmimi Khasra Mohalla Ramkot Ayodhya District Faizabad 1931 from the record of Nazool along with Hindi transliteration	Ex. 49	11/283
50	Copy of map Kishtwar Mohalla Ramkot City Ayodhya District Faizabad 1338 F.	220Ga 1- Ex. 50	11/331
51	Copy of the report F.I.R. No. 167 Dated 23.12.1949, P.S. Chowk Katra Ayodhya section 145 Cr.P.C. case no. 2/50, Janam Bhumi (Date of judgment 30.7.53, Court of City Magistrate Faizabad)	236/Ga- Ex. 51	12/337
52	Certified copy of the Khasara Abadi of Mauza Ramkot of Ayodhya of 1931 issued by the Nazool Officer Faizabad in February 1990	65A2/2- 3-Ex. 52/ Ex. 49	12/350
53	Certified copy of inspection note of Civil Judge Faizabad dated 26.3.1946, page no. 165(A) in suit no. 29/1945, Shia Waqf Board Vs. Sunni Waqf Board	295Ga 1/1-2 Ex.53	12/355
54	Certified copy of the application of Mohd. Asghar and others dated 12.3.1961 District Commissioner of Faizabad file no. 25 Mohalla Kot Ram Chander Ayodhya Meer Rajjab	296Ga 1/1-Ex. 54	12/359

	Ali Vs. Imkani Singh, Date of Judgment 18.3.1861		
55	Certified copy of report of Khem Sing Subedar dated 16.3.1861, regarding demolition of Kutiya of defendant Imkani Singh	297Ga 1/1-4 Ex.55	12/363
56	Registered A.D. to Babu Priya Dutt Ram	44Ka 1- Ex. 56	10/169
57	Acknowledgment State of U.P. through Secy to State govt. U.P. dated 21.9.1961	33/Ga 1- Ex. 57	10/147
58	Acknowledgment State of U.P. through Collector Faizabad dated 20.9.	35/Ga- Ex. 58	10/151
59	Acknowledgment Dy. Commissioner 20.9.61	37/Ga 1- Ex. 59	10/155
60	Acknowledgment City Magistrate Faizabad 20.9.61	39Ka 1- Ex. 60	10/159
61	Acknowledgment S.P.Faizabad dated 20.9.61	41Ka 1- Ex. 61	10/163
62	A Historian Report to The Nation by R.S. Sharma, M. Athar Ali, D.N. Jha and Suraj Bhan	190C2/1 -35 Ex.62	12/367
63	Dr. D. Mandal's Book "Ayodhya-Archaeology after Demolition"	Ex. 63= Ex. D26 (Suit-5)	30/9
64	Photo copy of the Title page and photographs the book " Ek Drastikon Ram Janam Bhoomi, Babri Masjid Vivad" by R. S. Srivastava	260 C1/1-12 Ex.64	16/80
65	Photo copy of the Title page and photographs the book " Ek Drastikon Ram Janam Bhoomi, Babri Masjid Vivad" by R. S. Srivastava	262 C1/1-4- Ex. 65	16/93
66	Letter dated 26-12-1949 by K.K.K. Nayar (ICS)	202C2/ 202 to 204 Ex. 66	Separate (C.M. Application No. 20(O)02
67	Letter dated 27-12-1949 by K.K.K. Nayar	C2/203- 203/5 Ex. 67	do
68	Photocopy of title page and pages of the book entitled as "Bhai Baley Wali Sri Guru Nanak Dev Ji Ki Janam Sakhi"	208 C1/ 1-4- Ex.68	15/3
69	Photocopy of the title page and pages	210	15/8

	of the book titled as “ Sikh and Sikhism” by W.H.Mc Leod	C1/1-10 Ex.69	
70	Photocopy of the title page and pages of the book title as “The Sikh Religion” by Max Arthur Macauliffe Vol. I	230C1/ 1-10 Ex.70	15/167
71	Photocopy of the title page and pages of the book title as “ Sri Guru Granth Sahib” (Chauthi Sanchi) by Dr. Manmohan Sehgal	232 C1/ 1-5- Ex.71	15/178
72	Photocopy of the book “ The Sikh Religion” by Max Aurthur Macauliffe. Vol. I	234 C1/ 1-7- Ex.72	15/184
73	Photocopy of the title page and pages of the book entitled as “The Evolution of the Sikh Community” by W.H. Mcleod	236 C1/1-5- Ex.73	15/192
74	Photocopy of the title page of the book “ The Sikh World” by Ramesh Chandra Dogra	238 C1/1-5- Ex.74	15/198
75	Photocopy of the title page of the book entitled as “ A History of the Sikhs” by Khushwant Singh, Vol.I	240C1/1 -16- Ex.75	15/204
76	Photocopy of the title page of the book entitled as “Sri Guru Granth Sahib” (Pahli Sanchi) by Dr. Manmohan Sehgal.	248 C1/1-7- Ex.76	15 and 16/21
77	Photocopy of the title page of the book entitled as “Janam Sakhi Das Guru, i.e. Suraj Prakash” by Gyani Gyan Singh Ji.	250 C1/1-2- Ex.77	16/28
78	Photocopy of the title page of the book entitled as “Adi Sri Guru Granth Sahib” (Tisri Sanchi) by Dr. Manmohan Sahgal.	252 C1/1-10 Ex.78	16/31
79	Photocopy of the title page of the book entitle as “Adi Sri Guru Granth Sahib” (Dusari Sanchi)	254 C1/1 -17 Ex. 79	16/42
80	Photocopy of the title page of the book title as “ Sri Mad Dev Murari Ji ki Jeevani Tatha Sri Guru Parampara Prakash”.	256 C1/1-5- Ex. 80	16/60
81	Photocopy of the title page of the book entitle as “Babar Nama” Anuwadak Yugjeet Naval Puri	216 C1/1-21 Ex. 81	15/31
82	Photocopy of the title page of the book entitled as “Memoires of Babar	218 C1/ 1- 20	15/52

	Emperor of India” by Lt. Col. F.G. Talbot	Ex. 82	
83	Photocopy of the title page of the book entitle as “Babar Nama” Anuwadak Yugjeet Naval Puri (408-426)	220 C1/ 1-11 Ex. 83	15/73
84	Photocopy of the title page of the book entitle as “Babar Nama” Anuwadak Yugjeet Naval Puri (P. 458-459, 486, 487, 512-515)	222 C1/ 1- 5 Ex. 84	15/85
85	Photocopy of the title page of the book entitled as “Mugha Kaleen Bharat 'Babar” Anuwadak Syed Athar Abbas Rizvi	224 C1/1 –62 Ex. 85	15/91
86	Photocopy of the title page of the book entitled as “Sri Guru Granth Saheb” by Dr. Manmohan Sehgal	212 C1/ 1-4 Ex. 86	15/19
87	Photocopy of the title page of the book entitled as “The History of India” as told by its own historian Vol. VI by Sir H.N. Elliot, K.C.B.	242 C1/ 1-5 Ex. 87	16/20
88	Photocopy of the title page of the book entitled as “The History of India” as told by its own historian Vol. IV	244 C1/ 1-7 Ex. 88	16/7
89	Photocopy of the title page of the book entitled as “The History of India” as told by its own historian Vol. III	246 C1/1-7 Ex. 89	16/14-20
90	Copy of title page and contents of pages 51-53 and 62-65 of Disputed Mosque by Sushil Srivastava proved by DW 13/1-3	280-C- 1/1-6 Ex. 90	16/157
91	Copy of extract of title page and P. 659-660 of Mughal Kaleen Bharat by Syed Athar Abbas Rizvi (P. 135-136) proved by Dr. Bisan Bahadur DW 13/1-3	282C- 1/1-3 Ex. 91	16/164
92	Mughal Empire in India by Prof. S.R. Sharma, (page 12-34) proved at p. 177 and 178 by statement of DW 13/1-3 Bisan Bahadur	284C- 1/1-14 Ex. 92	16/168
93	Copy of the title page and pages 69 to 73 of the book entitled as “Indian Archaeology – A Review 1988-89”	304C1/1 -7-Ex. 93	Separate
94	Copy of the title page and pages 81 to 82 of the book entitled as “Indian	304C1/8 -11	Separate

	Archaeology – A Review 1988-89”	Ex. 94	
95	Copy of the title page and pages 48 to 49 of the book entitled as “Indian Archaeology – A Review 1976-77”	304C1/1 2-15 Ex. 95	Separate
96	Copy of the title page and pages 13 of the book entitled as “Indian Archaeology – A Review 1960-61”	304C1/1 6-18- Ex. 96	Separate
97	Copy of the title page and pages 16 to 17 of the book entitled as “Indian Archaeology – A Review 1963-64”	304C1/1 9-22 Ex. 97	Separate
98	Copy of the title page and pages 20 to 22 of the book entitled as “Indian Archaeology – A Review 1966- 67”	304C1/2 3-28 Ex. 98	Separate
99	Copy of the title page and pages 88 to 94 of the book entitled as “Indian Archaeology – A Review 1989-90”	304C1/2 9-37- Ex. 99	Separate
100	Copy of the title pages, Foreward, Preface, Acknowledgement and contents of the book entitled as “Excavation at Kalibangan”	304C1/3 8-43 Ex. 100	Separate
101	Photo copy of the book titled as “The New Encyclopaedia Britanika Vol-27	228C1/1 -7 Ex. 101	15/159
102	Photostat copy of the title page, preface, contents and pages 259 to 281 of the book entitled as “ The History Of India as told by its Historian Vol. II” by Sir H.M, Elliot and John Dowson as per list 285C1	286C1/1 -14 Ex. 102	16/183
103	Epigraphica India (Arabic and Perssian Supplement 1965 Edited by Dr. Z.A. Desai, filed on 19.11.2001 by P.W. 20 Shireen Moosvi	196BC2/ 15-22 Ex. 103	Separate C.M. 31(O)/20 01
104	Early Travels in India 1583-1619, Edited by William Foster C.I.E.	196BC2/ 23-26 Ex-104	do
105	Catalogue of Historical Documents in Kapad Dwara Jaipur Part II Map and Plans By Gopal Narain Bahura and C.M. Singh Jaipur 1990	196BC2/ 27, 28 Ex. 105	do
106	List of Sunni Waqf's situated in Agra and Awadh on which UP Muslim Waqf Act 13 of 1936 applies published in Govt. Gazetteer	244GA- 1 Ex. 106	12/407

	alongwith original Gazettee 1944		
107	Indian Archaeology since Independence edited by Sri K.M. Shrimali. Delhi 1996-Association for the Study of History and Archaeology	199C-2/1 Ex. 107	18(0)200 2 Separate
108	Mathura in Literature and Archaeology- Sita Ram Roy filed through (C.M. Appl. No. 18 (O) of 2002 in Re 4/89 dated 22.04.2002)	199C-2/2 Ex. 108	do
109	Relevant extract of the book entitled as "Fawaidul Fawad" published from Lahore in 1966, filed through C.M. Appl. No. 31(O) of 2001 In Re. OOS No. 4/1989, by Shireen Moosvi. P.W. 20 on 19.11.2001.	196BC-2 to 196BC-2/4 Ex. 109	Book/31 (0)01 Separate
110	Relevant extract book "Khairul Majalis" edited by Prof. Khaliq Ahmad Nizami published by Dept. of History A.M.U.	196BC-2/5-12 Ex. 110	do
111	Relevant Extract of the Book "Khulasatu-Tawarikh" written by Munshi Sujana Rai Bhandari published from Delhi in 1918.	196 BC-2/13-14 Ex. 111	do
112	Page 134/1-4, Photostat copy of "Palistan Archaeology-Edited by M. Haraounmur Rashid, Annex. No. 1 to the affidavit of Suraj Bhan PW 16 on 20.03.2006 (Part-III of the statement) with affidavit of Suraj Bhan	Ex. 112	With affidavit of Suraj Bhan
113	Page 20/1-20/5, Extract from "Indian Archaeology-A Review" edited by Ajai Shanker, Director General, ASI 1997 pages 6-9, Annex. 1 to the affidavit of R.C. Thakran at the time of statement	Ex. 113	do
114	Page 20/8, 20/9, "Ancient India" Bulletin of ASI Numbers 3, 1947, Annex. II to the affidavit of R.C. Thakran at the time of statement	EX. 114	do
115	Page 20/10-20/12, I.A.R. 1988-89 edited by M.C. Joshi, published by ASI 1993, Annex. III to the affidavit of R.C. Thakran at the time of statement	Ex. 115	do
116	Page 20/14-20, Indian Archaeology 1991-92 edited by B.P. Singh,	Ex. 116	do

	Secretary Dept. of Culture and D.G. A.S.I. 1996 Edition, Annex. IV to the affidavit of R.C. Thakarn		
117	Page 19/1-8, Extract from "Archaeology-The Basics" by Clive Gamble. Annex. I to the affidavit of PW 32, Supria Verma	Ex. 117	With affidavit of Supriya Verma
118	Annex. 2 to 11, filed alongwith additional objection against ASI report by the plaintiff of OOS 4 of 1989 at page 29, 30 of her affidavit. Has proved all these photographs which are of the different mosques, platforms and walls etc.	Ex. 118-127	With objection of Z. Jilani
119	Extract from "Sri Ram Janam Bhumi Ka Rakta Ranjit Itihas" by Pandit Ram Goptal Pandey "Sharad" published in 1987, Title page and pages 14,15,31, 33, 34 and 95, filed on 10.9.2003 by Sri Z. Jilani, Adv., during cross examination of DW 3/1	44C-1/1-8 through list 44C-1 Ex. 128	19/33

604. Documents filed by defendants in (Suit-4):

Sl. No.	Description of Paper	Paper No./ Exhibit mark	Register/ Page No.
1	Copy of the preliminary order passed by Sri Markandey Singh Magistrate !st Class (Addl. City Magistrate, Faizabad cum Ayodhya) dae of order 29.12.1949	231/C1, Ex. A1	14/5
2	Copy of the order passed on 30.7.1953 by City Magistrate Prem Shanker in case no. 1/2/18 U/s 145 Cr.P.C.	232/1/C1-2, Ex. A2	14/7
3	Copy of supurdnama dated 5.1.50 in the Court of City Magistrate Faizabad in case no. 1/2/18 U/s 145 Cr.P.C.	233/C1, Ex. A3 (page 33 Vol. I) =Ex-1 of Suit-4	14/11
4	Certified copy of the order dated 04-06-1942 on compromise in R.S. No. 95/1941, in the court of Add. Civil	43B 1/2, Ex. A4	14/15

	Judge Faizabad Nirmohi Akhara Vs Raghunath Das and 7 others		
5	Certified copy of the decree with terms of compromise in R.S. No. 95/1941 in the Court of Civil Judge Faizabad Mahant Ramcharan Das Vs. Raghunath Das and others	43B1/3-9, Ex. A5 (page 45-48)	14/17
6.	Copy of the commission report dated 18-04-1942, filed by Pleader commissioner in R. S. No. 95/41	43B1/10-16, Ex. A6	14/31
7	Certified copy of judgment dated 4.11.1966, U/s 145 Cr.P.C. By Munsif Faizabad Mahant Prem Das Vs. Ram Lakhana Das Golkee	43B1/17-20, Ex. A7	14/45
8	Certified copy of reference order of City Magistrate in aforesaid case dated 9.9.1966 case no. 10/1966	43B1/21-25, Ex. A8	14/55
9	Geetawali by Goswami Tulsi Das Filed in O.O.S. 4/89 by Deponent No. 3 Through his witness R.P. Pandey. Marked Exhibit as per order of Court dt. 8-7-08	46C-1/1, Ex. A9	19/53
10	Appendix 'A' to the book "A Historical Sketch of Teh. Faizabad" by P. Karnegi, Officiating Commissioner and Settlement Officer	258C-1/1-14, Ex. A10	16/66
11	Certified copy of Khasra 1308F Nazool regarding registered Nazul plot no. 588 Vill. Kot Ramchandra Ayodhya	43B1/27, Ex. A11	14/69
12	Certified copy of the statement of Abhiram Das Chela Saryu Das in the Court of D,J Fazizabad in case no. 12/61, Dated 18-03-1978	266C-1/1-3, Ex. A12	16/121
13	Certified copy of the charge sheet under session trial no. 49/83 in the court of 3 rd Additional Session Judge as per list 269C1, marked as paper no. 270C1/1-7	270C-1/1-7 Ex. A13	16/137
14	Certified copy of the objection by Dharm Das dated 16-07-1982 in the court of A.D.M/ Nazul Officer	272C1/1-3, Ex. A14	16/144
15	Certified copy of the affidavit of Dharam Das dated 16-07-1982 in the court of ADM/Nazul Officer, in case no. 101/133/26/866	276C1/1-3, Ex. A15	16/151

16	Affidavit of DW 3/20, Sri Ram Chandracharya (Statement)	Ann. 19, page 16/51, Ex. A16	Separate
17	Copy of the application moved by Abhiram Das in the Court of A.D.M. Faizabad in case no. 58/73, Misc. Appl. P.S. Kotwali district Faizabad dated 11.6.1956	431/C1, Ex. M1	17/7
18	Copy of the order dated 26.6.50 by H.S. Tewari A.D.M. Faizabad case no. 58/73 of 1956, on Misc. Appl of Abhiram Das P.S. Kotwali District Faizabad	432/C1, Ex. M2	17/9
19	Copy of application by Abhiram Das dated 21.12.62 before City Magistrate Faizabad	433/C1, Ex. M3	17/11
20	Report made by Sri Priya Dutt Ram receiver on Misc. application of Baba Abhiram Das dated 21.12.62	434/C1, Ex. M4	17/13
21	Copy of order dated 21.12.1962 passed by city magistrate S.N. Sharma on Misc. Application of Abhiram Das dated 21.12.62	435/C1, Ex. M5	17/15
22	Copy of order dated 21.12.1962 passed by Sri S.N. Sharma City Magistrate Faizabad on Misc. Application of Abhiram Das	436/C1, Ex. M6	17/17
23	Copy of the record of the right (3 yearly) from 1374 to 1376 F, village Dihwa, Pargana Pratamganj, Tahsil Nawabganj	442/Ga1, Ex. M7	17/29
24	Copy of Bandobast Map 1944-45 F Babat Mauza Ramkot Pargana Haveli Awadh Faizabad	54A2/11, Ex. B1	33/13
25	Copy of Naqual Khasra Kishtwar Bandobast of the year 1344-45 F Mauza Ramkot, Pargana Haveli Awadh, Faizabad with Hindi copy	54A2/12-20, Ex. B2	33/15
26	Photograph back view of the building	54A2/30, Ex. B3	33/51
27	Book titled as "Sikh Itihas Mein Sri Ram Janam Bhumi" by Rajendra Singh D.W. 2/1-1	206C1, Ex. B4	15/1
28	Annexure filed alongwith the affidavit of Rajendra Singh D. W. 2/1-1 Book titled as " Bhai Bale Wali	12/14-16, Ex. B5	Separate

	Janam Sakhi”		
29	Annex. 1, Extract from “Janam Sakhi Bhai Bala Ka” by Dr. Gurubachan Kaur: (Hindi Transliteration) D.W.2/1-1 (statement)	12/1-3, Ex. B6	Separate
30	Annex. 2, Extract from “Janam Sakhi Sri Guru Nanak Dev Ji” by Sri Mihir Wan Ji Sodi (Hindi Transliteration) D.W.2/1-1 (statement)	12/4-5, Ex. B7	Separate
31	Annex. 3, Extract from “Aadi Sakhiya” Third Edition published by Lahor Book Shop D.W.2/1-1 (statement)	12/6-8, Ex. B8	Separate
32	Annex. 4, Extract from “Puratan Janam Sakhi- Sri Guru Nanak Dev Ji Ki” (Sachitra) D.W.2/1-1 (statement)	12/9-10, Ex. B9	Separate
33	Annex. 5, Extract from “Pothi Janam Sakhi” D.W.2/1-1 (statement)	12/11-13, Ex. B10	Separate
34	Annex. 6, Extract from “Guru Nanak Bans Prakash (Punjabi) by Sukhbasi Ram Bedi, edited by Gurmukh Singh, Languages Dept. Punjab, Patiala, 1986 D.W.2/1-1 (statement)	12/18-20, Ex. B11	Separate
35	Annex. 8, Extract from “Janam Sakhi Sri Guru Nanak Dev Ji” by Mihirwan Ji Sodhi D.W.2/1-1 (statement)	12/21-24, Ex. B12	Separate
36	Annex. 9, Extract from “Janam Sakhi Sri Guru Nanak Dev Ji” by Mihirwan Ji Sodhi D.W.2/1-1 (statement)	12/25-35, Ex. B13	Separate
37	Annex. 10, Extract from “Sri Guru Teerth Sangrah” by Sriman Tara Hari Narottam D.W.2/1-1 (statement)	12/36-39, Ex. B14	Separate
38	Annex. 11, Extract from “Twarikh Guru Khalsa” by Bhai Gyan Singh Ji Gyani D.W.2/1-1 (statement)	12/40-42, Ex. B15	Separate
39	Presidential Address by S.P. Gupta on 22.12.1989 in Guntoor (A.P.) on the subject “Sri Ram Janam Bhumi Controversy- Passion apart what history and archaeology have to say on this Issue”, Proved by the witness at page 9 of his evidence as OPW 3	54A2/50-70, Ex. B16	33/51
40	Photocopy of the photograph of Babri Masjid without Meenars	78A-2/52, Ex. J1	13/99
41	Srimad Valmiki Ramayan	261	Separate

		C1/182 Ex. J2/1 and J2/2	book
42	Maharishi Valmiki Praneet Valmiki Ramayan Sloka-6	78A2/7, Ex. J3	13/13
43	Photograph of Faizabad District Gazeetter 1905, pages 173, 174	78A2/53 -55, Ex. J4	13/101
44	Photograph of the extract from "Babar Nama" Vol.-II, written by A.S. Beveridge, appendix LXVII and LXXVIII and also page LXXVII-IXXI	78A- 2/21- 24,Ex. J5	13/39
45	History of Awadh (Amir Ali Shaheed or Marka_E_Hanuman Ghari by Sheikh Mohd. Azmat Ali Kakorbi, page 3, 9, 72	78A- 2/25-27, Ex. J6	13/47
46	Photocopy of encyclopedia Britanica Vol. I 693, 694	87B-1/3, Ex. J7	13/115
47	Photograph of the extract from the book "Babar Nama" by A.S. Beveridge, pages 656, 657	87B-1/7- Ex. J8	13/127
48	Photograph of the extract from the book "Babar Nama" by A.S. Beveridge, page 602	87B-1/8- Ex. J-9	13/129
49	Fasanae-E-Ibrat Page 71 by Mirza Bazeb Ali Beg	78A- 2/28-30, Ex. J10	13/53
50	Extract of the Book Titled as "The Disputed Mosque" Page no. 22	C2- 161/1, Ex. J11	34/69
51	Last page of the cover of the book titled as " Disputed Mosque"	C2-162/, Ex. J12	34/71
52	Photo copy of the Bevridge's translation of the book " Babarnama" page no. 401 and 402	C2- 163/1-2, Ex. J13	34/73
53	Photo copy of the pages of the book entitled as " Memoir of Zaheer-Ud-Din Mohammad Babar Emperor of Hindustan	C2- 164/1-3, Ex. J14	34/77
54	Photo copy of the Extract of the book Titled as " Disputed Mosque" by Sushil Srivastava Page no. 72	C2- 165/1, Ex. J15	34/83
55	Photo copy of the Foot note 22 of Page no. 95 in the Chapter " Did Babar Build the Masjid" of the book " Disputed Mosque" by Susheel	C2- 166/1, Ex. J16	34/85

	Srivastava		
56	Extract of the Book entitled as “Ain-I-Akbari” page no. 182	C2-167/, Ex. J17	34/87
57	Extract of the book entitled as “Memories of Babar” page no. 333	C2-168 Ex. J18	34/89
58	Photo copy of the extract of the book entitled as “ Early Travels in India” written by William Foster	C2-170/, Ex. J19	34/117
59	Photo copy of the Extract of the book “History of the Buddhism In Kashmir” by Dr. Sarla Khosla	C2- 171/1-5, Ex. J20	34/127
60	Photo copy of the book titled as “Kalhan’s Rajtarangani” by M. A. Stein Vol-2	C2- 172/1-4, Ex. J21	34/119
61	Photo copy of the book titled as “ The History, Antiquities, Topography and Statistics of Eastern India” Vol – II by Montgomery Martin	C2- 178/1-8, Ex. J22	35/211
62	Photo copy of the Extract of the book titled as “ History of India under Babar” by William Erskin	C2- 180/1-8, Ex. J23	35/253
63	Photo copy of the Extract of the Monumental Antiquities and Inscription in the North Western Provinces and Oudh by A. Fuhrer	C2-181 Ex. J24	35/273
64	Photo copy of the Extract of the book “Early travels in India 1583-1619” Edited by William FASTER	C2- 182/1-4, Ex. J25	36/381
65	Photo copy of the Extract of the book titled as “Indian Antiquities” edited by Richard Carnac Vol. XXXVIII-1908	C2- 185/1-4, Ex. J26	36/423
66	Photo copy of the Extract of the book “Hadeeke-A-Shohda”	C2- 187/1-6, Ex. J27	36/445
67	Extract from book titled as “Babur” by Dr. Radhey Shyam	C2/169/1 -13, Ex. J28	34/91
68	Extract from the report of “Tours in the Central Doab and Gorakhpur in 1974-75 and 1875-76” by A.C.L. Carlleyle under the Superintendence of Major General A Cunningham Vol. XII.	179C2/1 -8, Ex. J29	35/237
69	Ayodhya in Ancient India by B.C. Law, report of B.C. Law (Journal of Jha Research Institute Vol. 1, page	C2 173/1- 11,	34/137

	423-443)	Ex. J30	
70	Holi Quran Majid, Page 3, 4 written by Maulana Sayed Farman Ali	78A2/31 , Ex. J31	13/57
71	“Purattava” Bulletin of the Indian Archaeology society	302C1, Ex.T-1	Separate book
72	Photocopy of the district Gazetteer Faizabad written by E.B. Joshi 1960	43A1/12 -21, Ex. T-2	18/25
73	Photocopy of the extracts of “Babarnama” translated by A.S. Beveridge Vol II	43A1/22 -24, Ex.T-3	18/45
74	Photocopy of the pages from the book “Ramacharita Manas” Tikakar Dr. Raj Bahadur Pandey	43A1/29 to 35,Ex- T-4	18/59
75	Photocopy of the district Gazetteer Faizabad 1905 of United Provinces of Agra and Awadh written by H. R. Nevill	43A1/2 to 11, Ex. T-5	18/5
76	Photocopy of the pages from the book “Ain-E-Akbari” by Col. H.S. Harett written by Abul Fazal Allani Vol. II	43A- 1/25-28 Ex. T-6	18/51
77	Copy of the page 334 of the book entitled as “Dictionary of Islam” By Thomas Patric Huge. Court order dated 11-11-97(P.W. 11 Statement, at page 58)	120C1/3 -Ex.V-1 =Book Ex.005- 5-34	Separate book
78	Photo Copy of the Extract of the chapter entitled as “Did Babar Build The Masjid”	C2- 155/1- 17, Ex. Q1	34/3
79	Photo Copy of the Extract of the book “Babar Nama” by Bevridge	C2- 156/1-5, Ex. Q2	34/37
80	Extract of the Chapter “ Did Babar Build the Masjid”	C2- 159/1-5, Ex. Q3	34/57
81	Page 8 of “ The disputed Mosque”	C2- 160/1. Ex. Q4	34/67
82	Photo copy of the Extract of the book “Dictionary of the Islam” by Thomas Patrick	C2- 196/1,2, Ex. Q5	36/553
83	Babarnama translated by A.S. Beveridge, Chapter “Hindustan” page 602, 603, 604 and 656	C2- 157/1-4 Ex. Q6	34/47

605. Documents of plaintiff (Suit-5) :

Sl. No.	Description of Paper	Paper No./ Exhibit mark	Register/ Page No.
1	Certified copy of the plaint in Suit No. 29/1945 Shia Central Board of Waqf Vs Sunni Central Board of Waqf (Civil Judge Faizabad)	107C1/2 48-250, Ex. 1	23/703
2	Report of K.V. Ramesh O.P.W. 10	306 C- 1/1-11, Ex. 2	29/5
3	Book written by S.P. Gupta and T.P. Verma "Ayodhya Ka Itihas and Puratattava Rig Ved Se Abtak"	289C1/1 , Ex. 3	Separate book
4	Annexure 1 of S.C. Mittal's Affidavit of examination in Chief extract of Benjamin Walker' Book "Hindu World and Encyclopaedic Survey of Hinduism" Vol. I, Page 103 and 104 of the book.	310C1 and 310C1/1 -3, Ex. 4	Separate
5	Photocopy of pages 739 to 740 of the gazetteer of the territories under the Govt. of East India Company by Edward Thornton 1854	107C1/1 0-11, Ex. 5	20/21
6	Photocopy of plate XLIX and pages 320-327 from the book "Archaeological Survey of India, 4 reports 1862,63,64 and 65, vol. I by Alexander Cunningham C.S.I.	107C1/1 2-16A, Ex. 6	20/25
7	Photocopy of pages 6 and 7 of the gazetteer of Oudh vol. I, 1877	107C1/2 5-26, Ex. 7	20/51
8	Photocopy of paras no. 618-19, 666-67-68-69, from the pages of the book "Report of settlement of land revenue Faizabad District" by A. F. Millett. C. S. Govt. Press Allahabad 1880	107C1/2 7-30, Ex. 8	20/55
9	Photocopy of pages 295 to 297 with frontispiece of the book "The Monumental antiquities and inscriptions in the north western provinces and Awadh described and arranged by A. Fuhror, Phd. Of the Archaeological Survey N.W.P and	107C1/3 3-36, Ex. 9	20/67

	Oudh Allahabad and others at Calcutta, Madras, Bombay ,London, Isipaig		
10	Photocopy of the page and pages of 388 and 389 of the Imperial Gazetteer of India, Provincial series united provinces of Agra and Oudh Vol. II the Allahabad, Banaras, Gorakhpur Kumaon, Lucknow and Faizabad divisions and the native states with frontispiece XLIII district gazetteer of the united provinces Agra and Oudh by N. R. Nobell I.C.S., Govt. Press Allahabad 1905, edition	312C-1/22-23,Ex. 10	29/87
11	Photocopy of pages 172 to 174 and 175 to 177 with frontispiece of Faizabad gazetteer vol. XLIII 1905 Edition District Gazetteers of United Province of Agra Oudh	107C1/4 2-48, Ex. 11	20/85
12	Same as above 1928 Edition, photocopy of pages 178-181 with frontispiece	107C1/4 9-53, Ex. 12	20/99
13	Photocopy of pages 34-36-46-47 and 352 to 354 with frontispiece of the U.P. District Gazetteer Faizabad by Smt. Isha Basant Joshi. (1960 Edition)	107C1/5 4-61, Ex. 13	20/109
14	Photocopy of the page and pages 52 and 53 free "Indian archaeology a review 1976".	107C 1/62-63, Ex. 14	20/125
15	Photocopy of pages 332 and 333 by Memoirs of Zehiruddin Mohd. Babar translated by John Leyden and William Erskin	107C1/6 9-70, Ex. 15	20/139
16	Photocopy of the book "Babur-Nama" translated by Annette Susannah Beveridge print edition published by Oriental books	107C1/7 1-74, Ex. 16	20/145
17	Photocopy of extract from the book "Babri-Masjid" "Tarikhei Pash-mannjar Aur Pesh Manjar Ki Roshni Mein" by Syed Shahabuddin Abdur Rehman, 1987 Edition	107C1/7 9-81, Ex. 17	20/187
18	Photocopy of the frontispiece and pages 3, 70 , 71 ,72 ,73 and 9, 10 11 of book Amir Ali Shaheed Aur	107C1/8 2-87, Ex. 18	Separate book 21/201

	Marka-I-Hanuman Garhi by Shah Mohd. Azmat Ali Alvi Kakorvi, published by Dr. Zaki Kakorvi in 1987, publisher Markaz Adab Lucknow		
19	Photocopy of page 176 from the book “ Early travels in India 1583-1619, London 1921”, containing the report of William Finch (1608-1611), by William Foster	107C1/9 5, Ex. 19	21/271
20	Photocopy of page and pages 335 and 336 of vol. II of the book “ History, antiquities, topography and statistics of eastern India – of report Montgomery Martin, British surveyor of the year 1838	107C1/1 09-110, Ex. 20	21/321
21	Encyclopaedia Britannica XV edition 1978, photocopy of page and pages of the book 693 and 694	107C1/1 20-121, Ex. 21	21/345
22	Photocopy of frontispiece and pages 59, 60, 150 to 155 and Parishist Gha in two pages of the book "Ayodhya Ka Itihas" by Hindi Sudhaker Rai Bahadur Sri Awadh Wasi Lala Sita Ram book Hindustani Academy 1932.	Ex. 22	Separate book
23	The book “Ayodhya” by Hans Baker.	120C- 1/2, Ex. 23	31/35
24	Original book “Sri Ram Janam Bhumi Ka Pramanik Sachitra Itihas” by Dr. Radhey Shyam Shukla, published by BalKrishna Goswami, 590 Ramkot Ayodhya 1986	107C1/1 54, Ex. 24	22/415
25	Typed frontispiece with photocopy of pages 227-234 typed copy of the note indicates the collection and the sources consulted of the book “ A clash of cultures Awadh, the British and the Mughals” by Michel H. Fisher published by Manohar Publication New Delhi 1987	107C1/1 55-164, Ex. 25	22/513
26	Copy of plaint dated 19-01-1885 of Mahant Raghubar Das (Hindi transliteration) in suit no. 61/280 of 1885	107C1/2 26-228, Ex. 26	22 &23/659
27	Copy of G. O. No. 1622/VII-447 date	107C1/2	23/665

	06-12-1912, granting permission to Institute a suit U/s 92 of the code of civil procedure in respect of the alleged trash relating to the alleged Babri Mosque	29, Ex. 27	
28	Copy of G.O. 6373/F2991 dated 18-12-1929 granting permission to six Muslim individuals to institute a suit U/s 92 C.P.C with respect to the alleged proof relating to the alleged Babri Mosque about 12 Bighas of village Sholapur Pargana Haveli Awadh	107C1/2 30, Ex. 28 (page 331) Ex. 19 (page 97-99)	23/667
29	News paper report with photostat copy page no. 3(city) of Hindustan Times Lucknow dated 13-11-97	116C1/2 , 2A, 2B, Ex. 29 only on 116C- 1/2	27/5
30	Photocopy of Hidaya by Charles Hamilton frontispiece of page and pages 239-240	116C1/3 -5, Ex. 30	27/7
31	Copy of affidavit filed by Sri Arvind Verma, Commissioner, Faizabad on 13.5.1993	118C1/1 -13, Ex. 31	27/41
32	Copy of the affidavit dated 6.8.1993 of Radhey Saran Kaushik A.No. /92 in C.P. No. 97/2002 Aslam Bhoorey Vs Union of India.	118C- 1/21-25, Ex. 32	27/81
33	Book "Ram Janam Bhumi Ayodhya-New Archaeological discoveries" by. K.S. Lal, president of the Historian forum Ayodhya.	118C- 1/35/1- 20, Ex. 33	27/107
34	Book written by Patrick Thomas Hughes "A Dictionary of Islam"	120C- 1/3, Ex. 34	Separate book
35	Book written by Percy Brown "Indian Architecture"	121C- 1/2-9, Ex. 35	31/161
36	"Itihas Darpan" December 1996 year 3 vol. II note: Extracts from the same book has been filed again as paper no. 254C-1/4-8, 254C-1/9, 10, 254C-1/11-16	254C- 1/3 to 3/78, Ex. 36	32/7
37	Booklet written by Mohd. Hashim	255C-	32/117

	Ansari "Babri Masjid Kee Vajyabi Ke Liye"	1/2/1 to 2/20, Ex. 37	
38	Letter dated 3-11-89 addressed to Prime Minister from Babri Masjid Action Committee	255c-1/3, 4, Ex. 38	32/165
39	Press release dated 3-11-1989	255C-1/5, Ex. 39	32/167
40	Declaration of Delhi on Babri Masjid adopted by all India Babri Masjid New Delhi	255C-1/6-11, Ex. 40	32/169
41	Book "Ram Janam Bhumi Babri Masjid Satya Kya Hai"	255C-1/12 to 12-16, Ex. 41	32/181
42	Book "Ram Charitra Manas" (Gutka)	258C-1, Ex. 42	32/209
43	Map of Aquired area under Act no. 33/1999	259C-1/2, 3, Ex. 43	32/201
44	Book " Satyarth Prakash"	287C-1, Ex. 44	Separate book
45	"Historian's Report to the Nation" "Babri Mosque or Rama's Birthplace"	288C-1 to 1/17, Ex. 45	32/231
46	Photocopy of the article "Glazed Ware in India " Written by K.K. Mohammad.	331V-1/1-6, Ex. 46	In separate file cover
47	Photocopy of the title page and pages of the book "Babari Masjid" with page 5, Admitted by Sri. M.A. Siddiqui on 1-5-08	116C-1/6-7, Ex. 47	27/13
48	Memoirs of Z.M. Babur translated by John Leyden and William Erskine Esq. page 378 to 381	107C-1/64-68, Ex. 48	20/129
49	Photocopy of pages 5, 6, 7 and 19, 20, 21 of the Photograph of the structure at Janam Sthal with the frontispiece of the book "Historical Sketch of Faizabad" with the old capitals Ajodhya and Fyzabad by P. Carnegy officiating commissioner and settlement officer 1870 Awadh Govt. Press.	107C-1/17-23, Ex. 49	20/35
50	Photocopy of frontispiece and page and pages 59, 60, 150 to 155 and	107C-1/122-	21/349

	Parishist Gha in two pages of the book “ Ayodhya ka Itihas” by Hindi Sudhaker Rai Bahadur Sri Awadh Wasi Lala Sita Ram book Hindustani academy 1932	129, Ex. 50	
51	Copy of article on Ayodhya and God Rama by Ajay Mitra Shastri Dept. Of Ancient History and Archeology, Nagpur University	118C-1/60-64, Ex. 51	28/217
52	Photocopy of pages 168 and 169 of the Barabanki district gazetteer 1902 edition H.R. Nevill I.C.S.	107C-1/40-41, Ex. 52	20/81
53	Photocopy of page 9 of the book “Religious policy of the Mughal emperors” by S.R. Sharma published by Asia Publishing house 1962	107C-1/119, Ex. 53	21/343
54	One video cassette Ayodhya December 1992, prepared by Jain Studio of Delhi	118C-1/33, Ex.54	Separate
55	One Video cassette archaeological evidence of Ram Janam Bhumi	118C-1/34, Ex. 55	Separate
56	Photocopy of frontispiece of part I and pages 44,45, 128 to 140 there of the frontispiece and pages 143 (Chapter 21) the Janam Sthan 144 to 149 thereof of the book “Ayodhya” by Hans Bakker	107C-1/132-153,Ex. 56	21/369
57	Photograph of introduction Ayodhya by Hans Baker Vol. I page XV to XVIII	120C-1/6-9, EX. 57	31/41
58	Photocopy of “Religious development in Saket” book bearing page no. 43	120C-1/10, Ex. 58	31/49
59	“The eleventh and twelfth century” page no. 49-59, first chapter 3	120C-1/11-21, Ex. 59	31/51
60	The origin of devotion to Rama within Vaishnavism	120C-1/22-28, Ex. 60	31/73
61	The development of Ayodhya to Ayodhya Mahatmya	120C-1/29-31, Ex. 61	31/87
62	Part I Chapter VIII, page No. 141, 143, 150 and 151	120C-1/32-35, Ex. 62	31/93
63	Part II, Chapter 23, “Ramanavami	120C-1/36-	31/101

	Mahatmya” (Featuring Janam Sthan and Yamasthala”	63,Ex.6 3	
64	Part II, chapter 25, “Kaikaiee Bhawan and Sumitra Bhawan” page no. 176 to 177	120C- 1/64-65, Ex.64	31/155
65	Part II, Chapter 26, “Sita Koop” page no. 178	120C- 1/66, Ex.65	31/159
66	Maps of Ayodhya-Faizabad illustration-II	120C- 1/67, Ex. 66	Vol 31 map awaited
67	Maps of Ayodhya-Faizabad illustration-III	120C- 1/68, Ex. 67	do
68	Photocopy of the extracts Indian Architecture (Islamic Period) by Percy Brown	121C- 1/2-9, Ex. 68	3/1631
69	Photocopy of “Aine-Akbari” by Abul Fazl Vol II Subaye Awadh, Nawal Kishore Press Lucknow 1881, copy made by B.R. Grover in his own handwriting of page 78	107C- 1/76, Ex. 69	20/163
70	Photocopy of page 427 on the book “Hadeeqa-E-Shohada” by Mirza Jaan, published in 1956, Lucknow with frontispiece containing Nasbihat-I-Bist-O-Panjum Az Chahal Nisaih Bahadur Shahi daughter of Bahadur Shah Alam Gir	107C- 1/77, 77A, 78, Ex. 70	20/167
71	Extract from the book “The Disputed Mosque” A Historical Enquiry by Susheel Srivastava, Chapter V, “Did Babar build the Masjid”	C2- 188/1- 20, Ex. 71	36/457
72	Affidavit of PW 17 Ann. 5, page 28/44 to 28/51	Ex. 72	Separate
73	Affidavit of PW 17 Ann. 5, page 28/44 to 28/51	Ex. 73	Separate
74	Affidavit of PW 18 Ann. 1, page 27/1-3	Ex.74	Separate
75	Affidavit of PW 18 Ann. 3, page 27/9-29	Ex. 75	Separate
76	Affidavit of PW 18 Ann. 7, page 27/60-64	Ex. 76	Separate
77	Affidavit of PW 18 Ann. 8, page 27/65-67	Ex. 77	Separate
78	Affidavit of PW 18 Ann. 10, page 27/93-99	Ex. 78	Separate

79	Affidavit of PW 18 Ann. 11, page 27/ 100-121	Ex. 79	Separate
80	Affidavit of PW 18 Ann. 12, page 27/ 122-126	Ex. 80	Separate
81	Affidavit of PW 18 Ann. 13, page 27/ 127-138	Ex. 81	Separate
82	Affidavit of PW 18 Ann. 14, page 27/ 139-145	Ex. 82	Separate
83	Affidavit of PW 18 Ann. 16, page 27/ 150-153	Ex. 83	Separate
84	Affidavit of PW 18 Ann. 18, page 27/ 158-160	Ex. 84	Separate
85	Affidavit of PW 18 Ann. 27, page 27/ 204-207	Ex. 85	Separate
86	Affidavit of PW 19 Ann. 1, page 7/1-3	Ex. 86	Separate
87	Affidavit of PW 19 Ann. 2, page 7/4-6	Ex. 87	Separate
88	Affidavit of PW 19	Ann. 3, page 7/7-9-Ex. 88	Separate
89	Ann. 25, Page 27/193 to 197 of the affidavit filed by OPW 18 Sri A.K. Sharma (Extract from “The Excavations at Kaushambi” by G.R. Sharma)	Ex. 89	Separate
90	Ann. 26, Page 27/198 to 207 of the affidavit filed by OPW 18 Sri A.K. Sharma (Extract from “Perspective in Social and Economic History of Early India” by R.S. Sharma)	Ex. 90	Separate
91	Ann. 28, Page 27/208 to 210 of the affidavit filed by OPW 18 Sri A.K. Sharma (Extract from “Ancient India” by R.S. Sharma)	Ex. 91	Separate
92	Archaeological Survey report: N.W. Provinces and Oudh (Ayodhya, Bhulia Tal, Sahet and Mahet)	107C/3 1-32, Ex. 92	20/63
93	Annex. Pages 1/1 to 1/4 to the affidavit of O.P.W. 16 (Extract of Skand Mahapuram Part II, Ayodhya Mahamatya (2-8) with Hindi Translation (5 Pages)	Ex. 93	Separate
94	Annex. 4, Pages 7/10 to 7/13 to the affidavit of O.P.W. 19 Sri Rakesh Datta (Extract from the “Hindu	Ex. 94	Separate

	Iconography” by Sri S.P. Tewari)		
95	Annex. 1, Pages 4/1 to 4/8 to the affidavit of O.P.W. 14 (Ram Katha Kunj Ayodhya Faizabad Mein Rakhey Awashesh ki Soochi)	Ex. 95	Separate
96	Annex 2. Page 4/9 to the affidavit filed by O.P.W. 14 Rakesh Tewari on 7.2.2003 (Letter of Alok Sinha to Sri Arvind Verma Commissioner Faizabad Division Dt. 14.12.1992, Paryatan Evam Sanskriti Karya Vibhag Vidhan Bhawan Lko.)	Ex. 96	Separate
97	Annex. 20 to the affidavit of OPW 18 A.K. Sharma Page no. 27/165-169 (2004 Edition) filed on 28.08.2006, book no. 124 (Indian Archaeology A Review-1998-99)	Ex. 97	Separate
98	Annex. 24 to the affidavit of OPW 18, filed on 28.08.2006 with affidavit of Examination-in-chief, page 27/182-192, book no. 140 (Extract of “Pura Prakash” (Dr. Z.A. Desai Commemoration Vol. II, Editor A.K. Sharma, M.I. Quddusi, M.Y. Quddusi, G.S. Khwaja)	Ex. 98	Separate
99	Annex. 5 of the affidavit of OPW 18, filed on 28.08.2006, 148 page No. 27/40-53 Book No. 148 (“Ancient India-Bulletin of A.S.I. Number IV”, July 1947 to Jan-1948)	Ex. 99	Separate
100	Page No. 27/30-39, filed on 28.08.2006 with the affidavit of OPW 18 Sri A.K. Sharma, (Extract from “Ancient India-Bulletin of A.S.I. November 2, 1947)	Ex. 100	Separate
101	Annex. 17 to the affidavit filed by OPW 18 on 28.08.2006, page No. 27/154-160 (Urdu Hindi Dictionary by Mohammad Mustafa “Maddah”)	Ex. 101	Separate
102	Annex. 4 to the affidavit of OPW 17, filed on 17.08.2006, page no. 28/40-43, book no. 124 (“Indian Archaeology 1998-99 A Review” published by A.S.I.)	Ex. 102	Separate
103	Newspaper report page 10 of Amar Ujala Kanpur dt. 12.10.1995, proved by OPW 2 at page 57 of his	119C-1/2 Ex.103	31/5

	evidence.		
104	Annex. No. 3 of OPW 17, R. Nagaswami, Page No. 28/24-39 (Extract from Mahastham)	Ex. 104	Separate
105	Annex. 6, Page No. 28/52-60 (Extract from Mayamatam, edited by Bruno Dagens Vol. I)	Ex. 105	Separate
106	Annex. 7, page 28/61-63, by OPW 17, R. Nagaswami (Extract from Vastu-Sastra Vol. II, Hindu Canons of Iconography and painting by D.N. Shukla)	Ex. 106	Separate
107	Annex. 2, page 27/4-8 by OPW 18 (Macmillan Dictionary of Archaeology editor Ruth D. White Homes)	Ex. 107	Separate
108	Annex. 6 by OPW 18, page 27/54-59 (Puratatva Paribhasha Kosta History Dept. Vaigyanik Tatha Takniki Sabdawali, Kendriya Hindi Nidesalaya Bharat Sarkar 1979)	Ex. 108	Separate
109	Annex. 9, statement page 27/68-92 OPW 18 (Extract from An Encyclopaedia of Indian Archaeology-Edited by A Ghosh Vol. I)	Ex. 109	Separate
110	Annex. 21, statement page 27/170-172, OPW 18 (Macmillan Dictionary of Archaeology-Editor Ruth White House)	Ex. 110	Separate
111	Annex. 22, statement page 27/173-177, OPW 18 (Extract from An Encyclopaedia of Indian Archaeology- Edited by A. Ghosh)	Ex. 111	Separate
112	Annex. 23, statement Page 27/178-18, OPW 18 (Extract from An Encyclopaedia of Indian Archaeology Edited by A. Ghosh)	Ex. 112	Separate
113	Annex. 15, statement Page 27/146-149 by OPW 18 (Macmillan Dictionary of Archaeology-Editor Ruth D. White House.	Ex. 113	Separate
114	Presidential Address by S.P. Gupta on 22.12.1989 in Guntoor (A.P.) on the subject "Sri Ram Janam Bhumi Controversy- Passion apart what history and archaeology have to say	107C1/1 65-186, Ex. 114	23/535

	on this Issue”		
115	Article written by Dr. S.P. Gupta “Ram Janam Bhumi Babri Masjid-Revisited”	107C1/1 86A- 190, Ex. 115	23/579
116	Description of Ram Janam Bhumi in Ayodhya Mahatmya edited by Sri Krishna Das, Khem Raj Srashi	107C1/7 5 Ex. 116	20/161
117	Original Book “Hindu Vishwa” Oct. 92 Vol 28 No. 2 Kartik 2049 Vikrami, edited by H.C. Srivastava	118C1/3 6 Ex. 117	27/117
118	Matter written by Pt. Hari Saran Dwivedi, 305, Bahadur Ganj, Allahabad-3 dated 21.10.1989	107C- 1/232 Ex. 118	23/671
119	Matter written by Pt. Indu Shekhar Pandey, Parashar-Jyotish Bhawan-2/22 Bhadaini, Varanasi	107C- 1/231 Ex. 119	23/669
120	Letter of Syed Shabuddin, M.P. (Lok Sabha) to Mr. Anjum Qader	107C- 1/239 Ex. 120	23/685
121	Letter of Prince Anjum Quder to Sri Shabuddin dated 2.9.88 King of Oudh's Mausoleum, Garden Reach Calcutta, 24	107C- 1/240, 240/1 Ex. 121	23/687
122	Letter of Prince Anjum Quder to Sri V.P. Singh, Prime Minister of India dated 26.2.1990	107C- 1/241- 242, Ex. 122	23/689
123	Extract from “Encyclopedia of India and of Easter and Southern Asia” by Surgeon Jen. Bilfore	107C- 1/111 Ex. 123	21/325
124	A note on essentials and characteristics of a Mosque prepared by Sri D.N. Agarwal, a retired Judge, Allahabad High Court	116C- 1/11- 17,Ex. 124	27/23
125	List of documents examined by NAI from Sri Kishore Kunal, O.S.D., Ministry of State Home by Director General (Archive) dated 16.5.1991 along with list of the documents	118C- 1/37- 59,Ex. 125	27/171
126	Details of photographs (ten photographs)	119C- 1/C & 119C- 1/C-1 to C-10, Ex. 126	31/13
127	Letter of Prince Anjum Qudar President All India Shia Conference	107C- 1/243-	23/639

	dt. 13.12.1988 from Pakistan Addressed to Sarkar Tajaul-Ulem M.S.M. Naqvi (Fatwa with Hindi and English translation)	247 Ex. 127	
128	Indian History and Cultural Society, New Delhi workshop seminar 10-13 th Oct. 1992 Ayodhya. Two resolution, signature of T.P. Verma at Serial No. 214	118C- 1/129- 135 Ex. 128	28/355
129	Archaeological and art historical evidence of the existence of the Hindu Temple of a Hindu religious structure prior to the construction of the disputed structure	118C- 1/65-92, 96-114 Ex- 129	28/227, 289
130	New Archaeological evidence of "An Eleventh Century Hindu Temple at Ayodhya" article by Dr. S.P. Gupta former Director Allahabad Museum	118C- 1/115- 128 and 136-145 Ex. 130	28/327, 369
131	Part-II Appendix II to IV from D. Mandal's book 'Ayodhya Archaeology after Demolition'	118C1/ 93-95 Ex. 131	28/283
132	Catalogue of Historical Documents in Kapad Dwar Jaipur Plan Front piece foreword by Bhawani Singh of Jaipur M.V.C and page 36 along with two maps	107C- 1/193- 195, 197 Ex. 132	21 & 23/593
133	Extract from the book of description, Historical and Geographical, of India by Typhen Thalor, pages 252-254	107C1/ 96-104 Ex.133	21/273

606. Documents of defendants (Suit-5) :

Sl. No.	Description of Paper	Paper No./ Exhibit mark	Register/ Page No.
1	Certified copy of inventory dated 5.1.50 in case no. 4/31 U/s 145 Cr.P.C. in the Court of City Magistrate Faizabad original file summoned in O.O.S. No. 4/89	108C1/5, Ex. C1	24/11
2	Certified copy of order dated 3.8.57 by 1st Addl. Sessions Judge Faizabad in criminal appeal no. 50/51 Bhaskar Das Vs. State	108C1/6- 11, Ex. C2	24/13
3	Certified copy of the order of the City Magistrate Faizabad dated 5.9.66, case no. 533/66 State Vs.	108C1/12- 13, Ex. C3	24/23

	Prem Das		
4	Certified copy of order of C.A. No. 10/1923 dated 22.10.1923 Mahant Narottam Das Vs. Ram Swaroop	108C1/14-17, Ex. C4	24/29
5	Certified copy of plaint Ram Gopal Das Vs. Ashok Singhal R.S. 426/1989 in the Court of Civil Judge Faizabad	108C1/18-22, Ex. C5	24/37
6	Certified copy of the commission report dated 8.11.1989 in suit (426/89)	108C1/23-25, Ex. C6	24/47
7	Certified copy of the order passed by Sri K.K. Singh 4th A.S.J. Faizabad dated 13.5.83 Dharam Das Vs. Panch Ramanandi in Crl. Revision No. 60 of 1982	108C1/26-27, Ex. C7	24/53
8	Certified copy of commission report dated 13.10.1973 in R.S. No. 9/73, Nirmohi Akhara Vs. Ram Lakhan in the Court of Civil Judge, Faizabad with map	108C1/28-35, Ex. C8	24/57
9	Certified copy of W.S. by Abhay Ram Das in case U/s 145 Cr.P.C. in the Court of City Magistrate Faizabad	108C1/36-38, Ex. C9	24/73
10	Copy of constitution of Ram Janam Bhoomi Nyas and statement of income and expenditure filed in O.O.S No. 5/89 by Sri R.L. Verma	111C-1/1-11, Ex. C10	24/81
11	Notice by D.M. Faizabad dated 22.12.34	285C/1/2,3 Ex. C11	24/99
12	Photocopy of the book entitled as "The Aine Akbari" by Abul Fazal Allami Vol. 3	320C1/1-6, Ex. D1	42/83
13	Photocopy of the book entitled as "The Aine Akbari" by Abul Fazal Allami Vol. 2	321C1/1-21, Ex. D2	42/97
14	The History and Culture of the Indian People Part-II Vol-10 by R. C. Majumdar	313C1/ 1-14, Ex. D3	37/297
15	Photocopy of the relevant extracts of the book entitled as "A Drashtikon-Ram Janam Bhumi Babri Masjid Vivad" by Ram Sharan Srivastava	296 C1/1-6, Ex. D4	37/85
16	"History of India" By as told by its own historians, the Mohammadan	315 C1/ 1-10,	38/353

	period Vol. II	Ex. D5	
17	The History of India as told by its own historians The Mohammadans period by Vincent A. Smith	319 C-1/ 1-9, Ex. D6	42/63
18	Photostate copy of the title page and pages 180-182 of the book titled as A-In-I Akbari (Vol.II) by Abul Fazal Allami	328C1/1-5, Ex. D7	41/265
19	Photostat copy of the title page and pages VII, VIII and IX (content) of book titled as Encyclopaedia of Indian Temple Architecture North India edited by M.A. Dhaki.	329C1/1-5, Ex. D8	39/9
20	Photostat copy of the title page and plates 32, 33, 34, 35, 38, 39 and 40 of the book titled as Encyclopaedia of Indian Temple Architecture North India edited by M.A. Dhaki.	329C1/6- 10, Ex. D9	39/17
21	Photostat copy of the title page and preface page and pages 12 and 14-17 of the book titled as The Hindu Temple by Stella Kramrisch Vol.I	329 C1/11- 18, Ex. D10	39/25
22	Photostat copy of the title page and pages 313, 348 and 411 of the book titled as The Hindu Temple by Stella Kramrisch Vol.II	329 C1/19- 23, Ex. D11	39/39
23	Photostat copy of the title page and pages 143-148 of the report of excavation at Bhagwanpura 1975-76 and other exploration and excavation 1975-81 in Haryana, Jammu & Kashmir and Punjab	326- C1/60-67, Ex. D12	41/107
24	Photostat cop of the report "Lothal A Harappan port town 1955-62	326C-1/9- 25, Ex. D13	41/53
25	Photostat copy of the memoirs of the ASI no. 98 Excavation at Kalibangan the early Harappans (1960-69)	327C-1/1- 17, Ex. D14	41/181
26	Photostat copy of the memoires of the ASI No. 87 Excavation at Surkotada 1971-72 and exploration of Kutch	327C- 1/44-57, Ex. D15	41/237
27	Photostat copy of the notice of the meeting of Central Advisory Board of Archaeology called on 02.08.2006, including the minutes	332C-1/1- 51, Ex. D16	39/49

	of the meeting held on 2.9.2005 and the minutes of the meeting of the standing Committee of the Central Advisory Board of Archaeology held on 20 th and 21 st October 2005.		
28	Extracts from book “Indian Architecture” (Buddhist and Hindu Periods) by Percy Brown	333-1/1-9, Ex. D17	39/153 , 40/153
29	Photostat copy of the title page foreword and pages 89-10, 177-181, 196, 215-217, 220, 22, 233, 235-237,239-243, 252, 257, 259, 268, 269, 275, 276, 278, 285-287, 305-307, 311, 314, 316-334 of the book title as Temples of Pratihara Period in Central India written by R.D. Trivedi	334C-1/1- 52, Ex. D18	40/175
30	Photostat copy of the title page and of pages 5-13, 135-141, 288, 293 and 300 of the book title as Temples of Pratihara period in Central India by R.D. Trivedi.	335C-1/1- 20, Ex. D19	40/281
31	Photocopy of the letter of Sri Kishore Kunal O.S.D. Of the ministry of State Home India dated 23-1-1991	292C-1, 292C-1/1, Ex. D20	37/61
32	Relevant extract of the book “ Sri Ram Janam Bhumi Aitihāsik Avam Puratativik Sakshya” by T.P. Verma and S.P.Gupta.	304C1/1-4, Ex. D21	38/195
33	Coloured Photograph purported and said to be of Maharishi Valmiki (Saint) as published in Valmiki Ramayan, Paper no. 261C1/1	261C- 1/1/1, Ex. D22	38/205
34	Extract from the book “ Meri Jeewan Yatra” by Rahul Sankrityayan.	314C1/1- 12, Ex. D23	38/327
35	Photocopy of extract of the book “Sri Ram Janam Bhumi” by Dr. Radhey Shyam Shukla	110C-1/55, 55A,56, Ex. D24	25/129
36	Original report on Babari Masjid containing historians report to the Indian nation (Babari Mosque of Ram’s berth place) by R.S. Sharma and others	110C-1/96, Ex. D25	25/211

37	Copy of original book of Prof. D. Mandal entitled as "Ayodhya Archeology After Demolition" by Orient Longman (title page contents, preface and page 1 to 69)	198C-2/1-89, Ex. D26 = Ex.63 (Suit-4)	30/7
38	Copy of extract of Epigraphica Indica (Arabic and persian supplement 1965) edited by Z.A. Desai	198C-2/90-99, Ex. D27	30/99
39	Photocopy of the extract of Epigraphica Indica (Vol. IV (1896-97) published by ASI New Delhi	198C-2/100-106, Ex. D28	30/119
40	Photocopy of extract of above book Vol XIV (1917-1918)	198C-2/107-117, Ex. D29	30/133
41	Photocopy of the extract of Epigraphica Indica (Vol XX (1929-1930) published by A.S.I. New Delhi	198C-2/118-123, Ex. D30	30/155
42	Photo copy of the relevant extracts of the BJP's White paper on Ayodhya and The Ram Temple movement published in April 1993, Titled page and page 4 and 66	294C1/1-3, Ex. D31	37/73
43	Photo copy of the extract of the book titled as " Fair reports made during the years 1862-63-64-65" by Alexander Cunningham Vol-IV (titled pages 293-296, 319 and plate XLVII)	322C1/1-22, Ex. D32	42/141
44	Photo copy of the Extract of the book titled as "History of Mughal Architectural Vol-I" By R. Nath	197C2/1-8, Ex. D33	Separate book
45	Photo copy of the book "Temples of India" title page, contents and pages no. 20, 21, 23, 26, 27 and 100	302C1/1-9, Ex. D34	37/141
46	Photocopy of the extracts from the book entitled as "The secular Emperor Babar" by Mrs. Surinder Kaur, Tapan Sanayal published by Lok Geet Prakashan Sirhind	110C1/14-51, Ex. D35	25/49
47	R.D. Banarji's "Eastern Indian School of Medieval Sculpture" published by ASI Delhi (1933 Edition) Plates LXXXIX (a) and (e) and XC(d), proved in para 14 of	308C-1/10-15, Ex.D36	38/231

	the affidavit of PW 16 (Part-II) dt. 26.08.02.		
48	Photostat copy of the Article written 'Ramjanambhumi-Babri Masjid Issue: Misuse of Archaeological Evidence' by Prof. Sooraj Bhan dated 26.12.1990 Prof. And Dean of Kurukshetra University proved at page 1 of his statement.	110C/8-13, Ex.D37	25/37
49	Extract from "Sri Ram Janam Bhumi Ka Rakt Ranjt Itihas" (31 st Edition) by Sri Ram Raksha Tripathi "Nirbheek" Title page and pages 6, 7 and 8 filed by defendant no. 4 on 20.5.1992	110C- 1/52-54, Ex.D38	25/123
50	Certified copy of judgment dated 2.9.82 passed by Munsif Sadar Faizabad in Re R.S. 57/78 Bhagwan Sri Ram Lala Vs. State	109C1/2, Ex. E1	25/5
51	Certified copy of plaint before Munsif Sadar Faizabad R.S. no. 57/78 Bhagwan Sri Ram Lala Vs. State dated 11.2.78	109C1/3-7, Ex. E2	25/7
52	Certified copy of decree in R.S. No. 57/78 Bhagwan Sri Ram Lala Vs. State passed by Learned Munsif Sadar Faizabad dated 5.10.82	109C1/8- 10, Ex. E3	25/17
53	Indian Archaeology (1969-70 A-Review) Edited by B.B. Lal, Director General, A.S.I.	291 C1/ 4,5,6, Ex. E1/1	37/11
54	Indian Archaeology (1976-77 A-Review) by B.K. Thapar.	291C1/ 1,2, 3, Ex. E2/1	37/5
55	Indian Archaeology (1979-80 A-Review) by B. B. Lal	291C1/16, 17, Ex. E3/1	37/35
56	Indian Archaeology (1968-69 A-Review) by B. B. Lal	291C1/ 7- 11, Ex. E4/1	37/17
57	Hindu World and Encyclopaedic Survey of Hinduism by Benjamin Walker. (Vol.II)	318C1/ 1- 14, Ex. E4	42/33
58	India Distorted " A Study of British Historians India Vol. III By S. C. Mittal	323 C1/1- 25, Ex. E5	42/187

59	The Early History of India By Vincent A. Smith	324C1/ 1-28, Ex. E6	42/239
60	Extract from the journal “Prag Dhara” editor Sri Rakesh Tewari of ASI	316C1/1-9, Ex. E7	42/5
61	Extract of “Startling indeed-Some Discoveries of Convenience” by Champak Lakshmi Extract were taken from “From line magazine. Shereen Ratnagar (PW 27) has proved at page 4 of her statement.	291C-1/12-15, Ex. E8	37/27

607. In brief the documentary exhibits by the parties are as under:

1. Plaintiffs (Suit-1) – Exhibits No. 1 to 34 (Total 34)
2. Plaintiffs (Suit-3) – Exhibits No. 1 to 21 (Total 21)
3. Plaintiffs (Suit-4) – Exhibits No. 1 to 128 (Total 128)
4. Plaintiffs (Suit-5) – Exhibits No. 1 to 132 (Total 132)
5. Defendants (Suit-1) – Exhibits No. A1 to A72 (Total 73)
6. Defendants (Suit-4) – (i) Exhibits No. A1 to A16 (Total 16)
(ii) Exhibits No. M1 to M7 (Total 7)
(iii) Exhibits No. B1 to B16 (Total 16)
(iv) Exhibits No. J1 to J31 (Total 32)
(v) Exhibits No. T1-T6 (Total 6)
(vi) Exhibit No. V1 (Total 1)
(vii) Exhibits No. Q1 to Q6 (Total 6)
7. Defendants (Suit-5) – (i) Exhibits No. C1 to C11 (Total 11)
(ii) Exhibits No. D1 to D38 (Total 38)
(iii) Exhibits No. E1 to E8 (Total 12)

Grand Total - 533

608. Before proceeding ahead on merits of the issues, it would be useful to recapitulate how the dispute arose. Hindus believe Lord Ram born at Ayodhya, is the tenth incarnation of Lord Vishnu and worship as such.

609. Babar invaded India in 1526 A.D.. He came with an intention to conquer and rule. He defeated Ibrahim Lodi in the battle of Panipat in April 1526 A.D.. He proceeded further and reached near Ayodhya on 28.3.1528 i.e. on the bank of river Saryu. Some of the parties claim that his Commander Mir Baqi under the orders of Babar, demolished a temple of Lord Ram at the disputed site and constructed in 1528 A.D. a building thereat, which, some of the parties claim to be a 'Mosque'. Others dispute the factum of demolition and even the very existence of the alleged temple. The determination of period of construction of the building in 1528 A.D. is based upon the inscriptions said to be installed by Mir Baqi at the aforesaid building and noticed for the first time in 1813-14 A.D. by Dr. F.S. Buchanan. However, Nirmohi Akhara disputes both the above claims and says that the building was throughout a temple and remained in its possession till attachment in 1949. It is also alleged that some serious dispute between the two communities took place in 1855 A.D. and, thereafter, a boundary wall was constructed separating the disputed building from other spots namely Ram Chabutara, Sita Rasoi etc. The area inside of the boundary as already said is referred as "inner courtyard" and rest as "outer courtyard". It is said that in 1934 A.D. again a serious dispute arose causing some damage to the disputed building which was repaired and the cost was recovered by the British Government from local Hindu inhabitants by imposing fine. On 23.12.1949 A.D. a first information report was lodged at Ayodhya about trespass by some Hindu people in the inner courtyard of the disputed building and placement of idols of Lord Ram beneath the central dome. Therefrom the entire litigation has cropped up and is before us for consideration.

610. We may mention at this stage that Sri Z. Jilani, Sri M.A. Siddiqui and Sri Rizwan, learned counsels for Muslim parties made statements under Order 10 Rule 2 during the course of the arguments that they are not disputing the faith and belief of the Hindus that Lord Ram was born at Ayodhya. This statement is in consonance with the findings of this Court recorded in its order dated 08.05.1996 referred to by us above in para 199. They, however, submit that the dispute is about the exact location of birth place and in particular about the disputed premises. Their case is that the disputed premises is not where exactly Lord Ram took birth and there is no evidence to this extent. This statement under Order 10 Rule 2 by the learned Counsels has definitely to some extent narrowed down the canvass of the case and has also saved the Court from entering in a field of faith and belief, the justiciability and the power of the Court in regard whereof itself is arguable.

611. All the issues framed in the four cases, for convenience, can broadly be placed under the following Heads :

- (A) Notice under Section 80 C.P.C.
- (B) Religious denomination
- (C) Res judicata, waiver and estoppel
- (D) Waqf Act 13 of 1936 etc.
- (E) Miscellaneous issues like representative nature of suit, Trust, Section 91 C.P.C., non joinder of parties, valuation/ insufficient Court fee/under valuation and special costs.
- (F) Person and period- who and when constructed the disputed building
- (G) Deities, their status, rights etc.
- (H) Limitation

- (I) Possession/adverse possession
- (J) Site as birthplace, existence of temple and demolition if any.
- (K) Character of Mosque
- (L) Identity of the property
- (M) Bar of Specific Relief Act
- (N) Others, if any

612. The marathon arguments in these cases stretched to 75 days covering a period of about 11 months in the first spell, and when due to elevation of one us (Hon'ble S. R. Alam, J.) as Chief Justice of Madhya Pradesh High Court, the Bench was reconstituted, the matter was reheard and it stretched for 90 days in second spell i.e. from 11.1.2010 to 26.7.2010.

613. Sri Z. Jilani, Sri M.A. Siddiqui and Sri Rizwan, Advocates have appeared and advanced their submissions on behalf of Muslim parties while Sri Ravi Shankar Prasad, Sri P.R. Ganesh Aiyer and Sri K.N. Bhatt, Senior Advocates, Sri R.L. Verma assisted by Sri Tarun Verma, Sri P.N. Misra, Miss Ranjana Agnihotri, Sri M.M. Pandey, Sri Ved Prakash, Sri Rakesh Pandey, Sri Hari Shankar Jain, Sri D.P. Gupta, Sri A.K. Pandey, Sri R.K. Srivastava, Advocates have appeared on behalf of the various Hindu parties and made their submissions. On behalf of State of U.P. Sri S.P. Srivastava, the learned Additional Chief Standing Counsel has put in appearance but has not advanced any oral submissions. The arguments travel in a very vast area with lots of varieties, shades and colours. Besides, the oral submissions, the parties have also filed their written submissions which are made part of record.

Discussion and findings on Merits Issuewise :

- (A) **Notice under Section 80 CPC**

614. Issue No. 10 (Suit-3)

- (a) *Is the suit bad for want of notice u/s 80 C.P.C.?*
 (b) *Is the above plea available to contesting defendants?*

615. The plaintiffs in para 12 of the plaint (Suit-3) have said that they sent notices under Section 80 C.P.C. to the defendants no. 1 to 5 (Suit-3). The notices were delivered on 6.10.1959 and 12.10.1959. The same have also been replied by the aforesaid defendants through defendant no. 3 intimating that they shall defend the suit, if any, filed by the plaintiffs. No written statement has been filed on behalf of the defendants 1 to 5 in the aforesaid suit. Thus, there is no objection on behalf of the defendants 1 to 5 regarding maintainability of suit for want of notice under Section 80 C.P.C. In the written statement filed on behalf of defendants no. 6 to 8, para 12 of the plaint has been simply denied and in para 24 it is said that the suit is bad for want of notice to defendants no. 1 to 5 under Section 80 C.P.C. In replication, the plaintiffs have not only reiterated their stand taken in the plaint but in para 24, further pleaded that the defendants 6 to 8 have no right to take plea of want of notice under Section 80 C.P.C.

616. We find that Ex. 13 (Suit-3) is a postal receipt dated 6.10.1959 of a registered letter sent to Priya Dutt Ram and Ex. 14 (Suit-3) is a similar receipt dated 6.10.1959 of a registered letter sent to Superintendent of Police, Faizabad. The reply received from the Deputy Commissioner, Faizabad and the acknowledgments of the registered letters are also on record as Exhibits 17, 18 and 19 (Suit-3). The Deputy Commissioner, Faizabad in his letter dated 30.11.1959 (Ex. 16 Suit-3) has said that the suit, if any filed, would be defended. The witnesses

D.W. 3/1 and D.W. 3/20 in their statements have also supported the stand taken by the plaintiffs. D.W. 3/1, Mahant Bhaskar Das in para 38 and 39 of his examination-in-chief has proved the notices sent to the defendants District Magistrate, Faizabad etc. and also the reply which they received from defendants 1 to 5. Para 38 and 39 states as under :

“38- कागज संख्या 41 सी-1/2 दफा 80 के प्राप्ति की रसीद है, इसी प्रकार सी-1/3 जिलाधिकारी की प्राप्ति की रसीद है और सी-1/4 महन्त रघुनाथ दास निर्मोही अखाड़े के द्वारा जिलाधिकारी फैजाबाद के कार्यालय में नोटिस प्राप्त कराने की रसीद है। ये सभी नोटिस दो महीने दावा दाखिल करने में भेजी गयी थी।”

“38- The paper no. 41C-1/2 is the receipt of Section 80. Similarly, C-1/3 is the receipt of District Magistrate and C-1/4 is the receipt of notice served in the office of District Magistrate, Faizabad by Mahant Raghunath Das Nirmohi Akhara. All these notices had been sent in respect of the suit being filed in two months.” (E.T.C)

“39- कागज संख्या सी-1/5, 30 नवम्बर 1959 जबाव नोटिस है जो प्रतिवादी सी-1/5 के तरफ से भेजा गया है। सी-1/6 के जबाव नोटिस जिलाधिकारी, फैजाबाद हैं। सी-1/7 व सी-1/8 पावती रसीद है। सी-1/9 व सी-1/10 डाकघर की रसीदें हैं।”

“39- Paper no. C-1/5, 30th November, 1959 is the reply to notice sent by defendant C-1/5. C-1/6 is the reply of notice by District Magistrate, Faizabad. C-1/7 and C-1/8 are acknowledgment receipts. C-1/9 and C-1/10 are receipts of Post Office.” (E.T.C)

617. Similarly, D.W. 3/20, Mahant Rajaram Chandracharya in para 28 of his examination-in-chief has made averments and proved the receipt of notice as under :

“पेपर नं० 41 सी 1 से 9 कित्ता कागजात यानि 41 सी. 1/2 ता 41 सी. 1/10 दावा दाखिला करने के पहले सरकार व सरकारी मुलाजिमों पर दफा 80 की नोटिस दी गयी थी जो नोटिस, पोस्टल रसीद व तामीला प्राप्ति का है।”

“The nine papers from paper no. 41C-1 i.e. 41C-1/2 to 41C-1/10, are the postal receipts and receiving of the notices sent under section 80 to Government and Government Officials before filing the suit.” (E.T.C)

618. Nothing has been brought otherwise in the cross examination to contradict the aforesaid averments. No evidence otherwise has been led by any of the defendants.

619. It is no doubt true that Section 80, as it stood before 1976 amendment, admitted no implication and exceptions whatsoever and reads as under :

“80. Notice.- No suits shall be instituted against the Government (including the Government of the State of Jammu & Kashmir) or against a public officer in respect of any act purporting to be done by such officer in his official capacity, until the expiration of two months next after notice in writing has been delivered to, or left at the office of-

(a) in the case of a suit against the Central Government, except where it relates to a railway, a Secretary to that Government;

(b) in the case of a suit against the Central Government where it relates to railway, the General Manager of that railway;

(bb) in the case of a suit against the Government of the State of Jammu and Kashmir the Chief Secretary to that Government or any other officer authorised by that Government in this behalf;

(c) in the case of a suit against any other State Government, a Secretary to that Government or the Collector of the district;

and, in the case of a public officer, delivered to him or left at this office, stating the cause of action, the name, description and place of residence of the plaintiff and the relief which he claims; and the plaint shall contain a statement that such notice has been so delivered or left.

620. The provision was expressly mandatory and imposes statutory and unqualified obligation upon the Court. The service of notice under Section 80 is a condition precedent for the institution of suit against the Government or public officer where the complaint is in respect of his acts in official capacity. However, in the absence of non compliance of Section 80 C.P.C., the suit is not liable to be dismissed as not maintainable.

621. In the case in hand, since the plaintiffs have shown that they served notice under Section 80 C.P.C. upon the defendants no. 1 to 5 and neither any material controverting the above facts has been brought on record by the defendants nor any submission has been advanced to show that Section 80 was not complied by the plaintiffs (Suit-3). We thus have no hesitation to hold that the Suit is not barred for want of notice under Section 80 C.P.C. and **Issue 10 (a) is answered accordingly.**

622. Now we come to the second part of this issue i.e. 10 (b). The legislative intent of Section 80 is to give the Government sufficient notice of the suit which is proposed to be filed against it so that it may reconsider the decision and decide for itself whether the claim made could be accepted or not. The object of the section is advancement of justice and securing public good by avoidance of unnecessary litigation (**Bihari Chowdhary and another Vs. State of Bihar and others 1984 (2) SCC 627; State of Andhra Pradesh and others Vs. Pioneer Builders AIR 2007 SC 113**).

623. We, however, proceed to consider certain authorities cited on behalf of the defendant no. 10 to press upon their submission that in case of non compliance of Section 80 C.P.C., it is the duty of the Court to reject the plaint outright even if no objection is raised by anyone since it is a jurisdictional issue.

624. Prior to Section 80 C.P.C., 1908, similar provision existed in Section 424 of C.P.C., 1882. Considering the purpose and objective of such a provision, in **Secretary of State for India In Council Vs. Perumal Pillai and others (1900) ILR 24 (Mad.) 271** it was held :

“... object of the notice required by section 424, Civil Procedure Code, is to give the defendant an opportunity of settling the claim, if so advised, without litigation.”

625. With reference to Section 80 C.P.C. of 1908, the objective and purpose came to be considered in **Secretary of State for India In Council Vs. Gulam Rasul Gyasudin Kuwari (1916) ILR XL (Bom.) 392** wherein it was held as under :

“... the object of section 80 is to enable the Secretary of State, who necessarily acts usually through agents, time and opportunity to reconsider his legal position when that position is challenged by persons alleging that some official order has been illegally made to their prejudice.”

626. In **Raghunath Das Vs. Union of India and another AIR 1969 SC 674**, in para 8, the Court said :

“8. The object of the notice contemplated by that section is to give to the concerned Governments and public officers opportunity to reconsider the legal position and to make amends or settle the claim, if so advised without litigation. The legislative intention behind that section in our opinion is that public money and time should not be

wasted on unnecessary litigation and the Government and the public officers should be given a reasonable opportunity to examine the claim made against them lest they should be drawn into avoidable litigations. The purpose of law is advancement of justice. The provisions in Section 80, Civil Procedure Code are not intended to be used as boobytraps against ignorant and illiterate persons.”

627. The object and purpose of enactment of Section 80 C.P.C. was also noticed in **State of Punjab Vs. M/s. Geeta Iron and Brass Works Ltd. AIR 1978 SC 1608** as under :

“A statutory notice of the proposed action under S. 80 C.P.C. is intended to alert the State to negotiate a just settlement or at least have the courtesy to tell the potential outsider why the claim is being resisted.

628. The requirement of notice under Section 80 C.P.C. has also been held mandatory. In **Bhagchand Dagaduss Vs. Secretary of State for India in Council AIR 1927 PC 176**, it was held that the provision is express, explicit and mandatory. It admits no implications or exceptions. It imposes a statutory and unqualified obligation upon the Court. Therein a notice was issued under Section 80 C.P.C. on 26.6.1922, but the suit was instituted before expiry of the period of two months from the said date. The Judicial Committee Observed :

“To argue as appellants did, that the plaintiffs had a right urgently calling for a remedy, while Section 80 is mere procedure, is fallacious, for Section 80 imposes a statutory and unqualified obligation upon the Court.”

629. This decision was followed by Judicial Committee in **Vellayan Chettiar Vs. Government of Province of Madras**

AIR 1947 PC 197.

630. In **Government of the Province of Bombay Vs. Pestonji Ardeshir Wadia and Ors. AIR 1949 PC 143** it has been held that provisions of Section 80 of the Code are imperative and should be strictly complied with.

631. A Constitution Bench of the Apex Court in **Sawai Singhai Nirmal Chand Vs. Union of India AIR 1966 SC 1068** also took the same view. Following the above authorities in **Bihari Chowdhary (supra)**, the Apex Court, in para 6, observed :

“6. It must now be regarded as settled law that a suit against the Government or a public officer, to which the requirement of a prior notice under Section 80 C.P.C. is attracted, can not be validly instituted until the expiration of the period of two months next after the notice in writing has been delivered to the authorities concerned in the manner prescribed for in the Section and if filed before the expiry of the said period, the suit has to be dismissed as not maintainable.”

632. In none of the above noted cases, the Courts had the occasion to consider whether a Suit for non compliance of Section 80 C.P.C. ought to be dismissed even if the authority for whose benefit the provision has been made is not inclined to press this objection or is interested to get the decision on merits from a competent Court of law. On the contrary, slight divergent view was also going on simultaneously as is evident from some of the authorities of the Apex Court.

633. In **Dhian Singh Sobha Singh Vs. Union of India AIR 1958 SC 274** (page 281), the Court observed that Section 80 C.P.C. must be strictly complied with but that does not mean

that the terms of Section should be construed in a pedantic manner or in a manner completely divorced from common sense. It observed :

“The Privy Council no doubt laid down in Bhagchand Dagadusa v. Secretary of State AIR 1927 PC 176 that the terms of section should be strictly complied with. That does not however mean that the terms of the notice should be scrutinised in a pedantic manner or in a manner completely divorced from common-sense. As was stated by Pollock, C. B., in Jones v. Nicholls, (1844) 13 M&W 361=153 ER 149 "we must import a little common sense into notices of this kind." Beaumont, C. J., also observed in Chandu Lal Vadilal v. Government of Bombay, AIR 1943 Bom 138 "One must construe Section 80 with some regard to common-sense and to the object with which it appears to have been passed.”

634. In para 17 of the judgment while referring to and relying on its earlier decision of **Sangram Singh Vs. Election Tribunal, Kotah, AIR 1955 SC 425**, the Apex Court said:

“Section 80 of the Code is but a part of the Procedure Code passed to provide the regulation and machinery, by means of which the Courts may do justice between the parties. It is therefore merely a part of the adjective law and deals with procedure alone and must be interpreted in a manner so as to subserve and advance the cause of justice rather than to defeat it.”

635. The protection provided under Section 80 is given to the person concerned. If in a particular case that person does not require protection, he can lawfully waive his right. This is what was held in **Dhirendra Nath Gorai and Sabal Chandra Shaw**

and others Vs. Sudhir Chandra Ghosh and others AIR 1964 SC 1300 where considering a pari materia provision, i.e. Section 35 of Bengal Money Lenders Act, 1940 the Apex Court held that such requirement can be waived. Similarly, while considering Section 94 of the Representation of People Act, 1951, the above view was reiterated in **S. Raghbir Singh Gill Vs. S. Gurucharan Singh Tohra and others 1980 (Suppl.) SCC 53**. All the aforesaid decisions have been followed in **Commissioner of Customs, Mumbai Vs. M/s. Virgo Steels, Bombay and another AIR 2002 SC 1745** and it has been held that notice in such a case can be waived.

636. A Full Bench of the Bombay High Court in **Vasant Ambadas Pandit Vs. Bombay Municipal Corporation and others AIR 1981 Bombay 394** while considering a similar provision contained in Section 527 of Bombay Municipal Corporation Act, 1888 held *"The giving of the notice is a condition precedent to the exercise of jurisdiction. But, this being a mere procedural requirement, the same does not go to the root of jurisdiction in a true sense of the term. The same is capable of being waived by the defendants and on such waiver, the Court gets jurisdiction to entertain and try the suit."*

637. In **Amar Nath Dogra Vs. Union of India 1963 (1) SCR 657; State of Punjab Vs. Geeta Iron and Brass Works Ltd. 1978 (1) SCC 68** and **Ghanshyam Dass Vs. Dominion of India 1984 (3) SCC 46** the Apex Court also held that notice under Section 80 C.P.C. or similar provisions of other Acts are for the benefit of a particular authority. The same can be waived as they do not go to the root of jurisdiction in the true sense of the term. Referring to the aforesaid judgments as well as the Full Bench judgment of Hon'ble Bombay High Court in **Vasant Ambadas**

Pandit (supra), the Apex Court in **Bishandayal and sons Vs. State of Orissa and others 2001 (1) SCC 555** (para 16) said that there can be no dispute to the proposition that a notice under Section 80 can be waived.

638. In fact we find in **Ghanshyam Dass and Ors. Vs. Dominion of India and Ors. (supra)** wherein a three judges Bench considered the correctness of the decision of this Court in **Bachchu Singh Vs. Secretary of State for India in Council, ILR (1903) 25 All 187, Mahadev Dattatraya Rajarshi Vs. Secretary of State for India AIR 1930 Bom 367** and earlier decision in **S.N. Dutt Vs. Union of India, AIR 1961 SC 1449**. Though the facts of that case are slightly different but what has been observed by the Apex Court is of some importance. The Apex Court while reiterating the Privy Council's observations in **Bhagchand Dagadusa (supra)** that requirement of Section 80 C.P.C. of giving notice is express, explicit and mandatory and admits of no implications or exceptions, however observed that one must construe Section 80 with some regard to common sense and to the object with which it appears to have been passed. It also observed that our laws of procedure are based on the principle that "as far as possible, no proceeding in a court of law should be allowed to be defeated on mere technicalities". The Apex Court overruled its decision in **S.N.Dutt (supra)** as also the Bombay High Court's decision in **Mahadev Dattatraya Rajarshi (supra)** and this Court's decision in **Bachchu Singh (supra)**. In the case before the Apex Court though notice was issued but on a closer scrutiny, the High Court found that it was not a valid notice under Section 80 C.P.C. and therefore non-suited the plaintiff. This judgment was reversed by the Apex Court making the abovesaid observations. The Court reiterated

that the object of notice contemplated by Section 80 is to give to the Government and public officers an opportunity to consider the legal position and to make amends or settle the claim, if so advised, without litigation so that public money and time may not be wasted on unnecessary litigation.

639. Considering the objective of such enactment and the fact that party concerned can waive it, we are of the view that the plea of want of notice under Section 80 cannot be taken by a private individual since it is for the benefit of the Government and its officers.

640. A Division Bench of Hon'ble Bombay High Court in **Hirachand Himatlal Marwari Vs. Kashinath Thakurji Jadhav AIR (29) 1942 Bombay 339** said *"In the first place defendant 3 is not the proper party to raise it, and in the second place the receivers in our opinion must be deemed to have waived their right to notice. It is open to the party protected by S. 80 to waive his rights, and his waiver binds the rest of the parties. But only he can waive notice, and if that is so, it is difficult to see any logical basis for the position that a party who has himself no right to notice can challenge a suit on the ground of want of notice to the only party entitled to receive it. We think therefore that this ground of attack is not open to defendant 3; and for our view on this point direct support may be obtained from 32 Cal. 1130."*

641. The same view has been taken by Kerala High Court in **Kanakku Vs. Neelacanta, AIR 1969 (Kerala) 280** holding that the plea of want of notice cannot be taken by private individuals.

642. A Single Judge of this Court in **Ishtiyaq Husain Abbas Husain Vs. Zafrul Islam Afzal Husain and others AIR 1969 Alld. 161** has also expressed the same view:

"It appears to me that the plea of want of notice is open only to the Government and the officers mentioned in section 80 and it is not open to a private individual. In this particular case the State Government did not even put in appearance. The notice, therefore, must be deemed to have been waived by it."

643. We respectfully endorse the aforesaid view of the Hon'ble Single Judge.

644. The entire **issue 10 (a) and 10 (b) (Suit-3) is, accordingly, decided in favour of plaintiffs (Suit-3).** We hold that a private defendant cannot raise objection regarding maintainability of suit for want of notice under Section 80 C.P.C.

645. Issues No. 13 and 14 Suit-1)

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

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?

646. The objection with respect to want of notice under Section 80 CPC has been taken by defendants no. 1 to 5 (Suit-1) in their written statements in para 21 which reads as under:

"21. यह कि मुद्दई ने मुद्दालेहुम 6 लगायात 9 के खिलाफ कोई नोटिस हस्ब दफा 80 जाब्ता दीवानी जारी नहीं किया है इस बिनाह पर भी दावा हाजा नाकिस वनकाबिल फजरई अदालत है। "

"21. That the plaintiffs have not served any notice under section 80 C.P.C. on the defendant nos. 6 to 9 and the suit is bad and not maintainable on this ground also." (E.T.C)

647. Similarly in the written statement of defendants no. 6, 8

and 9, such objection, i.e., want of notice under Section 80 CPC has been raised in the same words in para 9 of each respectively which reads as under:

“9. No notice as required by section 80 C.P.C. has been served, and the suit deserves to be dismissed on that ground alone.”

648. In the written statement of defendant no. 10 also objection with respect to want of of notice under Section 80 CPC has been taken in para 21 which reads as under:

“21. That the suit is bad and not maintainable even on account of the reason that no notice required under Section 80 C.P.C. had been given to the defendant nos. 6 to 9 and in this view of the matter the plaint is liable to be rejected under Order VII rule 11 C.P.C.”

649. So far as the defendants no. 1 to 5 are concerned they have expired and there is no substitution in their place except defendant no.1 who is now represented by his son Farooq Ahmad as defendant no. 1/1.

650. So far as the defendant no. 10 is concerned, Sri Jilani, learned counsel has argued that since no notice under Section 80 C.P.C. has been given to the defendants no. 6 to 9, therefore, the suit is barred by Section 80 C.P.C. and is liable to be dismissed on this ground alone.

651. Sri Siddiqui, adopting the above submissions, laid emphasis upon argument that violation of Section 80 CPC is fatal. The requirement of the said provision is mandatory. Hence, Suit-1 deserves to be dismissed on this ground alone.

652. Sri A.K. Pandey, learned counsel for the plaintiff on the contrary submitted that the stand taken by the State Government is that it is not interested in the property in dispute and as such

they do not propose to contest the suit and be exempted from costs as is evident from an application filed on behalf of City Magistrate and the Superintendent of Police, Faizabad on 23.04.1962/28.05.1962 before the Civil Judge, Faizabad in Suit-4. In his written argument Sri A.K. Pandey refers to certain pleadings as under:

"A counter affidavit to the objection/affidavit against the application dated 12.12.1994 in O.O.S. No. 1 of 1989 (R.S. No. 2 of 1950) filed by the state of Uttar Pradesh on 17/18.01.1995 through Sri Jai Dayal Puri special Secretary to Government, Home Department U.P. Sachivalaya Lucknow.

*It is mentioned in **para 5** of the above counter affidavit of the state that "State Government is of the firm view that the **dispute in between the two parties** and the role of the State Government is only to ensure the maintenance of the law and order situation in the area.*

*It is also mentioned in **para 6** of the above counter affidavit of the state that "the fact is that after scrutinising the whole matter the State Government came to the conclusion that the dispute in **between the two parties** and **whatever the orders would be the same would be given full respect** and the role of the State Government is to maintain law and order situation at the disputed site in question".*

*An objection against C.M. application no 133 (O) of 2003 (State Government's application) filed by the plaintiffs of O.O.S. no. 4 of 1989 on 1 December 2003 through their counsel Sri A. Mannan Advocate and Sri. Z. Jilani Advocate. In this objection they admit that **State is***

non contesting party. The relevant paras of objection are as under:-

*Para1. That the application under objection has been moved by **An non contesting party.***

*Para2. That the State Government has already given in writing that **it is not a contesting party** and had declared itself to be neutral.*

*Para4. but the State Government or the District Magistrate, Faizabad have neither filed any objection against the A.S.I. report and nor it is expected that they will be taking any stand regarding the same as they have already claimed themselves to be **neutral** on the matter in issue.*

***Order passed** on C.M. Application No. 133(0) of 2003 by this Hon'ble Special full Bench on 4.12.03 the relevant portion is given as under.*

*"Normally, this court does not provide the copy of the documents to the **non contesting parties.** However, in the facts of the case and also in view of the fact that the state is party to the proceeding and is represented by the learned additional chief standing counsel, we feel that no prejudice" would be caused to any of the parties, if one set of CDs is provided to the State Government."*

***(RS No. 236 of 1989)** O.O.S. No. 5 of 1989 Bhagwan Shri Ramalala Virajman and others versus Rajendra Singh and others was filed on 01.07.1989. In this suit, written statement is not filed by defendant no 7 to 10 i.e. The State of U.P., The Collector, the City Magistrate, The Senior Superintendent of Police Faizabad, they have not raised objection regarding notice under section 80*

Code of Civil Procedure.

*The true cause of action to the plaintiff in O.O.S. no. 1 of 1989 is against the Muslims Defendants 1 to 5, and the state or their agencies defendants 6 to 9 are only proforma Defendants. The reason is that the Plaintiff's right of worship of Shri Rama Janma Bhoomi and the Idols of Bhagwan Shri Rama situated in Shri Rama Janama Bhoomi was obstructed by the State's sovereign power to maintain law and order through their agencies. The City Magistrate passed order u/s 145-146 Cr.P.C. to attach the disputed property and placed it in Custodia legis through a Receiver in exercise of those statutory and sovereign powers in the meantime this Civil suit was filed in a situation of emergency when the rights of devotees were in great jeopardy, Hence injunction order was passed by the Civil Court the ultimate order dated 30.07.1953 is **Annexure No. 4**. The City Magistrate undertake that the order passed by the Civil Court in this very suit (while no other suit had been file till then) shall be implemented and rights of parties shall be restored accordingly. This situation has continued to prevail, subject to certain notifications caused by **The Acquisition of certain Area at Ayodhya act, 1993, No. 33 of 1993**.*

Today, The Authorized Person/ Commissioner Faizabad Division under the act stands in the same position as 'Receiver' under the Original Civil Court/ Magistrates orders. The property therefore confines to be Custodia Legis, and the only relief permissible is declaration and consequential injunction sought for in the suit. The Government has therefore represented to this

*Hon'ble Court that it is **not interested** in the subject matter of dispute in this suits as indicated above. It was, therefore, not necessary to issue a notice u/s 80 C.P.C. stand, waived and in any case it is no longer necessary as the suit stands at present.*

It is clear from the action of the State, mentioned above that:-

- (i) State is not interested in the property in suit*
- (ii) State is non contesting party*
- (iii) State waived its right to objection u/s 80 C.P.C.*
- (iv) State action is and is liable for only maintain law and orders between the two communities and site in dispute."*

653. He also placed reliance in support of his submissions to the Apex Court's decision in **Dhian Singh Sobha Singh Vs. Union of India, AIR 1958 SC 274 (para 30)**; this Court's decision in **Smt. Raj Kumari Vs. Board of Revenue U.P., AIR 1985 RD 33**; and Patna High Court's decision in **Province of Bihar Vs. Kamakshya Narain Singh, AIR 1950 Patna 366**.

654. Before considering the above submission, we may notice one more fact. The defendants no.6 and 9 are represented by Sri S.P. Srivastava, learned Additional Chief Standing Counsel, but on being asked, he made a statement that the State Government is neither supporting nor opposing any of the Suit but is interested in peaceful adjudication of the matter which would be in the larger interest of the public i.e. the members of both the communities in particular and the entire State and Country in general. He did not advance any argument on any of the aspects and despite the fact that in the written statement filed on behalf of respondent no. 6, 8 and 9, an objection of non

compliance of Section 80 C.P.C. has been taken but he did not press the said objection before us and advanced no argument. He, however, said that he abide by the stand taken in written statement and deny any collusion with the defendants no. 1 to 5. The defendant no. 7 (Suit-1) has not filed any written statement. Therefore, the objection of non compliance of Section 80 C.P.C. has been raised and pressed before us only by the private party, i.e., the Sunni Central Board of Waqfs, defendant no. 10, for whose benefit Section 80 C.P.C. admittedly has not been enacted. As we have already discussed, it is open to the State authorities-defendants, for whose benefit the provision is made to waive the benefit of such a provision. When no argument is advanced on behalf of the State and its authorities, though they are represented through a counsel before the Court, we would be justified in inferring waiver on the part of the said authorities.

655. In view of what we have discussed above in regard to issue no. 10 (b), Suit-3, this issue also stands covered therewith. However, we need to discuss some authority cited by Sri Siddiqui.

656. Jagadish Chandra Deo Vs. Debendra Prosad Bagehi Bahadur and Ors. AIR 1931 Cal 503 is an authority relied by Sri Siddiqui. There the Court observed that it is the duty of the Court to look into the plaint and find out whether there is averment as to the service of notice and when it found that there is no such averment, the plaint itself should be rejected and the suit should not proceed. Observing the aforesaid, Calcutta High Court relied on the decision of this Court in **Bachchu Singh (supra)**. Since the decision in **Bachchu Singh (supra)** has already been overruled by the Hon'ble Apex Court in **Ghanshyam Dass (supra)**, the Calcutta High Court's decision in

Jagdish Chandra Deo (supra), in our view, also cannot be relied on.

657. In **Province of Bihar Vs. Kamakshya Narain Singh AIR 1950 Patna 366** following the Privy Council decision in **Vellayan Chettiar (supra)** it was observed that right to notice under Section 80 C.P.C. can be waived by the State. However, therein notice was already given but the question whether the notice was in accordance with the requirement of Section 80 C.P.C. was raised by the learned Advocate General on behalf of the State whereupon the High Court took the view that suit being of the nature of a bill *quia timet*, the right to notice under Section 80 can be waived by the State. Strictly speaking, this decision does not appear to be in line with what has been said by Apex Court in subsequent decisions in **Dhian Singh Sobha Singh (supra)**, **Sawai Singhai Nirmal Chand (supra)** and **Ghanshyam Dass (supra)**.

658. In **Smt. Raj Kumari Vs. Board of Revenue (Supra)** though an issue was framed regarding want of notice under Section 80 CPC but neither the State Government pressed the same before the Court nor lead any evidence in support thereof hence this Court held that the plaintiff cannot be non suited for want of notice under Section 80 CPC since the parties for whose benefit the provision has been made has not pressed the same and a third party cannot take advantage by taking plea of want of notice to the State Government or its authorities.

659. Considering in the light of of the above dictum and exposition of law in simplicitor, the first reason which favours the plaintiff in our view to maintain the Suit is the factum of non pressing of this objection by defendants no. 6 to 9. Secondly, the Suit is pending for the last 61 years and more. It is no doubt true

that the defendants no. 1 to 5 have raised this objection in their written statement filed in February, 1950 itself but it appears that they never pressed this objection and requested the Court to take up the objection with respect to non compliance of Section 80 C.P.C. as a preliminary issue and to decide the same and that is how the matter is still pending.

660. Thirdly, the various other issues raised in Suit-1 would not die as a result of our taking the extreme view of dismissal thereof being the consequence of non compliance of Section 80 C.P.C. since later on the said suit was connected with three others and similar issues are up for consideration before us in other three cases also. The issues raised in Suit-1 since are similar as raised in other three cases, the same have to be decided on merits irrespective of the consequence Suit-1 may suffer of a strict technical view in the matter.

661. Lastly, we also intend to consider the question of the consequences of non compliance of Section 80 C.P.C. in the light of what has been observed by the Apex Court subsequently in a catena of decisions considering various reports of Law Commissions as also the object and purpose of enactment of the said provision. The observations of the Apex Court [See: **Ghanshyam Dass (supra)**] are clear that it is a procedural law. It is meant for augment of the course of justice and not to impeach it on mere technical grounds. The experience of more than a century shows that the purpose and objective for which a two months' notice is required to be given to the State has lost its efficacy for the reason that the Government or its authorities never bother to consider the grievance raised by a litigant on receiving a notice given under Section 80 C.P.C. and never consider to resolve the dispute, if any, by giving a proper reply

or by considering the grievance of the persons concerned. Almost in all the cases, the incumbent had to resort to the remedy of suit. The requirement of notice under Section 80 C.P.C. has become a mere formality for the State.

662. Moreover, in the case in hand, there was no scope for defendants no. 6 to 9 even to consider and act to resolve the grievance of the plaintiff (Suit-1) had a notice under Section 80 C.P.C. been given to them in the context of peculiar facts and circumstances of this case. The background facts are that alleging that an idol has been placed inside the disputed building treated to be an old Mosque by Muslims, a first information report was lodged on 23rd December, 1949. The Police also reported the matter to City Magistrate apprehending a serious law and order situation on account of the above incident. Finding substance in the report of the Police and apprehending immediate breach of peace and public tranquility as also disturbance of law and order, the Magistrate passed an order on 29th December, 1949 attaching the disputed property (disputed building and inner courtyard) and appointed Commissioner to manage the affairs of the said premises. The administrative authorities at Ayodhya and District Faizabad were to act in the aid of the execution of the said statutory order for maintaining law and order. The action and omission on the part of the District authorities, therefore, was not on their own but it was pursuant to a statutory order passed by the City Magistrate in exercise of his statutory powers. It is this order which in fact caused some obstruction, if any, in the plaintiff's alleged right of worship at the disputed premises. From perusal of the pleadings and reliefs sought in the plaint it is evident that the plaintiff sought to enforce his right to worship the idols which he

believed to be the Deity placed at the birthplace of Lord Rama and the right he was exercising in the past also in a regular manner, which was obstructed due to attachment of the property (inner courtyard and the disputed building) under the order of the City Magistrate who also appointed a Receiver in purported exercise of power under Section 145 Cr.P.C. If we consider the purpose of notice contemplated by Section 80 C.P.C., it is evident that the Receiver took charge of the property in dispute (i.e. inner courtyard including building) pursuant to statutory order passed by the City Magistrate on 29th December, 1949. The various authorities of the State Government evidently acted to get the statutory order of the Magistrate executed and also to maintain law and order. A notice to the State Government in such circumstances would not have served the purpose, inasmuch as, there was no act or omission on the part of the State Government on its own either in restraining the plaintiff from offering worship on the disputed site or otherwise but whatever its authorities were doing that was to comply with the statutory order passed by the City Magistrate on 29th December, 1949. The notice, if any, sent by the plaintiff (Suit-1) would not have served the purpose for which a notice is required to be sent under Section 80 C.P.C. to the Government or its officers.

663. Besides, the alleged obstruction of the plaintiff's right of worship, if any, was *de die indium* and there was an urgency in the matter. In a case of attachment made by the Magistrate in exercise of power under Section 145 Cr.P.C., it is not the possession taken by the Court or by statutory authority or the State on its own but in law it is deemed to be a possession on behalf of the real owner. It has not been argued by any of the

learned counsels that since the real cause of action arose on account of the order of attachment passed by the City Magistrate, the plaintiff could have served a notice under Section 80 C.P.C. to the Magistrate. The statutory power and its consequences could not have been undone by the State Government. Then no useful purpose would have served if a notice would have been issued by the plaintiff to the State Government or its officers in view of the peculiar facts and circumstances of this case.

664. Considering the observations of the Apex Court in **Ghanshyam Dass (supra)** and the discussion as above, we are inclined to take a view that plaintiff in Suit 1 ought not to be non-suited for want of notice under Section 80 C.P.C. to the defendants No.6 to 9.

665. In view of the above, and also considering the fact that learned Standing Counsel appearing on behalf of defendants No. 6 to 9 has not advanced any argument pressing the objection with respect to want of notice under Section 80 C.P.C. and further that the objection with respect to want of notice cannot be taken by private individuals, as we have already held while deciding issue No.10(b) (Suit-3), we hold that Suit-1 need not be rejected as barred by Section 80 C.P.C. This question is answered accordingly in negative i.e. in favour of plaintiff (Suit-1).

666. So far as Issue No.14 of Suit-1 is concerned, it has become redundant since Suit No. 25 of 1950 (i.e., Suit-1) has already been dismissed as withdrawn by the plaintiffs of that suit and, therefore, there is no occasion to answer the same.

667. Issues no. 26 and 27 of Suit-5:

26. *Whether the suit is bad for want of notice under*

section 80 C.P.C. as alleged by the defendants 4 and 5?

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

668. Both the issues No.26 and 27 of Suit 5 are answered in negative in view of our findings on Issue No. 10(b) (Suit-3) and therefore, we hold that Suit 5 is not bad for want of notice under Section 80 C.P.C. since no such objection has either been raised or pressed before us by the State Government or its authorities. The defendants no.4 and 5 being private parties cannot raise such an objection. In fact, during the course of argument, learned Counsels for the defendants have not advanced any submission on these two issues in respect to Suit-5. Thence also the plaintiffs (Suit-5) cannot be non suited on this ground. Both the issues are decided in favour of plaintiffs (Suit-5).

(B) Religious Denomination

669. Issue no. 17 (Suit-3)

"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 pursuit according to its own custom?"

670. This issue was framed vide Court's order dated 23.2.1996 on the application of plaintiffs (Suit-3). The plaintiffs have pleaded that Nirmohi Akhara is a Panchayati Math of Ramanandi sects of Vairagies and as such is a religious denomination following its own religious customs prevalent in Vairagies sects of Sadhus. Since the days of Yore there exist an ancient Math or Akhara of "Ramanandi Vairagies" called 'Nirmohi' with its seat at Ramghat known as 'Nirmohi Akhara'. The plaintiff no. 1 (Suit-3), Nirmohi Akhara, is a religious

establishment of a public character and plaintiff no. 2 is the present Head as its Mahant and Sarbarahkar. The customs of Nirmohi Akhara were reduced in writing on 19.03.1949 by a registered deed. The plaintiff Nirmohi Akhara owns several Temples and manages all of them through Panch and Mahants of Akhara. The Temples and property vest in Akhara which is a "Panchayati Math". It acts on a democratic pattern. The management and right to manage "Akhara" vests absolutely with Panch.

671. The defendants 6 to 8 in their written statement have not said anything in reply to the above averments. The defendant no. 10, Umesh Chandra Pandey, in his written statement has asserted that Janamsthan, the disputed premises, is a holy place of worship and belong to deity of Bhagwan Sri Ram Lala Virajman. It never belonged nor could belong to plaintiff no. 1 (Suit-3) which owe its existence for the last 200 years only, though the holy Janamsthan or Janam Bhumi is a very old Temple. The main presiding deity of the Temple is Bhagwan Sri Ram. The Hindu Temple is deemed to be possessed and owned by a deity. The Principal deity of Sri Ramjambhumi is Bhagwan Sri Ram.

672. In replication, the plaintiffs have said that Nirmohi Akhara originated more than 500 years ago. There was a great religious preceptor 'Shankaracharya' at the end of 7th century A.C., who established for the first time "Hindu Math" in four corners of India, i.e., Goverdhan Math at Puri, Jyotir Math at Badrinath, Sharda Math at Dwarka and Sringeri Math at Tungabhadra. The said practice was followed, first in time, by Sri Ramanujacharya, and then by Sri Ramanand. "Ramats", a sect of Vaishnavs, was founded by Sri Ramanand, which

contained a large element of aesthetic population founded in Banaras and Ayodhya. Ramanand established several Maths consist of only celibates. They obey no caste rules and even Shudras are in their brotherhood. The "Ramats" worship one God in the form of "Ram" and they call themselves "Das" (servants of Lord). About 500 years ago, Sri Swami Brijanand Ji and Sri Balanand Ji, who belong to Ramanandi sect of Vairagies established three 'Anni' known as (1) Nirmohi, (2) Digamber and (3) Nirwani for protection and improvement of "Chatuha Ramanandi Sampraday" comprising of seven Akharas only, namely, (1) Sri Panch Ramanandi Nirmohi Akhara, (2) Sri Panch Ramanandi Nirwani Akhara, (3) Sri Panch Ramanandi Digambari Akhara, (4) Sri Panch Ramanandi Santoshi Akhara, (5) Sri Panch Ramanandi Khaki Akhara, (6) Sri Panch Ramanandi Niralambi and (7) Sri Panch Ramanandi Maha Nirwani. The Akharas as "Panchayati Maths" act on democratic pattern and real power vests in Panch. The appointment of Mahant is by election. The person, who is elected by the Panchayat becomes the formal head of Akhara. The Nirmohi Akhara, a Panchayati Math, owes several temples and one of such is "Ram Janam Asthan". Nirmohi Akhara is a religious denomination and had been maintaining and managing the disputed temple since long.

673. In support of their claim, besides certain documentary evidences, some witnesses have also been examined by plaintiffs (Suit-3). At this stage, in our view, the following questions, i.e., incidental but integrally connected need be considered first to answer the main issue.

1. What is a "Math"? Its meaning, constitution etc.?
2. What is a "Panchayati Math"?

3. What is the meaning of a "religious denomination"?

674. A "Math" is an important type of Hindu religious endowment. It spell differently at places, namely, Math, Mutt or Muttum. In ordinary language, it signifies an abode or residence of ascetics. In legal parlance, it connotes a monastic institution presided over by a Superior and established for the use and benefit of ascetics belong to a particular order, who generally are disciples or co-disciples of the superior.

675. The detailed history and other characteristics of religious institution, i.e., "Math" has been discussed in the learned work of Dr. B.K. Mukherjea, "The Hindu Law of Religious and Charitable Trusts" (Tagore Law Lectures) (hereinafter referred to as "Mukherjea's Hindu Law"), which was first published in 1952 and we are referring the relevant extract from its 4th edition, edited by P.B. Gajendragadkar and P.M. Bakshi. It is stated in para 7.5 at page 332 that Hindu Maths were established for the first time by Adi Shankaracharya. He himself founded four Maths at the four corners of India and made them centres of his Vedantik teaching. Bhogavardha Math at Puri (in east), Jyotir Math at Badrinath (in north), Sharda Math at Dwarka (in west) and Sringeri Math at Tungabhadra (in south) are the four Maths. Each of these Maths was placed in the charge of one of his four principal disciples, who were, Padmapad, Hastamalak, Sureswar and Trotaka. These four disciples had their own disciples also. In the course of time ten orders or classes of monks were formed, into which the monks of the Shankar School stood divided. These ten orders popularly known as Dasnamis bear the appellants Tirtha, Asrama, Vana, Aranya, Giri, Parvat, Sagar, Saraswati, Bharati and Puri. The disciples of Trotaka at Jyotir Mutt at Badrinath were Giri, Parvat and Sagar,

while the Sringeri Math claimed as its adherents Saraswati, Bharati and Puri. In addition to the Sannyasis who belong to the fourth stage of life, there were "Naishtik Brahmacharis" or perpetual students attached to all the Maths. This practice started by Adi Shankaracharya was followed by almost all the religious teachers since then.

676. First in order of time was Sri Ramanujacharya, who propounded the theory "qualified monism" in opposition to the "pure monism" of Adi Shankaracharya. Shankar's theory was based upon rigorous logic, recognised the Supreme Brahman as the only one and absolute reality. It regarded everything else as phenomenal or illusory. Ramanuj and other Vaishnava teachers who followed him were all philosophical theists. They tried to reconcile their metaphysical doctrines with the yearnings of the human heart which always requires a personal God as the supreme cause of all that exists and an eternal soul which yearns for "an approach to an union with that Being". The followers of Ramanuj are known as "Sri Vaishnavas". The object of their adoration is "Supreme" being in the form of "Vishnu" who is always associated with "Shri" or "Lakshmi". On the model of Dashnami Maths of Shankaracharya, Ramanuj founded a large number of Maths for the purpose of strengthening the doctrine propounded by him.

677. Then came Sri Ramanand (born in 1299 A.D.), disciple of Ramanuj. He founded a sect of Vaishnavas known as "Ramats". Ramanand himself is said to have built a Math, for the "ascetics" of his sect, in Benares. The "Ramats" worship one God in the form of Ram.

678. The meaning of the word "ascetic" in Oxford English-English-Hindi Dictionary (2008) on page 64 is as under:

“ascetic not allowing yourself physical pleasures, especially for religious reasons”

679. In New Lexicon Webster's Dictionary of the English Language, Deluxe Encyclopedic Edition, at page 53, the word “ascetic” has been described as under:

“as.cet.ic 1. adj. practicing self-discipline with a view to spiritual improvement, esp. by learning to do without things good in themselves (e.g. warmth, comfort) frugal, austere (of personal appearance) giving the impression of self-denial, gaunt, spare 2. n. a person who practices asceticism, a person who lives an austere life.”

680. Thus ordinarily, an ascetic is one who renounces the world and devotes himself to religion, owns no property, no fixed place of residence and accept such food and lodgings as are provided by pious householders. But if a pious ascetic gathers around him a number of disciples whom he initiates into the mysteries or tenets of his order and such of his disciples intend to become ascetics, renounce all connection with their family including family wealth and completely affiliate themselves with the said spiritual teacher, a spiritual fraternity would eventually grow up. If pious, generous persons endow such a fraternity with property, it naturally vests in the preceptor for the time being and a home is created for the brotherhood, i.e., a Math and that would lead to the constitution and building of a Math. Once the "Math" is established, succession to headship takes place within spiritual family according to the usages that grow up in a particular institution.

681. The term “Math” has been described in the Law Lexicon-The Encyclopaedic Law Dictionary by P. Ramanatha Aiyer (1997) at page 1205 as under:

“Math. Although there are some differences between debuttar property and property dedicated to a math, where the math is an idol installed in it, property appertaining to a math, whether dedicated to the idol or not, is not the personal property of the head of the math; and when the holder or Mahant is not only a sanyasi but also a celibate, the property is utterly incapable of passing to natural heirs. The fact that the holder executes a hibinama in which he describes the math as his math carries little weight; the math with the idol cannot be his personal property. The presumption in the case of a mahant who is a sanyasi and a celibate, having no family of his own, and who is free from all worldly attachments, is that the property held or acquired by him is so held or acquired on behalf of the math to which his life is entirely devoted. A presumption of the same kind would arise in respect of the property subsequently acquired by such celibate Mahant. Susil Chandra Sen and another v. Gobind Chandra Das and another, 6 RP 705=150 IC 61=AIR 1934 Pat 431.

The term 'Math' is used in the sense either of an institution or of a building. Maths are in the nature of monastic institutions and the term may also be used for the building in which such an institution is housed. Where originally there was a banking or money-lending business which passed from each of its proprietors to his chosen successor, chosen for his business capacity and not for his learning or piety, and there was no religious object behind the business but they called themselves sanyasis and their residence Math it was held that the property acquired by the proprietors could not be claimed to be 'Math' properties as

there was no 'Math' in the legal sense of the word. Mayanand Gir v. Parshottamanand Gir, 1943 ALJ 400=1943 OWN (HC) 250.

An institution comes within the definition of 'math' if it satisfies three conditions; i) that the institution be for the promotion of the Hindu Religion; ii) that it be presided over by a person whose duty is to engage himself in spiritual service or who exercises or claims to exercise spiritual headship over a body of disciples; and iii) that the office of such person devolves in accordance with the directions of the founder of the institution or is regulated, by usage, Srinivas Das v. Surjanarayan, AIR 1967 SC 256, 259. [Orissa Hindu Religious Endowments Act (4 of 1939), Sec. 6(7)]”

682. In **Sammantha Pandara Vs. Sellappa Chetti ILR 2 (1878-81) Madras 175** Madras High Court discusses the origin of 'Math' as under:

“The origin of mattams is ordinarily as follows : A preceptor of religious doctrine gathers around him a number of disciples whom he initiates into the particular mysteries of the order, and instructs in its religious tenets. Such of these disciples as intend to become religious teachers, renounce their connection with their family and all claims to the family wealth, and, as it were, affiliate themselves to the spiritual teacher whose, school they have entered. Pious persons endow the schools with property which is vested in the preceptor for the time being, and a home for the school is erected and a mattam constituted. The property of the mattam does not descend to the disciples or elders in common; the preceptor, the head of

the institution, selects among the affiliated disciples him whom he deems the most competent, and in his own life-time installs the disciple so selected as his successor, not uncommonly with some ceremonies. After the death of the preceptor the disciple so chosen is installed in the gaddi, and takes by succession the property which has been held by his predecessor. The property is in fact attached to the office and passes by inheritance to no one who does not fill the office. It is in a certain sense trust property; it is devoted to the maintenance of the establishment, but the superior has large dominion over it, and is not accountable for its management nor for the expenditure of the income, provided he does not apply it to any purpose other than what may fairly be regarded as in furtherance of the objects of the institution. Acting for the whole institution he may contract debts for purposes connected with his mattam, and debts so contracted might be recovered from the mattam property and would devolve as a liability on his successor to the extent of the assets received by him.

We do not of course mean to lay it down that there are not mattams which may have been established for purposes other than those we have described, nor that the property may not in some cases be held on different conditions and subject to different incidents. We have, described the nature of the generality of such institutions and the incidents of the property which is devoted to their maintenance.”

683. Again considering as to what is meant by a 'Math', a Division Bench of Madras High Court in **Giyana Sambandha Pandara Sannadhi Vs. Kandasami Tambiran 1887 ILR Vol.**