

ORDER

IN

O.O.S. No. 4 of 1989

Sunni Central Board of Wakf Vs. Sri Gopal Singh Visharad

Connected with

O.O.S. No. 1 of 1989,

O.O.S. No. 3 of 1989,

AND

O.O.S. No. 5 of 1989

The basic issue in all the suits is as to whether there was a Hindu temple or any Hindu religious structure existed and the alleged Babri Masjid was constructed after demolishing such temple at the site in question.

Issue No. 1 (b) in O.O.S. No. 4 of 1989 Sunni Central Board of Wakf Vs. Sri Gopal Singh Visharad reads as under:-

“Whether the building has been constructed on the site of an alleged Hindu Temple after demolishing the same as alleged by defendant No. 13?”

Issue No. 14 in O.O.S. No.5 of 1989 Bhagwan Sri Ram Virajman and others Vs. Rajendra Singh and others reads as under:-

“Whether the disputed structure claimed to be Babri Masjid was erected after demolishing Janma Sthan Temple at its site?”

The Hon'ble President of India had referred the following question to the Supreme Court under Article 143 of the Constitution:-

“Whether a Hindu Temple or any Hindu religious structure existed prior to the construction of the Ram Janm Bhoomi Babri Masjid (including the premises of the inner and outer courtyards of such structure) in the area on which the structure stood?”

The Archaeological Science can help to resolve the question. In the modern age the Archaeological Science has achieved the great accuracy and points out from the excavation the past history particularly in regard to the past existence of the construction. Sri D.Mandal in his Book “AYODHYA ARCHAEOLOGY AFTER DEMOLITION” has opined as follows:-

*“However, archeology can answer with a considerable degree of certainty, many questions about various past activities of people, for which material evidence is available. It is for this reason that archaeological research continues and is of importance. It is believed that sufficient archaeological material is available regarding the temple-mosque issue, pre-empting the need for further excavations at Ayodhya.” (page 16)*

He further states that “Archaeology does not generally deal with super structures, as these seldom remain standing and awaiting excavation. All that usually remains of structures is their foundations. It may well be that demolition notwithstanding, the remains of the foundations of the walls of the mosque are still *in situ.*” (page 52)

If there was any temple or religious constructions on the disputed site or if it ever existed, foundation can be traced by excavation.

If it is ultimately decided to excavate the disputed land, in that event the excavation will be done by the Archaeological Survey of India under the supervision of five eminent Archaeologists (Excavators), even though retired, including two Muslims and the following procedure may be adopted.

- (1) The videography of excavation work be done and if any artifacts are found, their photographs (coloured as well as black and white and slides) may be taken. Such artifacts/materials, if found, may be kept under the custody of the State of U.P.
- (2) Complete documentation as sites, artifacts be done properly.
- (3) The debris of disputed structure as existing after its demolition shall be removed.
- (4) The excavation or removal of the debris may be done between 9.00 A.M. to 5.00 P.M.
- (5) The Court may appoint observer for the excavation work.
- (6) At present at the disputed site the idol of “Shri Ramlala” has been placed and its devotees are

worshiping, it may be placed at the Chabutra situate east to the site till the excavation work is complete.

Before the final orders are issued in above terms, all the parties are invited to submit in writing, within two weeks, their views/suggestions.

We make it clear that the above proposal in regard to excavation is tentative till final decision is taken on this issue.

In the meantime before excavation, the Archaeological Survey of India will survey the disputed site by Ground-Penetrating Radar or Geo-Radiology and obtain the report with the aid including financial assistance by the Central Government of India.

Dt. 01.8.2002

Sd/-  
Sudhir Narain  
S. Rafat Alam  
Bhanwar Singh

ORDER

IN

O.O.S. NO. 4 OF 1989

Sunni Central Board of Waqfs & Others

Versus

Gopal Singh Visharad (now deceased) & Others

**Hon'ble Sudhir Narain, J.**

**Hon'ble S.R. Alam, J.**

**Hon'ble Bhanwar Singh, J.**

One of the important issues in the suit is whether there was any temple/structure which was demolished and mosque was constructed on the disputed site. We took the view that archaeological evidence will be of importance to decide such an issue. We had made a suggestion in regard to excavation of the site in question by an order date 1.8.2002 and invited the suggestions from the parties in this regard. It was further observed that till excavation order is passed the Archaeological Survey of India will get surveyed the disputed site by Ground Penetrating Radar and Geo-Radiology and will submit its report in this regard.

Certain objections were filed challenging our power to suo moto exercising such power. We rejected the objections on 23.10.2002 holding that the Court has power to suo moto summon any witness to record evidence, to summon any document from any person, to make local inspection or to appoint a commission for investigation if it thinks necessary or expedient in the interest of

justice.

The Archaeological Survey of India placed the order for Ground Penetrating Radar Survey to Tojo-Vikas International Pvt. Ltd. It has conducted GPR survey and has submitted report along with annexures on 17<sup>th</sup> February 2003. the conclusion in the report is as follows:- (Numbering is done by us)

“1. In general terms, the main georadar features detected by the present survey are “anomaly alignments” across the main platform, north and south of the Sanctum Sanctorum extending to the Ram Chabutra area, the high amplitude “ringy sequence” towards the sough, and the mound structures to the east.

2. In their cross-section appearance and their areal pattern, the “anomaly alignments” may correspond to a wall foundation of some sort. In the Ram Chabutra area, the crossing patterns of those alignments and the different stratigraphic units from where they ((emerge)) suggest that they belong to successive construction periods rather than being contemporary to one another. As mentioned earlier, similar indications of successive structures are shown in other areas of the site such as shown on the example radar cross section 2 (Annex-D).

3. The ((ringy) and high amplitude)) sequence in the southern portion of Ram Chabutra area extends across the fences to the east to the main platform area to cover a rather large area. This sequence may be indicative of a flooring

structure of some sort, possibly stone slabs if its origin is ancient.

4. A third type of buried structures covers the entire eastern boundary of the site. It consists of buried mound structures with some internal texture or structure indicative of collapsed material. Similar types of anomalies have been detected to the south-west area just before the terrain slopes down.

5. Many small discrete anomalies have been detected at various depths – from 0.5 to 5.5 meters. Some of those anomalies appear to line up in some directions but could not be detected on some survey lines between them. As such they have been referred to “discontinuous alignment” on the geophysical interpretation map of Annex. A. They may correspond to pillars alignment, broken up sections of wall foundations or fortuitous patterns of independent objects or natural features.

6. In the zones of reworked material or rubbles indicated on the map, little penetration was achieved as the signal was severely scattered in those units. It is possibly that some of the trends or alignments stopping in those zones actually also extend further.

7. In the slope area to the west, which is undulating, filled with rubbles and steeply dipping, only small anomalies were detected at relatively shallow depths. They appear to line up

somewhat as indicated on the map; however, the wider line spacing and the poor data quality, on account of ground conditions in this area, due to bad coupling of the antenna with the ground, makes this interpretation difficult. This area as explained earlier is a debris zone where heterogeneous material was apparently dumped from the upper platform and the origin of those detected anomalies could also be debris.

8. We are also showing some indications on the map relative to the radar signal that are most probably related to geological factors such as dipping layers, recent fill sequence and zones of higher soil conductivity. They are part of the geophysical interpretation.

9. ***In conclusion, the GPR survey reflects, in general a variety of anomalies ranging from 0.5 to 5.5 meters in depth that could be associated with ancient and contemporaneous structures such as pillars, foundations walls slab flooring, extending over a large portion of the site. However, the exact nature of those anomalies has to be confirmed by systematic ground truthing, such as provided by archaeological trenching”.***

In para 9 of the report it is clearly stated that the exact nature of the structure, pillars, foundation walls, slab flooring etc. can be confirmed by excavation.

Learned counsel for the parties have filed objections to the report submitted by Tojo-Vikas International (Pvt.) Limited. They have also submitted their objections to the excavation as it was

proposed in our order dated 1.8.2002.

We have heard Sri Abdul Mannan, Sri Zafaryab Jilani and Sri Mushtaq Ahmad Siddiqui learned counsel appearing for plaintiffs and, Sri Vireshwar Dwivedi, Sri M.M. Pandey, Sri R.L. Varma, Ranjana Agnihotri for the defendants in O.O.S. NO. 4 of 1989, Sri Ved Prakash appearing for the plaintiffs in O.O.S. No. 5 of 1989 and Sri P.L. Misra appearing for plaintiffs of O.O.S. No. 1 of 1989. We have also heard Sri D.S. Randhava appearing for Union of India and Sri R.S. Tripathi learned Standing Counsel for the State of U.P.

We deal with their objections in seriatum:

1. The first objection is that the report submitted by Tojo-Vikas International (Pvt.) Limited cannot be read as substantive evidence in the suit unless it is duly proved in accordance with law. It is urged that the persons who have prepared the report must be examined in the Court and secondly, the data collected by Tojo-Vika International (Pvt.) Limited should be made part of the record.

The report has been submitted on the basis of the results obtained by it by Ground Penetrating Radar system. The data is collected on the computer. It is reflection of Radar base and whenever any anomaly (in common parlance object) was found it has noted it. It is itself not conclusive and the report itself says that the measurements of Geo-Radar is based on the returning signals by a dielectric constant change. It is only guidance

to an Archaeologist where to excavate. We are not recording any finding in regard to any foundation/construction on the basis of the report submitted by Tojo-Vikas International (Pvt.) Limited. The report itself states that the exact nature of anomalies/objects has to be confirmed by systematic truthing such as provided by archaeological trench.

2. The second objection of the learned counsel for the plaintiff is that the order of excavation will be in contravention of Section 7(2) of Acquisition of Certain Areas at Ayodhya Act, 1993 which reads as under:-

“7(2) – In managing the property vested in the Central Government under Section 3, the Central Government or the authorized person shall ensure that the position existing before the commencement of the Act in the area on which the structure (including the premises of the inner and outer courtyards of such structure), commonly known as the Ram Janma Bhumi – Babri Masjid, stood in village Kot Ram Chandra in Ayodhya, pargana Haveli Avadh, in Tahsil Faizabad Sadar, in the District of Faizabad of the State of Uttar Pradesh is maintained.”

The aforesaid provision is a direction to the Central Government or the authorized person that it shall ensure that the position existing before the commencement of the Act in the area on which the structure, including the premises of inner and outer

courtyards of such structure, commonly known as Ram Janma Bhumi-Babri Masjid is maintained. There is no direction for the Court restraining it in passing appropriate order in regard to trace out any evidenced, which is underneath the land.

3. The third objection is that Hon'ble Supreme Court passed an order on 24<sup>th</sup> October, 1994 in *Dr. M. Ismail Faruqui and others v. Union of India and others, (1994) 6 SCC 360*, wherein the Hon'ble Supreme Court in paragraphs 86 and 87 directed for maintaining status quo. Further the judgment of the High Court dated 23<sup>rd</sup> February 1996 was challenged before the Hon'ble Supreme Court and in that appeal an order was passed on 10.5.1996 directing the parties to maintain status quo. It is contended that as Hon'ble Supreme Court has passed the order to maintain status quo, this Court should not do anything which amounts violation of the order passed by the Apex Court.

We have highest respect for the orders of the Apex Court. In our view the Apex Court has not restrained this Court from passing any order for excavation of the land in question to find the truth in regard to rival contentions of the parties. The order of the Hon'ble Supreme Court must be read in the context in which it was passed, namely, the parties should not raise any construction or do anything in regard to possession of the land till the matter is decided. We do not find that the excavation of the land in any way amounts to contravention of the order of the Hon'ble Supreme Court. The

parties themselves led archaeological evidence. They themselves say that archaeological evidence is important evidence to determine one of the important issues involved in the suit, namely, whether any religious structure existed prior to the disputed structure which has been demolished. In our order dated 1.8.2002 we have given detail reasons as to how foundation of walls, pillars etc. reflects upon the nature of construction. The earth may bear the testimony and the Court in appropriate circumstances can pass order for excavation of the land. The excavation is by digging the land and after it is dug, the earth is again filled in. Such excavation does not alter the nature of the land by putting any structure or in any way affecting the user of the land in future.

We, however, make clear, as observed by the Hon'ble Supreme Court in Dr. M. Ismail Faruqui's case (supra), that worship by Hindu devotees in the disputed area shall not be affected while excavation is in operation.

4. The fourth objection raised by Shri Vireshwar Dwivedi, Advocate is in regard to power of this Court to pass order for excavation. We have already discussed in detail on this aspect in our order dated 23<sup>rd</sup> October, 2002 that the Court has power to pass appropriate order for scientific investigation under Order XXVI Rule 10A of Code of Civil Procedure and in any case the principles under Order XVI Rule 4 and Order XVIII Rule 8 C.P.C. Read with Section 151 C.P.C. are applicable. We relied upon the decisions given in *R.M.*

*Seshadri v. Vasantha Pai & others – AIR 1969 SC 692, Shaikh Mohamad Umarsaheb v. Kadalaskar Hasham Karimsab and others – AIR 1970 SC 61, Khaje Khanavar Khadarkhan Hussain Khan v. Siddavanahalli Nijalingappa and another – AIR 1969 SC 1034, Bishwanath Rai v. Sachhidanand Singh – AIR 1971 SC 1949 and Ram Chand and Sons Sugar Mills Pvt. Ltd. v. Kanhaya Lal Bhargava and others – AIR 1966 SC 1899.*

Considering the entire facts and circumstances the Archaeological Survey of India is directed to get the disputed site excavated as under:-

“The area shown in the report of the Commissioner submitted in Suit No. 2 of 1950 (OOS No. 1 of 1989) covering an area of approximately 100x100 shown in the map plan no. 1 referred to by letters A,B, C,D,E,F and thereafter northern portion up to the end of the raised platform and further to the west, south and east to the said site to the extent of 50 feet.

If it is necessary to excavate towards north or any area more than 50 feet to the disputed area, it can do so to find out the true position as regards to any foundation.

It is made clear that the archaeologists (excavators) shall not disturb any area where the idol of Shri Ram Lala is existing and approximately 10 feet around it and they shall not affect the worship of Shri Ram Lala and thus, status quo

as regards His Puja and worshippers' right of Darshan shall be maintained.

The excavation shall be done by Excavation Branch concerned specialized in excavation work within a period of one month from today. If they are engaged in other work it shall be suspended till the excavation in question is complete. If any additional staff is required the Archaeological Survey of India and Central Government shall provide it.

Tojo-Vikas International (Pvt.) Limited which has surveyed the site in question by GPR etc. shall assist the excavators by providing technical assistance at the time of excavation.

The work will commence within one week from today. The report will be submitted within one week from the date of completion of the excavation.

The archaeological Survey of India shall intimate the date of the commencement of the work to the Officer on Special Duty, Ram Janma Bhumi Babri Masjid. On receiving such information he shall intimate the date to the parties who can watch the excavation work.

Learned counsel for the parties can also appoint nominee including Archaeologist to watch the excavation work. IT is made clear that only one nominee of each contesting party at one time shall be entitled to remain present.”

Put up on 24<sup>th</sup> March, 2003 by which date the Archaeological Survey of India shall intimate to the Court of the progress made by it in regard to excavation.

Sd/-  
Sudhir Narain  
S.Rafat Alam  
Bhanwar Singh  
05.03.03

**Archaeological Survey of India**  
**Introduction (pages 1 and 2)**

The present excavation report deals with the excavation carried out by the Archaeological Survey of India during March-August 2003 at the disputed area of Rama-Janmabhumi-Babri Masjid located between Latitude 26° 47' 43.6" to 26° 47' 45.0" N and Longitude 82° 11' 31.1" to 82° 11' 39.9" E and around within the fifty feet limit. The excavated area is located in the town of Ayodhya in the district of Faizabad of Uttar Pradesh, within a close proximity of river Sarayu, on its right bank.

**Topography and Climate**

With the Ghaghra (ancient Gharghara) or Sarayu as the main river, the plain of the area are drained by seasonal water channels mostly flowing from north-west to south-east as per the general slope of the land and interspersed by numerous smaller water bodies where surface water gets collected after the rains. The region around Ayodhya along the river comes under its flood-plain having "scattered strips of alluvial land along the bank of the river which are very narrow in some parts and extensive in others. It is marked by large stretches of waste land covered with thick wild growth of *jjhau* (Tamarix) and *Kasehri* (thatching grass) providing shelter for wild animals. In this region the quality of soil varies from good clayey alluvium to pure white sand. The clay deposits yield a good *rabi* crop with very little labour but the *kharif* is usually precarious. The rest of the district is an upland in which wide expanses of cultivated fields are relieved only by habitations, with groves of mango and *mahua* and by small lakes and patches of *dhak*."

All the early geological formations have been buried to the

depth of more than 300 meters due to Pleistocene and sub – recent alluvial deposits of rivers of the Indo-Gangetic system. The alluvium consists of inter-bedded deposits of sand, clay and gravel with varied thickness. The clay has been used for manufacturing bricks, tiles and pottery and “Inter-bedded with them also occur bands of *kankar* which is an irregular concretion of impure calcareous matter and occurs both in the nodular and block forms in almost all parts of the district, particularly in the vicinity of *usar* land. It is generally found in the same bed with clay in bands 10 to 30 feet thick occurring at depths varying from 20 to 70 feet below the surface.” This calcareous mater has been used thoroughly in the past for lime making as well as in the form of structural blocks of buildings.

Ayodhya has a generally salubrious climate with four seasons round the year. The annual rainfall is 1026.5 mm having 45.3 average rainy days with rain of 2.5 mm or more mostly during monsoon. The average minimum temperature in January is about 8° C. (47° F.). Occasionally, it has been noticed that western cold waves bring down the temperature within a degree or two below the freezing point. Day temperature during summers in later May or early June reaches 46° C. (115° F). Violent dust and thunderstorms at times accompanied with hail are experienced in summer months.

### **High Court's Direction and GPR Survey**

Hon'ble Special Full Bench of Allahabad High Court, Lucknow, in the matter of OOS No.4 of 1989- Sunni Central Board of Waqfs & others V/s Gopal Singh Visharad (now deceased) and others, took a view in the order dated 5 March, 2003 that archaeological evidence will be of importance to decide the issue “whether there was any temple/structuer which was demolished and mosque was constructed on the disputed sit” and observed that till excavation order is passed the Archaeological Survey of India will get the disputed site surveyed by Ground Penetrating Radar and

Geo-radiology and will submit its report in this regard.

The Archaeological Survey of India placed the order for GPR Survey to Tojo-Vikas International (Pvt.) Ltd. (TVIPL), which conducted the GPR Survey and submitted its report along with annexures on 17.02.2003. The detailed GPR Survey was conducted “using State-of-the-Art Ground Penetrating Radar ZOND-12 C. In addition to the GPR Survey, two resistivity profiles and many resistivity soundings were carried out. This survey was carried out from December 30, 2002 to January 17, 2003. The resistivity profiles and soundings were done to ensure the correctness of the depth single penetration in GPR and also to get a general idea about the nature of sub soil conductivity as GPR signal penetration gets largely affected by soil conductivity. The total area surveyed was about 3900 sq. meters demarcated by boundary slabs inscribed with the roman letters A, B, C, D, E, F, and thereafter northern portion to the end of the raised platform and further to the west, south and east the said site to the extent of 40 feet. The entire area was first mapped using DGPS (Differential Global Positioning System) and digital Total Station and a Geo-referenced Base Map were prepared. Then the entire area was physically marked and divided into a 1 x 1 meter grid. The GPR Survey was carried out on this grid using 100 MHz high power antenna and 300 and 500 Mhz antennas.” (Final Report on GPR Survey of the Disputed Site at Ayodhya, Abstract, p.2).

**Pages No. (6 and 7)**

Considering the entire facts and circumstances, the Archaeological Survey of India was directed by the Hon'ble Court through order dated 05.03.2003 to excavate disputed site as under:-

“The area shown in the report of the Commissioner submitted in Suit No.2 of 1950 (O.O.S No.1 of 1989) covering an area of approximately 100 x 100 shown in the map plan No. 1 referred to by letters A, B, C, D, E, F and thereafter northern portion up to the end of the raised platform and further to the west, south and east to

the said site to the extent of 50 feet.

“If it is necessary to excavate towards north or any area more than 50 feet to the disputed area, it can do so to find the true position as regards to any foundation.

“It is made clear that the archaeologists (excavators) shall not disturb any area where the idol of Shri Ram Lala is existing and approximately 10 feet around it and they shall not affect the worship of Shri Ram Lala and thus, status quo as regards His Puja and worshippers' right of Darshan shall be maintained.

“The excavation shall be done by Excavation Branch concerned specialized in excavation work within a period of one month from today. If they are engaged in other work it shall be suspended till the excavation in question is complete. If any additional staff is required the Archaeological Survey of India and Central Government shall provide it.

“Tojo-Vikas International (Pvt.) Limited which has surveyed the site in question by GPR etc. shall assist the excavators by providing technical assistance at the time of excavation.

“The work will commence within one week from today. The report will be submitted within one week from the date of completion of the excavation.

“The archaeological Survey of India shall intimate the date of the commencement of the work to the Officer on Special Duty, Ram Janma Bhumi-Babri-masjid. On receiving such information he shall intimate the date to the parties who can watch the excavation work.

“Learned counsel for the parties can also appoint nominees including Archaeologist to watch the excavation work. It is made clear that only one nominee of each contesting party at one time shall be entitled to remain present.”

“Put up on 24<sup>th</sup> March 2003 by which date the Archaeological Survey of India shall intimate to the Court of the progress made by it in regard to excavation.”

In compliance of the Hon'ble High Court's direction, The

Director General, Archaeological Survey of India, Janpath, New Delhi formed a 14 member team headed by Dr. B.R. Mani, Superintending Archaeologist, Archaeological Survey of India to start excavation at the disputed site vide letter no. F. No. 29/01/95-Pt IV, Dated 08.03.2003, addressed to Shri Narendra Prasad, OSD, Ram Janma Bhumi, Lucknow.

### **Summary of Results**

#### **Pages No. 268-272**

Excavation at the deputed site of Rama Janmabhumi-Babri Masjid was carried out by the Archaeological Survey of India from 12 March 2003 to 7 August 2003. During this period, as per the directions of the Hon'ble High Court, Lucknow, 82 trenches were excavated to verify the anomalies mentioned in the report of the Ground Penetrating Radar Survey which was conducted at the site prior to taking up the excavations. A total number of 82 trenches along with some of their baulks were checked for anomalies and anomaly alignments. The anomalies were confirmed in the trenches in the form of pillar bases, structures, floors and foundation though no such remains were noticed in some of them at the stipulated depths and spots. Besides the 82 trenches, a few more making a total of 90 finally were also excavated keeping in view the objective fixed by the Hon'ble High Court to confirm the structures.

The result of the excavation are summarized as hereunder :-

The Northern Black Polished Ware (NBPW) using people were the first to occupy the disputed site at Ayodhya. During the first millennium B.C. Although no structural activities were encountered in the limited area probed, the material culture is represented by terracotta figurines of female deities showing archaic features, beads of terracotta and glass, wheels and fragments of votive tanks etc. The ceramic industry has the collection of NBPW, the main diagnostic trait of the period besides the grey, black slipped and red wares. A round signet with legend in Asokan

Brahmi is another important find of this level. On the basis of material equipment and 14 C dates, this period may be assigned to *circa* 1000 B.C. To 300 B.C.

The Sunga horizon (second-first century B.C.) comes next in the order of the cultural occupation at the site. The typical terracotta mother goddess, human and animal figurines, beads, hairpin, engraver etc. represent the cultural matrix of this level. The pottery collection includes black slipped, red and grey wares etc. The stone and brick structure found from this level mark the beginning of the structural activity at the site.

The Kushan period (first to third century A.D.) followed the Sunga occupation. Terracotta human and animal figurines, fragments of votive tanks, beads, antimony rod, hair pin, bangle fragments and ceramic industry comprising red ware represent the typical Kushan occupation at the site. Another important feature of this period is the creation of large sized structures as witnessed by the massive structure running into twenty two courses.

The advent of Guptas (fourth to sixth century A.D.) did not bring any qualitative change in building activity although the period is known for its Classical artistic elements. However, this aspect is represented by the typical terracotta figurines and a copper coin with the legend *Sri Chandra (Gupta)* and illustrative potsherds.

During the Post-Gupta-Rajput period (seventh to tenth century A.D.), too the site has witnessed structural activity mainly constructed of burnt bricks. However, among the exposed structures, there stands a circular brick shrine which speaks of its functional utility for the first time. To recapitulate quickly, exteriorly on plan, it is circular whereas internally squarish with an entrance from the east. Though the structure is damaged, the northern wall still retains a provision for *pranala*, *i.e.*, waterchute which is distinct feature of contemporary temples already known from the Ganga-Yamuna plain.

Subsequently, during the early medieval period (eleventh-

twelfth century A.D.) a huge structure, nearly 50 m in north-south orientation was constructed which seems to have been short lived, as only four of the fifty pillar bases exposed during the excavation belong to this level with a brick crush floor. On the remains of the above structure was constructed a massive structure with at least three structural phases and three successive floors attached with it. The architectural members of the earlier short lived massive structure with stencil cut foliage pattern and other decorative motifs were reused in the construction of the monumental structure having a huge pillared hall (or two halls) which is different from residential structures, providing sufficient evidence of a construction of public usage which remained under existence for a long time during the period VII (Medieval-Sultanate level-twelfth to sixteenth century A.D.). It was over the top of this construction during the early sixteenth century, the disputed structure was constructed directly resting over it. There is sufficient proof of existence of a massive and monumental structure having a minimum dimension of 50 x 30 m in north-south and east-west directions respectively just below the disputed structure. In course of present excavations nearly 50 pillar bases with brick bat foundation, below calcrete blocks topped by sandstone blocks were found. The pillar bases exposed during the present excavation in northern and southern areas also give an idea of the length of the massive wall of the earlier construction with which they are associated and which might have been originally around 60 m (of which the 50 m length is available at present). The centre of the central chamber of the disputed structure falls just over the central point of the length of the massive wall of the preceding period which could not be excavated due to presence of Ram Lala at the spot in the make-shift structure. This area is roughly 15 x 15 m on the raised platform. Towards east of this central point a circular depression with projection on the west, cut into the large sized brick pavement, signify the place where some important object was placed. Terracotta lamps from the various

trenches and found in a group in the levels of Periods VII in trench G2 are associated with the structural phase.

In the last phase of the period VII glazed ware sherds make their appearance and continue in the succeeding levels of the next periods 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 the secondary context. Animal bones have been recovered from various levels of different periods, but skeletal remains noticed in the trenches in northern and southern areas belong to the period IX as the grave pits have been found cut into the deposition coeval with the late disputed structures and are sealed by the top deposit.

It is worthwhile to observe that the various structures exposed right from the Sunga to Gupta period do not speak either about their nature of functional utility as no evidence has come to approbate them. Another noteworthy feature is that it was only during and after Period IV (Gupta level) onwards upto Period IX (late and post Mughal level) that the regular habitational deposits disappear in the concerned levels and the structural phases are associated with either structural debris or filling material taken out from the adjoining area to level the ground for construction purpose. As a result of which much of the earlier material in the form of pottery, terracottas and other objects of preceding periods, particularly of Period I (NBPW level) and Period III (Kushan level) are found in the deposits of later periods mixed along with their contemporary material. The area below the disputed site thus, remained a place for public use for a long time till the Period VIII (Mughal level) when the disputed structure was built which was confined to a limited area and population settled around it as evidenced by the increase in contemporary archaeological material including pottery. The same is further attested by the conspicuous absence of habitational structures such as house-complexes, soakage pits, soakage jars, ring

wells, drains, wells, hearths, kilns or furnaces etc. from Period IV (Gupta level) onwards and in particular from Period VI (Early Medieval-Rajput level) and Period VII (Medieval-Sultanate level).

The site has also proved to be significant for taking back its antiquarian remains for the first time to the middle of the thirteenth century B.C. ( $1250 \pm 130$  B.C.) on the analogy of the C14 dates. The lowest deposit above the natural soil represents the NBPW period and therefore the earliest remains may belong to the thirteenth century B.C. Which is confirmed by two more consistent C14 dates from the NBPW level (Period I), viz.  $910 \pm 100$  B.C. And  $880 \pm 100$  B.C.) These dates are from trench G&. Four more dates from the upper deposit though showing presence of NBPW and associated pottery are determined by Radio-Carbon dating as  $780 \pm 80$  B.C.,  $710 \pm 90$  B.C.,  $530 \pm 70$  B.C. And  $320 \pm 80$  B.C. In the light of the above dates in association with the Northern Black Polished Ware (NBPW) which is generally accepted to be between *circa* 600 B.C. To 300 B.C. it can be pushed back to *circa* 1000 B.C. And even if a solitary date, three centuries earlier is not associated with, NBPW, the human activity at the site dates back to *circa* thirteenth century B.C. on the basis of the scientific dating method providing the only archaeological evidence of such an early date of the occupation of the site.

The Hon'ble High Court, in order to get sufficient archaeological evidence on the issue involved “whether there was any temple/structure which was demolished and mosque was constructed on the disputed site” as stated on page 1 and further on P. 5 of their order dated 5<sup>th</sup> March, 2003, had given directions to the Archaeological Survey of India to excavate at the disputed site where the GPR Survey has suggested evidence of anomalies which could be structure, pillars, Foundation walls, slab flooring etc. which could be confirmed by excavation. Now, viewing in totality and taking into account the archaeological evidence of a massive structure just below the disputed structure and evidence of

continuity in structural phases from the tenth century onwards up to the construction of the disputed structure along with the yield of stone and decorated bricks as well as mutilated sculpture of divine couple and carved architectural members including foliage patterns, *amalaka*, *kapotapali doorjamb* with semi-circular *pilaster*, broken octagonal shaft of black schist pillar, lotus motif, circular shrine having *pranala* (waterchute) in the north, fifty pillar bases in association of the huge structure, are indicative of remains which are distinctive features found associated with the temples of north India.

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**Other Original Suit No.4 of 1989**  
**(Regular Suit No.12 of 1961)**  
**Connected with**  
**O.O.S. Nos. 1/1989, 3/1989 and 5/1989**

The U.P. Sunni Central Board of Waqfs  
U.P. and others .....Plaintiffs  
Vs.  
Gopal Singh Visharad (now dead) and others. ....Defendants.

**Hon'ble S.R. Alam, J.**  
**Hon'ble Khem Karan, J.**  
**Hon. Bhanwar Singh, J.**

**(Delivered by Hon. Khem Karan, J.)**

1. By this order, we are disposing of the objections/additional objections against the report of Archaeological Survey of India (for short ASI), which it filed under sub-rule (1) of Rule 10, of Order XXVI of the Code of Civil Procedure (hereinafter referred to as the Code), in compliance of our order dated March 5, 2003.

2. One of the Central or core issues, to be decided by this Court in these four title civil suits, is as to whether the disputed structure namely Babri Masjid was built after demolishing a Hindu Temple. Vide orders dated August 1,2002 and October 23, 2002, we asked the ASI to carry out Ground Penetrating Survey/Geo Radiology Survey (GPR), of approximately 100 x 100 area of the disputed land, so as to ascertain possibility of proof of remnants of some earlier structure. In compliance of these orders, the ASI with the help of Tozo Vikas international Pvt. Ltd. undertook this exercise and submitted a report to the Court somewhere in February, 2003, indicating as many 184 anomalies, some of which find mention on pages 19 to 36 of ASI Report Volume-I. After considering this report and the views of the respective parties, this Court suo moto passed a detailed order on March 5, 2003, issuing a Commission to ASI under Order XXVI of the Code, to investigate into the matter by excavating the relevant area of the disputed land as indicated in the order and submit a report. Considering the sensitive nature of

the dispute, the Court provided certain safeguards to ensure transparency in the task of ASI. Besides others, the Court permitted the parties or their counsels to remain present on the spot during the course of excavation proceedings. The Court also asked ASI to photograph and video-graph the process of excavation and to maintain record pertaining thereto. As it was not practicable for the Court to note and sort out day to day hurdles and objections, so it appointed two experienced judicial officers of Faizabad Judgeship to act as observer and obtain orders of the Court wherever the need might be.

3. A 14 members team of ASI initially headed by Dr. B.R. Mani, Superintending Archaeologist and subsequently by Sri Hari Majhi, Director (Antiquity) assisted by several officials of the Public Works Department and labourers, took about five months period (from March 12 to August 7, 2003) in carrying out the excavation work and thereafter submitted a bulky report in two volumes together with 45 site note-books, 12 albums containing 329 black and white photographs, w8 albums having coloured photographs, 11, video-cassettes (VHS), digital photographs in compact disc (6 DVD cassettes), Registers of Pottery, unsealed bones, architectural objects stored in tin-shed at the excavated site, individual list of 9 boxes containing bones, glazed-wares, antiquities etc. day to day Registers, Antiquity Registers.

#### 4. **Salient Features of ASI Report**

“Volume-1 (Text), contains ten chapters, namely, Chapter-I Introduction, Chapter-IV Structure, Chapter-V Pottery, Chapter-VI Architectural Fragments, Chapter-VII Terracotta Figurines, Chapter VIII Inscriptions, Seal, Sealings & Coins, Chapter-IX Miscellaneous Objects and Chapter-X Summary of Results, running into 309 pages, appendices etc. With a view to verify 184 anomalies so pointed out in GPR Survey Report dated 17.02.2003, the ASI dug as many as 90 trenches, separated from each other by 0.50 M baulk all around ranging from 0.50 to 5.5 meter in depth, after dividing

the entire area into five parts namely (1) The Eastern Area (2) The Southern Area (3) The Western Area (4) The Northern Area and (5) The Raised platform. Of 184 anomalies so indicated in GPR Survey, 39 were found confirmed at specified depth and location, 74 were not found in spite of digging up to required depth and remaining 44 could not be probed owing to unavoidable constraints. The details of anomalies so verified by ASI can be seen on pages 19-36 of Volume-I.

5. The total deposit of about 10.80 m thick, was divided into 9 cultural periods namely (1) Period-I (Northern Black Polished Ware Level referring to period prior to 200 B.C.) (2) Period-II (Sunga Level referring to 200 B.C. to 100 A.D.) (3) Period-III (Kushan Level referring to 100-300 A.D.) (4) Period-IV (Gupta Level 400-600 A.D.) (5) Period-V (Post Gupta Rajpur Level 700-1000 A.D.) (6) Period-VI (early Medieval-Pre Sultanate Level 1100-1200 A.D.) (7) Period-VII (Medieval Level 1200 to the beginning of 1600 A.D.), (8) Period-VIII (Mughal Level) and (9) Period-IX (Late and Post Mughal Level). According to the description given on pages 38-46 of Volume-I, period-I yielded only broken weights fragments of votive tanks, ear-studs discs, hoppers, a wheel made on disc, broken animal figurine (all in terracotta), an iron knife (broken), glass beads, bone point having no bearing on the point in issue. It was Period-II which indicated for the first time structural activity in stone and brick as noted in trench No.J 3. The Period -III (Kushan Level), evidenced huge-kiln, animal and human figurines, bangle fragments votive tank (all in terracotta), a hairpin in bone, *a massive brick construction running* into 22 courses at the bottom of Trench Nos. J 5 - J 6. Gupta Level was found to have 2M thick deposit, represented by layers 7 and 8 in Tr.N.G-7, layers No.9 and 10 in Tr. J5, J 6, layers No.7 and 8 in Tr.N.E-8 and F-8. It was from layer No.8 of Tr. No.G.7 that a Coin was recovered bearing image of king on obverse side and that of *Garuda* on the reverse side. The ASI reports in para-I of page-40 that it appeared that with a view to

raise the level of the land, earth excavated from nearby area of the mound was utilized at this level as pottery and wares of early period were also found. The Period-V (Post Gupta-Rajpur Level) is said to have yielded a "*Subsidiary Circular Shrine* from baulk of Tr. Nos. E 8 and F 8 (figure 24 and 24-A of Vol.1), which according to ASI was built around 1000 A.D. And could be associated with Lord Shiva, as the shrine had water-parashute (*parnala*) towards north, resembling with chirenath brick temple of Shrawasti (U.P.), circular Shiva Temples near Rewa in M.P. At chardreha and mason, belonging to 950 A. D. and temples at Kurari and Tindauli in District Fatehpur (U.P.). The ASI says on page 41 of Vol. 1 that *Period-VI, evidenced a massive north-south oriented brick wall* (No. 17), markedly inclined towards east) in Tr. No.D-7, E-2, E-1 and ZF-1, possibly built around 1100-1200 A.D. Period-VII is said to have evidenced existence of a massive wall-16 in north-south orientation having length of about 150 feet, and also pillar bases towards east of this wall. The ASI says that a column based massive structure might have been raised on wall-16 and the 50 pillars, bases of which were noticed. This wall-16, which according to ASI was built around the end of 12<sup>th</sup> Century A.D., was having *niches* (Mehrab) facing towards east and was above the level of wall-17 (page-68). In sub-period-B of Period -VII there was found "*a circular depression*"(*ghata shaped*) (see plate 67) made by cutting the large brick pavement having the diameter of 1.05 m with a rectangular projection of 0.46 x 0.32 m towards west in the centre of the pavement, (if the central point was calculated on the basis of extent of length of wall-16 or wall-17 and longitudinal length of the alignment of pillar bases from north to south) suggesting as if the place was of importance (see page-42 of Report). The period -VIII (Mughal Level) having total thickness of 23 to 25 cm., evidenced *disputed structure-3*. Its western wall-5 measuring 3.0m wide having five courses of calccrete blocks with occasional use of sand stone bricks, was found to be resting on wall-16 (see page-52, plate 24

and figure-5). Southern foundation wall-6 of disputed structure was found, resting over two pillar bases of earlier period (pillar base No. 34, 35, plate No.30 and also see page 52 of Vol.1). This wall-6 had three courses of clacrete blocks. It was taking turn at south-east corner forming wall-7 of eastern side of southern chamber of structure-3. Wall-7 in front of southern chamber of the disputed structure-3, rested over three pillar bases of the earlier period (see figure-6 of Vol.I). Width of this Wall-7 was 1.54 m with entrance to southern chamber having a gap of 2.65 m. Wall-8 that is northern wall of southern chamber of the disputed structure was 8.3 m. in length with an entrance to central chamber. The ASI could not probe into the site of central chamber, due to its close proximity to makeshift temple of Ram Lalla.

6. Reference to other salient features of ASI Report, can conveniently be made, by reproducing chapter X of Volume-I, which not only describes the features referred to above but also other such features which according to ASI, have some importance. Chapter X, reads as under:-

*“Excavation at the deputed site of Rama Janmabhumi-Babri Masjid was carried out by the Archaeological Survey of India from 12 March 2003 to 7 August 2003. During this period, as per the directions of the Hon'ble High Court, Lucknow, 82 trenches were excavated to verify the anomalies mentioned in the report of the Ground Penetrating Radar Survey which was conducted at the site prior to taking up the excavations. A total number of 82 trenches along with some of their baulks were checked for anomalies and anomaly alignments. The anomalies were confirmed in the trenches in the form of pillar bases, structures floors and foundation though no such remains were noticed in some of them at the stipulated depths and spots. Besides the 82 trenches, a few more making a total of 90 finally were also excavated keeping in view the objective fixed by the Hon'ble High Court to confirm the structures.*

*The result of the excavation are summarized as hereunder:-*

*The Northern Black Polished Ware (NBPW) using people were the first to occupy the disputed site at Ayodhya. During the first millennium B.C. Although no structural activities were encountered in the limited area probed, the material culture is represented by terracotta figurines of female deities showing archaic features, beads of terracotta and glass, wheels and fragments of votive tanks etc. The ceramic industry has the collection of NBPW, the main diagnostic trait of the period besides the grey, black slipped and red wares. A round signet with legend in Asokan Brahmi is another important find of this level. On the basis of material equipment and 14 C dates, this period may be assigned to circa 1000 B.C. To 300 B.C.*

*The Sunga horizon (second-first century B.C.) comes next in the order of the cultural occupation at the site. The typical terracotta mother goddess, human and animal figurines, beads, hairpin, engraver etc. The stone and brick structure found from this level mark the beginning of the structural activity at the site.*

*The Kushan period (first to third century A.D.) followed the Sunga occupation. Terracotta human and animal figurines, fragments of votive tanks, beads, antimony rod, hair pin, bangle fragments and ceramic industry comprising red ware represent the typical Kushan occupation at the site. Another important feature of this period is the creation of large sized structures as witnessed by the massive structure running into twenty two courses.*

*The advent of Guptas (fourth to sixth century A.D.) did not bring any qualitative change in building activity although the period is known for its Classical artistic elements. However, this aspect is represented by the typical terracotta figurines and a copper coin with the legend Sri Chandra (Gupta) and illustrative potsherds.*

*During the Post-Gupta-Rajput period (seventh to tenth century A.D.), too the site has witnessed structural activity mainly constructed of burnt bricks. However, among the exposed structures, there stands a circular brick shrine which speaks of its functional*

*utility for the first time. To recapitulate quickly, exteriorly on plan, it is circular whereas internally squarish with an entrance from the east. Though the structure is damaged, the northern wall still retains a provision for pranala, i.e, waterchute which is distinct feature of contemporary temples already known from the Ganga-Yamuna plain.*

*Subsequently, during the early medieval period (eleventh-twelfth century A.D.) a huge structure, nearly 50 m in north-south orientation was constructed which seems to have been short lived, as only four of the fifty pillar bases exposed during the excavation belong to this level with a brick crush floor. On the remains of the above structure was constructed a massive structure with at least three structural phases and three successive floors attached with it. The architectural members of the earlier short lived massive structure with stencil cut foliage pattern and other decorative motifs were reused in the construction of the monumental structure having a huge pillared hall (or two halls) which is different from residential structures, providing sufficient evidence of a construction of public usage which remained under existence for a long time during the period VII (Medieval-Sultanate level-twelfth to sixteenth century A.G.). It was over the top of this construction during the early sixteenth century, the disputed structure was constructed directly resting over it. There is sufficient proof of existence of a massive and monumental structure having a minimum dimension of 50 x 30 m in north-south and east-west directions respectively just below the disputed structure. In course of present excavations nearly 50 pillar bases with brick bat foundation, below calcrete block stopped by sandstone blocks were found. The pillar bases exposed during the present excavation in northern and southern areas also give an idea of the length of the massive wall of the earlier construction with which they are associated and which might have been originally around 60 m (of which the 50 m length is available at present). The centre point of the length of the massive wall of the preceding period which could not be excavated due to presence of Ram Lala at the spot*

*in the make-shift structure. This area is roughly 15 x 15 m on the raised platform. Towards east of this central point a circular depression with projection on the west, cut into the large sized brick pavement, signify the place where some important object was placed. Terracotta lamps from the various trenches and found in a group in the levels of Periods VII in trench G2 are associated with the structural phase.*

*In the last phase of the period VII glazed ware sherds make their appearance and continue in the succeeding levels of the next periods 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 the secondary context. Animal bones have been recovered from various levels of different periods, but skeletal remains noticed in the trenches in northern and southern areas belong to the period IX as the grave pits have been found cut into the deposition coeval with the late disputed structures and are sealed by the top deposit.*

*It is worthwhile to observe that the various structures exposed right from the Sunga to Gupta period do not speak either about their nature of functional utility as no evidence has come to approbate them. Another noteworthy feature is that it was only during and after Period IV (Gupta level) onwards upto Period IX (late and post Mughal level) that the regular habitational deposits disappear in the concerned levels and the structural phases are associated with either structural debris or filling material taken out from the adjoining area to level the ground for construction purpose. As a result of which much of the earlier material in the form of pottery, terracottas and other objects of preceding periods, particularly of Period I (NBPW level) and Period III (Kushan level) are found in the deposits of later periods mixed along with their contemporary material. The area below the disputed site thus, remained a place for public use for a long time till the Period VIII (Mughal level) when the disputed*

*structure was built which was confined to a limited area and population settled around it as evidenced by the increase in contemporary archaeological material including pottery. The same is further attested by the conspicuous absence of habitational structures such as house-complexes, soakage pits, soakage jars, ring wells, drains, wells, hearths, kilns or furnaces etc. from Period IV (Gupta level) onwards and in particular from Period VI (Early Medieval-Rajput level) and Period VII (Medieval-Sultanate level).*

*The site has also proved to be significant for taking back its antiquarian remains for the first time to the middle of the thirteenth century B.C. (1250 ± 130 B.C.) on the analogy of the C14 dates. The lowest deposit above the natural soil represents the NBPW period and therefore the earliest remains may belong to the thirteenth century B.C. Which is confirmed by two more consistent C14 dates from the NBPW level (Period I), viz. 910 ± 100 B.C. And 880 ± 100 B.C.) These dates are from trench G&. Four more dates from the upper deposit though showing presence of NBPW and associated pottery are determined by Radio-Carbon dating as 780 ± 80 B.C., 710 ± 90 B.C., 530 ± 70 B.C. And 320 ± 80 B.C. In the light of the above dates in association with the Northern Black Polished Ware (NBPW) which is generally accepted to be between circa 600 B.C. To 300 B.C. it can be pushed back to circa 1000 B.C. And even if a solitary date, three centuries earlier is not associated with, NBPW, the human activity at the site dates back to circa thirteenth century B.C. on the basis of the scientific dating method providing the only archaeological evidence of such an early date of the occupation of the site.*

*The Hon'ble High Court, in order to get sufficient archaeological evidence on the issue involved “whether there was any temple/structure which was demolished and mosque was constructed on the disputed site” as stated on page 1 and further on P. 5 of their order dated 5<sup>th</sup> March, 2003, had given directions to the Archaeological Survey of India to excavate at the disputed site where*

*the GPR Survey has suggested evidence of anomalies which could be structure, pillars, Foundation walls, slab flooring etc. which could be confirmed by excavation. Now, viewing in totality and taking into account the archaeological evidence of a massive structure just below the disputed structure and evidence of continuity in structural phases from the tenth century onwards up to the construction of the disputed structure along with the yield of stone and decorated bricks as well as mutilated sculpture of divine couple and carved architectural members including foliage patterns, amalaka, kapotapali doorjamb with semi-circular pilaster, broken octagonal shaft of black schist pillar, lotus motif, circular shrine having pranala (waterchute) in the north, fifty pillar bases in association of the huge structure, are indicative of remains which are distinctive features found associated with the temples of north India.”*

7. Volume-II contains photographs, (referred to as plates in the report of 235 objects/finds such as *Ram Chabutra* (Plates No. 14, 15, 16, 17), *makara Pranala* (Plate No.23), Southern wall of disputed structure resting over an earlier brick wall (Plate No.24), North-South oriented wall with plastered inner face (Plate No.29), Pillar-bases (Plate Nos. 35, 36, 37, 38, 42, 43, 44, 46, 47), a niche in north-south oriented brick-wall (plate no.52), Excavated graves in northern area (plate no. 58), partly damaged east facing brick built circular shrine (plate No. 59), Chirenath brick Temple of Shrawasti (plate no. 60), Ghata-shaped pit cut into large brick paving (plate no.67), glazed-ware large bowl (plate no.72), Rechiseled lotus medallion (plate no. 79), amalka stone (plate no.81), intact pillar with ghata-pallava (plate no. 82), broken Jamb with semi-circular pilaster (plate no. 85), architectural member with srivatsa motif stone (plate no. 88) glazed tiles fragments, terracotta (plates no. 99, 100, 101,102), smiling human head terracotta (plate no. 120), coins (plates no. 144 to 172), large amalaka shaped bead terracotta (plate no. 188), votive tank terracotta (plate no. 224), Divine couple stone (plate no. 235).

8. **Main objections against the ASI report**

The Sunni Central Board of Waqfs (plaintiff in O.O.S. No.4 of 1989) Mohd. Hashim (defendant No.5 in O.O.S. No.5 of 1989), Mahmood Ahmad (plaintiff No.9 in O.O.S. No.4 of 1989) and defendants No.6/1 & 6/2 in Suit No.3/1989 have filed separate objections/additional objections contending inter alia that ASI report should not form part of evidence and should be rejected out rightly for the following reasons.

1. that the report is one sided and is greatly influenced by certain preconceived theory or notions;
2. that ASI has adopted a biased and selective approach, as is evident from the fact that importance and impact of presence of several animal bones having cut marks, recovered from different floor levels of the respective trenches, has purposely and designedly been kept out of consideration and had the same been scientifically studied and the result taken into consideration, it would have not been possible for ASI to opine that things found were indicative of remains which are distinctive features found associated with temples of north India;
3. that in spite of clear cut directions of this Court to file all the papers-documents relating to the excavation, the ASI not only delayed the filing of certain relevant documents, but also destroyed the notes prepared by it at the time of study/analysis of various finds/architectural objects, which raises a grave doubt about the veracity of report;
4. that while the names of the authors of chapter 1 to IX are mentioned, but it is not known as to who authored chapter X captioned "summary of results" and so the whole of Chapter X deserves to be scored out from the report and cannot be allowed to form part of the evidence;
5. that on complaint, this Court directed that Sri B.R. Mani should not head the excavation team and in compliance of those orders Sri Hari Manjhi was deputed to head the team, but it is not

know as to how Sri B.R. Mani continued his association with the task of excavation and how he co-authored the report;

6. that periodization done by ASI in Chapter III captioned “stratigraphy and Chronology” (pages 37 to 47 of Vol. 1) has no scientific basis;

7. that in absence of concordance of different layers/floors of respective trenches with each other, the basis of the report itself becomes doubtful;

8. that the report is full of inconsistencies and discrepancies and the conclusions therein appear to have been tailored to support a particular theory;

9. that theory of existence of massive structure on wall-16 and the 50 pillars, as shown in figure 23-B page 42-C of Volume I, is a concoction and unacceptable for the reasons inter alia that there were no pillar-bases and the same had no alignment with each other nor were at the same level nor had capacity to support load bearing pillars;

10. that theory of massive structure is totally ill-founded because ASI report is silent on the point as to where were the remaining three walls of that structure, if wall 16 was one of the walls;

11. that so called “circular shrine” (which according to ASI, had a waterchute in the north and could be associated with Lord Shiva) could also be a structure relating to Buddhism or Jainism, as considering the thin passage and little diameter, it was not possible for even a single person to enter and offer “Abhishekha”;

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

13. that pillar door jam, octagonal shaft of pillars, amalka, divine couple stone with Srivatsa motif, lotus medallion, which ASI has taken into consideration for saying that there were remains of

temple on the site in question, were of no significance as the same has been recovered from debris;

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

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

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

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

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

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

20. that how the conclusions of ASI came in the Indian Express in its issue of 13.8.2003, much before 22.08.2003, when the report was filed in Court and that indicates that ASI tailored the report on the lines given in S.P. Gupta's book titled "Ayodhya Puratatva Evam Itihas."

9. Nirmohi Akhara (defendant No.3 in O.O.S. No.3 of 1989) filed its objection saying that some more area towards east of trenches NO.G-2,G-3,G-4 & G-5 should have been excavated so as to reach a correct conclusion. It however supports the ASI report.

10. The other side has also filed replies to these objections and additional objections, saying that objections are for the sake of objections and are not sufficient enough to reject the ASI report.

### **Rival contentions**

11. The Court had the advantage of hearing Sri Sidharth Shanker Ray, the learned Senior Advocate, Sri Z.Jilani, Sri Mustaq Ahmad Siddiqui, Sri Abdul Mannan and Sri Irfan Ahmad, appearing for the objectors, Sri Krishna Murti, the learned Senior Advocate, Sri R.L. Verma, Sri Bireshwar Nath Dwivedi, Sri Madan Mohan Pandey, Sri P.L. Mishra, Sri Ved Prakash and Km. Ranjana Agnihotri, supporting the ASI Report.

12. Sri Sidharth Shanker Ray has argued that the ASI was asked to excavate the site and report as to whether the disputed structure was raised after demolishing any Hindu temple, but the ASI is silent on the point of alleged demolition of Hindu temple and so the report can not be said to be as per directions of the court and deserves to be rejected. Sri Ray goes on to argue by referring to Kalhans Raj Tarangini, written somewhere in 12<sup>th</sup> Century A.D., that a historian desiring to peep into the bygone age must keep a detached mind, rather like a Judge, and must avoid both bias (Dwesh) and prejudice (Raga). The learned counsel says that selective approach of ASI would reveal that it could not keep itself detached and unbiased. The learned counsel has also taken the Court through relevant pages especially pages 142, 143 of “Indian Archaeology in retrospect Vol. IV Archaeology and Historiography” edited by S. Settar Ravi Korisetar so as to say that one needs to adopt a critical openness of mind towards our pluralistic past and the present. Sri Ray has also referred to Chapter XIII captioned “The Evolution of the temple” of “Indian Architecture (Buddhist and Hindu Periods) written by PERCY BROWN, wherein the learned author says:

“The principal architectural features of the temple are as follows. Throughout the greater part of the country, the sanctuary as a whole is known as the *vimana*, of which the upper and pyramidal or tapering portion is called the *sikhara*, meaning tower or spire. Inside the *vimana* is a small and generally dark chamber or cella for the reception of the divine symbol. This cella is the *garbha griha*,

or “womb-house” and was entered by a doorway on its inner and usually, eastern side. In front of the doorway was a pillared hall, or *mandapa*, actually a pavilion for the assembly of those paying their devotions to the divine symbol in the cella. Some of the earlier temples indicate that the mandapa, was a detached building, isolated from the sanctuary by a definite open space, as in the “shore” temple at Mamallapuram, and originally in the Kailasanatha at Conjeeveram, both near Madras, and built about 700 A.D. A little later it became the custom to unite the two buildings, this forming an intermediate chamber, or vestibule, and called the *antarala*. Leading up to the main hall, or mandapa, is a porch or *ardhamandapa*, while there may be a transept on each side of this central hall, known as the maha-mandapa. The most complete illustrations of the fully formed and co-ordinated temple structure, are the tenth century examples at Khajuraho, Central India, especially that known as the Kandariya Mahadeo (Chapter XXII). In this class of temple, each portion named above, has its separate pyramidal roof, rising in regular gradation, from the lowest over the porch (*ardha-mandapa*), to the lofty spire over the sanctum. In some parts of the country it became the practice to enclose the temple building within a rectangular courtyard by means of a continuous range of cells, facing inwards, the whole forming a substantial containing wall, and thus ensuring seclusion. One of the first temples of combine all these attributions, and to present a coordinated plan was that of the Vaikuntanath Perumal at Conjeeveram (cir. A.D. 740). Most of these early temples have a processional passage or *pradak-shina patha* consisting of an enclosed corridor carried around the outside of the cella.”

13. Sri Ray wonders as to how in absence of these architectural features, ASI could opine about existence of temple of north India and how it could conceive existence of a “massive structure” in absence of other three walls, if wall-16 was one of the walls. According to Sri Ray, the story of existence of pillar bases which

might have supported the pillar to bear the load of massive structure, is totally ill-founded for the simple reason that one of the pillar bases was having load bearing foundation nor was having alignment with each other nor being at the same level of the floor. He says that how is it that none of those alleged pillars said to have supported the massive structure, was found on the spot. Sri Ray says that alleged 'circular shrine' found in bulk of trench nos. E-8 and F-8, said to have been constructed in 10<sup>th</sup> century A.D., could not have been associated with Lord Shiva and could be associated with Lord Budha. Sri Ray goes on to argue that the passage was not sufficient enough to allow even one person to enter inside it and so the question of offering 'Abhishekh, could not have arisen. The learned counsel says that so called *Parnala* is nothing, but a space between the two rows of the bricks. According to Sri Ray, 'circular shrine' could also be said to be Ton, used to constructed by Jains, for commemorating Tirthankars. The learned counsel also contends that ASI did not apply its mind in giving the report and has not exhibited requisite "reasonableness" in terms of Wednesbury Principles, so deserves to be rejected. Sri Ray characterizes the report as intrinsically erroneous.

14. Sri Abdul Mannan, Sri Jilani, Sri M.A. Siddiqui and Sri Irfan Ahmad have also contended that the report being one sided, imaginative and unscientific and full of discrepancies, should not form part of the record. They argue, firstly there is no firm basis of say that western wall of disputed structure was resting on any pre-existing wall and secondly, even if it is accepted for the sake of argument that it was so, W-16 having niches could have been a Idgah or roofless mosque, as the question of construction of a temple after advent of Muslim Rule was unthinkable. They have also attacked theory of pillar bases, massive structure etc. and have criticized the ASI, for adopting partisan approach and in not considering the importance of animal-bones, having cut marks. It is argued that such a report must be rejected as placing it on record is

likely to create confusion and increase the volume of evidence. The learned counsels have referred to certain judicial pronouncements to support their contentions that if the report is ex-facie absurd or unacceptable, has to be rejected before the Court gives its final verdict in the matter and unless the objections are considered and rejected, report can not be acted upon. We will deal with these judicial pronouncements at appropriate stage.

15. Sri Krishnamurty, Sri Veereshwar Dwivedi, Sri R.L. Verma, Sri M.M. Pandey, Sri Ved Prakash, Sri P.L. Misra and Km. Ranjana Agnihotri have submitted that there is no provision under Order XXVI of the Code, to reject the report of the commissioner and it becomes evidence under sub-rule (2) of Rule 10 without any express orders of the Court. Sri Krishnamurty has fairly conceded that the report of the commissioner such as the report of ASI in this case is not binding on the Court and has to be looked into in the light of other evidence. What Sri Krishnamurty says is that ASI report cannot be rejected simply on the ground of alleged bias, prejudice, selective approach etc., that too without giving an opportunity to ASI to explain its position. The learned counsel argues that allegations against ASI are totally ill-founded and in fact all possible transparency was observed as per directions of the Court and nothing was concealed from the parties or their counsels. It is argued that such a scientific investigation cannot be doubted on the basis of layman view and only expert can be pressed into service, to dispute the correctness of the contents of the report. The learned counsels supporting the ASI report and disputing the tenability of the objections against it, say that it has never been the case of objectors that there existed any Idgah or roofless mosque, earlier to the construction of disputed structure, and so they cannot say now that wall-16 could have been a wall of Idgah or roofless mosque. They say that no example of such roofless mosque or Idgah has been cited in the objections. The learned counsels have pointed out by referring to relevant portion of the Report and especially figure

3-B of volume-I, that there were found 17 rows of pillar-bases having five in each of the rows and these had load bearing foundation and so could have supported column based 'massive structure' in conjunction with wall-16. According to them, the objectors could not point out as to what architectural error the ASI committed or which widely accepted mode or method of excavation or analysis was violated by the ASI, in executing the task assigned to it. They have highlighted the same points which have been relied on by ASI for concluding that there were remains of temple on the site of the disputed structure. They say that possibility of bones in Hindu residences was not ruled out. The learned counsels have referred to certain judicial pronouncements so as to say that such a report cannot be rejected and must be looked into in the light of other evidence and the objections of the parties concerned. Sri R.L. Verma said some more area nearer to raised platform, should have been excavated so as to make things more clear.

**Discussion and conclusion:**

16. In considering the question as to whether ASI report should be rejected on the grounds raised in the objections or should the same be kept on record as a piece of evidence subject to these objections and evidence of the parties, this Court can not lose sight of the following aspects of the matter. The first thing which this Court would like to observe is that perhaps it was for the first time that any Court of law, issued a commission under Order XXVI of the Code, for investigation into a matter through a process of excavation of such a vast area covering about 100 feet X 100 feet area. The ASI itself says on page 9 of its report (see Vol. I) that in its career of more than 100 years, it was its first experience to execute a commission like this. The second aspect that we would like to highlight is that task assigned to ASI was not such, which could have been performed by a person or a body of persons, having no expertise in the field of archaeology. In other words the commission was not pure and simple under rule 9 of Order XXVI,

but also one under Rule 10-A. Another important feature of this commission is that the work assigned to ASI, was not only gigantic from the point of view of its volume, but was also otherwise sensitive. The enormity of the task can be gauged from the fact that team of more than a dozen officials of the department assisted by a number of labourers, took about five months in carrying out the excavation part and during this process dug as many as 90 trenches, ranging from 0.50 finds/archaeological objects. We were told during the course of arguments and rightly, so that once an area is subjected to such excavation, the second such exercise in the same area, is practically ruled out as the original position stands disturbed. This practical aspect has to be kept in mind, as no fresh commission for the same purpose is possible.

17. We do not find it necessary to refer to any judicial pronouncement on the point that commissioner's report under Rule 10 or 10-A of Order XXVI of the Code even if allowed to be a piece of evidence, is not binding on the court and its weight and evidentiary value is to be evaluated in the light of other evidence on record. Sri Krishnamurty has pointed out that provisions contained under Rules, 9,10 and 10-A of Order XXVI, do not envisage express orders of the court, for confirming or rejecting the report or for keeping it on record and according to sub-Rule (2) of Rule 10, it becomes evidence in the case without any orders of the Court. Some what similar views were echoed by a Division Bench of this Court in State of U.P. Vs. Smt. Ramshri and another AIR 1976 Allahabad, page 121. But Sri Krishnamurty was fair enough to concede that if Commissioner's report was absurd on the very face or was unacceptable on account of apparent flaw, the Court could refuse to treat it as evidence or to take it on record, in spite of the plain language of sub-rule (2) of Rule 10. The point can be more elaborated by giving one or two examples. Suppose a court issues a commission under rule 9, for investigating the matter relating to property 'A' and the commissioner files report about property 'B',

should not the court reject such a report? In another case, a court asks the commissioner to prepare a survey map, and to report whether the disputed well situate in plot 'A' or 'B' and the commissioner prepares the survey map, with the help of disputed or unauthenticated settlement or municipal map or without taking any fixed points, should the court treat such a report and map as evidence in the case and thereby deprive itself of having assistance of an accurate survey map, in deciding the point in issue. What we want to say is that sub-rule (1) of Rule 10 should not be dissected or isolated from sub-rule (3) which indirectly hints at rejection of such a report, when it says 'where the court is for any reason dissatisfied with the proceedings of the commissioner, it may direct such further enquiry to be made as it thinks fit.' The observations of Privy Council, as made in Chandan Mall Vs. Chiman Lal AIR 1940 P.C. Page-3 and as construed by two learned Judges of this Court in Order dated 8.8.1991, passed in these very suits, also speak to the effect that where defects in the report are substantial and go to the root of the matter, it may be rejected, but where the defects are such that can be explained at the trial, it may be kept on record subject to the objections and evidence of the parties.

18. Relying on Parag Tools Corporation Ltd. Vs. Mahboobunissa Begum (Smt.) and others (2001) 6 SCC 238, Amarnath Tandon Vs. G.K. Bhargava LCD 1987 65, Harbans Lal Vs. Jagmohan Saran LCD 1986 (4) SC 235, Harbhajan Singh Vs. Smt. Shakuntala Devi Sharma and another AIR 1976 Delhi 175, Rajender and Co. Vs. Union of India and others (2000) 6 SCC 506 and Gopal Behar and others Vs. Lokanath Sahu and others AIR 1991 Orissa page-6, Sri S.S. Ray and other learned counsels appearing in support of the objections, have argued that unless the objections are rejected, the ASI report cannot form part of the record and the same cannot be treated as evidence, deferring the consideration of their objections to be decided in the light of other evidence. With due respect to the learned counsels, we find nothing in these cases, laying down that

the objections against the commissioner's report should necessarily be accepted or rejected, before the conclusion of the trial of the suits. What the learned Judges have said in these cases is that the commissioner's report cannot be acted upon without first considering the objections against it. Parag Tools Corporation's case (supra) was not directly on the point. There the Apex Court remitted the matter to the commissioner for recording a finding on certain points. The authority issued a survey commission and recorded a finding, taking into account the report of the Commissioner. The State of Andhra Pradesh contended before the Apex Court that it was not within the scope of reference to issue a commission, but the Court was not impressed by this argument. In Harbans Lal's case (supra) the facts were that in proceedings under U.P. Act No. 13 of 1972, the Prescribed Authority as well as the learned Addl. District Judge, recorded a finding of fact, ignoring the report of commissioner against which objections were there. In a writ petition, the High Court considered the same and upset the finding of fact so recorded by the Prescribed Authority. On matter being taken to the Apex Court, their Lordships said firstly the High Court should not have upset the finding of fact in exercise of its writ jurisdiction and secondly the report of the commissioner should not have been treated final, when objections against the same were pending. In Amarnath Tandon's case, a learned Single Judge of this Court (as his Lordship then was), though based his decision on Harbans Lal's case, went a step ahead in observing in para-12 that report of the commissioner becomes final only when it is confirmed by the court. We think those observations were made in the peculiar facts and circumstances of that case and cannot be construed as laying down a law that the report and objections against it cannot be dealt with at the time of final disposal of the matter. Likewise in Harbhajan Singh's case (supra) a learned Single Judge was not considering the question as to when the report and objections against it, should be dealt with. What his Lordship said was that

report of the commissioner should not have been acted upon without first dealing with the objections against it. In *Rajinder & Co.* (supra) the Apex Court left the report to be dealt with by the authority concerned in the light of respective contentions, *Gopal Behar's case* (supra) related to a survey report. A learned Single Judge of Orissa High Court (D.P. Mahapatra J., as his Lordship then was), said that the report of the commissioner was simply and item of evidence and was to be considered along with other evidence in the case, with the observations that if the same was full of errors of serious discrepancies, it would not be safe to act upon it.

19. So, none of the above mentioned cases cited by the learned counsels for the objectors, is an authority to support the proposition that commissioner's report and objections against it, must necessarily be accepted or rejected, before the final verdict in the suit is pronounced and the same cannot be left to be decided along with other evidence.

20. We have no hesitation in saying even at the cost of repetition that it all depends on the facts and circumstances of the case concerned, as to whether objections against commissioner's report can suitably be dealt with, before the suit goes for judgement or deserve to be dealt with, at the time of final disposal in the light of other evidence. Take for an example, survey report and map and the objections against it. Such type of report and the objections against it, can conveniently be dealt with them and there, as the matter may simply be confined to accuracy of fixed points, measurements, conformity of the map with field book etc. and no factual determination is necessitated. But cases where the commissioner's report relates to disputed facts, it may not be practicable for the court to accept or reject, except in the light of other acceptable material on record. Such report and the objections against the same are invariably dealt with and accepted or rejected in the light of other evidence on record.

21. As observed earlier, ASI report is also a report under Rule 10-

A of Order XXVI, that is to say it is a kind of report submitted after a scientific investigation. The excavation, periodization of various floor levels of the respective trenches on the basis of figurines, the material found in the respective layers, archaeological importance of such finds/objects etc., is an expert work and is not a layman's job, which could be performed by anybody. Whether a particular structure found at floor level 3 or 4 was a 'shrine' associated with Lord Shiva as described by ASI or whether the same could also be associated with Buddhism or Jainism or whether so called pillar bases, were really the pillar bases and were having load bearing material or whether wall 16 said to have been constructed at the end of 12<sup>th</sup> century A.D., was the wall of alleged massive structure or was Idgah wall or roofless mosque or whether the objects/finds like Srivatsa, Amalka, door jamb, referred to in Chapter X of Vol. I, have any relevance, are the matters which cannot be decided here and now and can be decided only in the light of other evidence on record or that may be brought on record.

22. No doubt, the objections taken against the report have to be considered before ASI report is acted upon. But that situation will arise only when the Court decides the matter finally. It would also not be advisable nor expedient to make any comments at this stage as regards the tenability or otherwise of the objections. Whether the report is biased or one sided or suffers from discrepancies or infirmities, or is unacceptable on account of rough notes having been destroyed, delay being caused in placing of the documents before the Court or for any other reasons stated in the objections, has to be considered along with the rest of the evidence that has been brought on record or that may be brought on record. We are of the considered view that this is not proper stage to pronounce on those points. Whether analysis of animal bones and its result was material for giving any opinion as to existence or non-existence of any temple or Hindu temple, is also an aspect which has to be kept in mind when evidentiary value of this report is considered.

Whatever was found in the respective trenches is there, photographs video-graphs are there and this Court will have an occasion to consider all those things in the light of other evidence.

23. So we order that this ASI report shall be subject to the objections and evidence of the parties in the suit and all this shall be dealt with when the matter is finally decided.

Feb. 03, 2005

**GHF/-**

C.M. Application No. 25(O) of 2006  
In Re:  
O. O. S. No. 5 of 1989  
Bhagwan Sri Ram Lala Virajman & others ..... Plaintiffs  
Versus  
Rajendra Singh and others ..... Defendants  
And  
C.M. Application No. 27 (O) of 2006  
In Re:  
O.O. S. No. 5 of 1989  
Bhagwan Sri Ram Lala Virajman & others ..... Plaintiffs  
Versus  
Rajendra Singh and others ..... Defendants

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**Hon'ble S. R. Alam J.**  
**Hon'ble Bhanwar Singh, J.**  
**Hon'ble O.P. Srivastava, J.**

Dr. Bhuwan Vikaram was one of the members of excavation team, which carried out excavation at the disputed site under the orders of the Court. He had also joined other excavators in preparing the two chapters of the report.

On prayer of the plaintiff of O.O.S. No. 5 of 1989, Dr. Bhuwan Vikram was summoned to appear as witness before this Court. In response to the summons issued to him, he has moved an application being No.25 (O) of 2006 expressing his desire to appear as court witness instead of a witness of any party to the suit for the reason that the excavation was carried out under the orders of the Court.

Learned counsel for the opposite parties no. 4, 6 and 26 of the O.O.S. No. 5 of 1989 has filed objections against the application of Dr. Bhuwan Vikram.

Plaintiff of O.O.S. No. 5 of 1989 at whose behest Dr. Bhuwan Vikram has been summoned as witness has also moved an application No. 27 (O) of 2006 consenting to the request of Dr. Bhuwan Vikram for permission to appear as court witness.

Learned counsel for the parties, namely, Sri Ravi P. Mehrotra

on application of Dr. Bhuwan Vikram, Sri Z. Jilani on objections and Sri Ved Prakash on application of plaintiff of O.O.S. No. 5 of 1989 have been heard and since common questions are involved in all the applications, we, with the consent of all the counsel named above, are disposing of the said application by this common order.

As it appears from the subject involved precisely two questions arise:- firstly whether Dr. Bhuwan Vikram be permitted to appear as witness of the plaintiff of O.O.S. No. 5 of 1989 summoned in the case and secondly, whether he be asked to appear as court witness.

So far as the first question is concerned, Dr. Bhuwan Vikram has expressed his unwillingness to appear as witness to any of the parties to the suit for the reason that he was a member to the excavation team which was conducting excavation under the orders of the Court and not at the behest of any party. The plaintiff of O.O.S. No. 5 of 1989 has not said anything in regard to this prayer of Dr. Bhuwan Vikram, instead he has also prayed that Dr. Bhuwan be called to appear as court witness. Absence of any objection to the prayer of Dr. Bhuwan Vikram in this regard and the silence in regard to the prayer of plaintiff requiring Dr. Bhuwan Vikram to appear as its witness leads, to the presumption as may be drawn by us that in view of the reason stated by Dr. Bhuwan Vikram, the plaintiff is now not willing to examine him as his witness. Therefore, there appears implied consent to exempt/discharge Dr. Bhuwan Vikram from appearing as witness of the above plaintiff. We are, therefore, inclined to accept the prayer of Dr. Bhuwan Vikram so far as this part of this prayer is concerned. He need not appear as witness of the plaintiff of O.O.S. No. 5 of 1989 as summoned.

As regards the other part of the issue, namely, his examination as court witness, it may be observed that it cannot be allowed for the reason that it is for the Court to take decision at the appropriate stage as to who should be examined as court's witness or not.

Therefore, it would be open for this Court to take decision at the appropriate stage as to who should be called upon to be examined from amongst the members of the excavating team of the ASI.

In view of the above, we hereby exempt Dr. Bhuwan Vikram from appearing as witness of plaintiff of O.O.S. No. 5 of 1989.

With the above observations, applications and objections against the application of Dr. Bhuwan Vkrum stand disposed of.

4.12.2006  
Sanjay/-

Sd/- S.R. Alam  
Sd/- Bhanwar Singh  
Sd/- O.P. Srivastava  
4.12.2006.

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

C.M.Application No.107 (O) of 2003

Sunni Central Board of Waqfs, U.P. ....Plaintiff No.1 –Objector  
In Re:

O.O.S. No.4 of 1989

Sunni Central Board of Waqfs, U.P. and others .....Plaintiffs  
Versus  
Gopal Singh Visharad (now dead) and others .....Defendants

**OBJECTION AGAINST THE REPORT OF  
ARCHAEOLOGICAL SURVEY OF INDIA FILED ON  
22.8.2003**

The plaintiff No.1- Sunni Central Board of Waqfs, U.P. begs to submits as under:-

1. That the A.S.I. report has been prepared with a prejudiced mind and with one sided presentation of evidence. Although the A.S.I. Team was fully aware of the fact that a mosque known as the “Babri Masjid stood at the site, but in the report, almost invariably, it has been referred to as “the Disputed Structure” e.g. on pages 15,16,17,48,51,54 and on many other pages. It is surprising that the A.S.I., which has already described the “disputed structure” in its earlier publications as “Babri Masjid”, was reluctant to describe the same as Babri Masjid in its report under objection. Had the report been given without any pressure of the B.J.P. Govt. at the Centre, the A.S.I. would have referred to the structure, which stood before 06-12-1992, as “Babri Masjid” or atleast as Masjid or mosque. On the other hand, the A.S.I. has frequently used the word “Ram Chabutra” for describing the platform that existed in the outer courtyard of the mosque.

2. That the platform in the outer courtyard of the mosque described as “Ram Chabutra” by the A.S.I., was considered to be a water tank at some stage (P.49) and the report describes the squarish masonry platform of 1.50 x 1.55 m. found there to have been the earliest form of the Ram Chabutra, allegedly matching with the description of Vedi (Bedi) said to have been given by the Austrian traveller, Joseph Tiefenthaler, who visited the site around 1766-71 and whose account was published in Latin and translated in French in 1786. This reference has been given without consulting the original Latin book or its translation in French but relying upon the unauthentic version of the same contained in the book written by Koenraad Elst, published in 1990 (Ram Janmabhoomi Vs. Babri Masjid). Without verifying the correctness of the said reference, the A.S.I. should not have relied upon the same in its report and specially so when the Book of Koenraad Elst was neither the work of any Archaeologist and nor was an authentic or reliable Book of History but rather the Author of the same had quoted some Mr. Abhas Kumar Chaterjee from his article published in India Express dated 26-3-90.
3. That the so called restraints/constraints, during the excavations, referred in the report regarding excavation of 90 trenches in a limited time of 5 months (P.9 to 10), have been exaggerated and the description about the time available for documentation, study, photography, drawing and chemical preservation etc. could also not be said to be limited to just a few hours. In fact the court had granted the A.S.I. extra time for this purpose and there was ample time for documentation and study and if any more time was required, the same should have been applied for, instead of making complaint about the alleged shortage of time in the report.

#### **4. ARCHAEOLOGICAL EVIDENCE OF “MASSIVE STRUCTURE”:-**

- 4.1.** That the theory of a so called “massive structure” below “Babri Masjid” (P.54), given by the A.S.I., is based mainly upon nearly 50 m long wall (wall 16) in the west and the dumps of brick bats which it claims to be “pillar bases”, to its east. According to the A.S.I. they found 17 rows of the so called pillar bases from North to South; each row having 5 pillar bases while actually they have referred to 50 only, out of which only 12 were said to be completely exposed, 35 were said to be partially exposed and 3 could be traced in section only. The A.S.I. also asserts that the central part of the pillared structure was important and special treatment was given to its architectural planning. The A.S.I. also claims that the so-called pillar bases found in these excavations have settled the controversy regarding association of these so called pillar bases with different layers and load bearing capacity while the report fails to give any details about the actual regular layers and accurate depth of all these so called pillar bases. The remarks of the A.S.I. about the central part of the pillared structure also seem to be without any evidence. On what basis the A.S.I. is saying that this part was important and special treatment was given to it in architectural planning, is also not evident from the report.
- 4.2.** That the A.S.I. failed to take into account that any medieval temple in classical style would be expected to have a Central portion with thick internal walls to support a high superstructure like a Shikhara, while the Key Plan of Structures shows, in H1, two lengths of a narrow wall or two walls, each less than a metre long, with a gap of about 70 cm. between them. No further information is given to convince us that there is an “exposed entrance” as stated on P.69.
- 4.3.** That the A.S.I. Report itself describes traces of inner walls

having a width of 0.48 m to 0.55 m, attached with the earliest activities along with wall 16. These internal walls not only appear to be narrow and not more than two or three brick courses high, but also consisting of brickbats only. They are plastered over the sides and upper surface and it is difficult to infer that they were load bearing walls:

- 4.4. That regarding the said wall 16, an unexplained anomaly is that from the inner side its first phase of 10 courses is said to be plastered while on the exterior side plaster was provided in the second phase of its raising (four courses).
- 4.5. That no single example is offered by the A.S.I. of any temple of pre-Moghal times having such a lime- Surkhi floor, though one would think that this is an essential requirement when a purely Muslim structure is being appropriated as a Hindu one. Once this appropriation has occurred (page 41), we are then asked to imagine a “Massive Structure Below the Disputed Structure”, the massive structure being a temple. It is supposed to have stood upon 50 pillars, and by fanciful drawings (Figures 23, 23A and 23B), 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 A.S.I.’s Report, this massive structure with “bases” of 46 of its alleged 50 pillars now exposed, was built in Period VII, the Period of the Delhi Sultans, Sharqi rulers and Lodi Sultans (1206-1526): This attribution of the alleged 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 the distorted view of medieval Indian history, must have been a bitter pill for the A.S.I.’s, mentors to swallow; and, therefore, there has 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 “foundations” attached to Floor 4, have been found; and it is astonishing that this should be sufficient to ascribe them to 10<sup>th</sup>-11<sup>th</sup> century and to assume that they all belong to one structure. That structure is proclaimed as “huge”, extending nearly 50 metres that separate the “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 “short-lived” (report, p. 269). All of this seems a regular part of the Mandir propagandist archaeology rather than a report from a body called the Archaeological Survey of India.

- 4.6. That the four alleged pillar bases dated to 11<sup>th</sup>-12<sup>th</sup> centuries are said “to belong to this level with a brick crush floor”. This amounts to a totally unsubstantiated claim that *surkhi* was used in the region in Gahadavala times (11<sup>th</sup> –12<sup>th</sup> centuries). No examples are predictably offered. One would have thought that Sravasti (Dist. Bahraich), from which the A.S.I. team has produced a linga-centred Shavite “circular shrine” of the said period for comparison with the so-called “circular shrine” at the Babri Masjid site, would be able to produce a single 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) though it is actually claimed to be pre-Sultanate, being dated 11<sup>th</sup>-12<sup>th</sup> century. By clubbing together the Gahadavalas with the sultanate, the *surkhi* is sought to be explained away; but if so, the “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 A.S.I.’s reasoning, the earlier allegedly “huge” temple too must have been built when the Sultans ruled!

- 4.7. That the way the A.S.I. 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. The absurdity of this is self evident and particularly so when the inner walls of the niche are also found plastered, and the A.S.I. is able to produce no example of similar recess and niche from any temple.
- 4.8. That the structure denoted by wall 17 and a brick Crush floor in Period VI has not been allotted any number by the A.S.I. and the A.S.I.'s claims about the attribution of the walls and floors of "Periods VI and VII" to two successive temple structures cannot be accepted. The A.S.I.'s report in this respect also is full of contradictions and other infirmities.
- 4.9. That the reason why would the western wall be so massive (1.77 m) and the other walls so thin (0.48-0.55) is quite obvious. It should be noted that Wall 17 also was 1.86 m wide. Such wide western walls are a feature of mosque construction and not of temples. Temple walls, in fact, are of uniform thickness. If, as the A.S.I. points out, the Babri Masjid used this Wall 16 as a foundation for its western wall, then this Wall 16 can only have been the foundation of the Babri Masjid itself. Moreover, no Hindu temple has a long continuously straight western wall-this is only a feature of the mosque in India. In the case of a temple, a plinth or raised platform would be required and the walls would be broken by offsets, providing a cruciform plan to the temple form. Moreover, the temple would have *mandapas* in front of the *grabagriha* (the sanctum sanctorum) and any at the side of the latter would be very small and insignificant in nature. According to Krishna Deva, "the main compartments of the temple are axially articulated." (See temples of India by Krishna Dewa, 1995, Vol. I) In this case, as being suggested

by the A.S.I., the central area now under the makeshift structure was the *garbagriha* and hence if so, the rest of the temple structure should have mainly projected towards the east, and not to such an extent to the north and south (as in Fig. 23A or 23B). The kind of structure as indicated in Fig.23B indicates the pre-eminence of the western wall which can only be the case in a mosque.

- 4.10. That the foundation of the Babri Masjid has some decorated stone blocks along with plain sandstone and calcrete blocks and bricks. This is natural in the construction of a foundation where any available motley material would be used, as the foundation would not be visible. It has been pointed out by the A.S.I. (pp. 68, 269-70) that material from the structure associated with Wall 17, was reused to make Wall 16. However, if this had been the case, decorated blocks would have been used for the upper portions of walls rather than in the foundation. To corroborate their statement of the reuse of decorated blocks, the A.S.I. gives the example of the Dharmachakrajina vihara of Kumaradevi of the 12<sup>th</sup> century A.D. at Sarnath. However, as can be seen in Plates 27-28, decorated blocks were used not for the foundations but in the enclosure wall of a *vihara*. Moreover, this structure was a *vihara* and cannot in any way be compared with a Hindu temple.
- 4.11. That it can also be pointed out here that Krishna Deva mentions (on P.11) that a temple customarily has a *vedibandha* consisting of moulded course. Even if the southern part of Wall 16 has not been excavated on its outer face to indicate the presence or absence of mouldings, we have the evidence of the outer face of Wall 16 in Trench ZE1, to the north, where no mouldings are to be seen. This kind of a plain wall with nothing but niches on its inner face can only be a mosque/Eidgah wall.

**4.12.** That On p.68 are described two niches in the inner side of Wall 16 at an interval of 4.60 m in trenches E6 and E7. These were 0.20 m deep and 1 m 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 indicates that the plaster was meant to be visible. A temple niche (and if found, would be on the outer wall) would not be plastered if it were to hold a sculpture or a relief. In the first phase of construction, the supposed massive structure was confined to the thin wall found in Trenches ZE1-ZE1 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 said massive structure? This is typical of a mosque, 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 center. Which would have narrow demarcating walls.

**4.13.** That according to the A.S.I. (p. 42), the massive structure in sub-period B collapsed and its debris of brick and stone was levelled to attain height. "In this deposit, foundations to support pillars or columns were sunk which were overlaid with a 4-5 cm thick floor, which had a grid of square sandstone bases for pillars projecting out, only a few still survive."

If, as implied, the structure of sub-period B had collapsed and another floor constructed with another set of pillar bases, then these are not phases of construction of a structure but three separate structures. What is perhaps a more plausible explanation is that in the beginning of the 13<sup>th</sup> century, some Muslim structure was built with a well-polished lime-surkhi floor. There was a low enclosure

wall (0.40-0.50 m wide) demarcating the area from E6 to ZE! And extending east to the H series of trenches. Within this enclosure was probably a small central covered area of which the northern wall with a niche can be seen in Trench F2. This wall was narrower (0.35-40 m) thick. Probably this was wall structure only as can be seen by the narrow walls with no deep foundation. When this collapsed, the entire area was filled in with brickbats, stone slabs, calcrete blocks, brick nodules and mud to raise the level in order to construct the next lime-surkhi floor. This floor probably now functioned as an Eidgah or so as no structural activity has been observed in association. when this floor was degraded, another floor was raised, both floors being of poor quality.

4.14. That wall recesses or niches are observed in the mosque/Eidgah structure in a higher stratum also (P. 53) but the report fails to discuss about the same.

## **5. THE MYTH OF SO CALLED “PILLAR BASES”:-**

5.1. That the so called pillar bases are one or more calcrete stones resting upon brickbats, just heaped up, though A.S.I. claims that mud-mortar was also sometimes used. In many of them the calcrete stones are also not found at all. As one can see from the descriptive table on pages 56-57 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 stones to show that any pillar had rested on them. The A.S.I. Report nowhere attempts to answer the question (1) why brickbats and not bricks were used at the base, and (2) how mud-bonded brickbats could have possibly withstood 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.

1. That the Report's claim of these so called "pillar bases" being in alignment and their being so shown in infancy drawings (Figures 23, 23A and 23B), is not borne out by the actual measurements and distances, and there is indeed much doubt whether the plan provided by A.S.I. is drawn accurately at all, since there are enormous discrepancies between Fig. 3A (the main plan) and the Table in Chapter IV on the one hand, and the Report's Appendix IV, on the other.
  
2. That even those "pillar bases" that lie in the first north-south "row" on the west, lie at different distances from thick western wall: the distances varying between 3.60 and 3.86 m. The east-west distance between any two features (center to center) can vary from 2.9 to 3.3 m (a difference of 40 cm) (p. 55) whereas in the north-south direction there is greater variation between each feature and its neighbour: 3- 3.3 m in the north and in the south, and about 5.25 m in the central area. The use of the term "rows", therefore, is incorrect.
  
3. That the entire manner, in which the A.S.I. has identified or created the so called "pillar-bases" is a matter of serious concern. Complaints were regularly made to the Observers appointed by the High Court that the A.S.I. was ignoring calcrete-topped brickbat heaps where these were not found in appropriate positions and selected only such brickbat heaps as were not too far-off from its imaginary grids, and there creating the so called "bases" by clearing the rest of the floor of brick-bats. In this respect reference may be made to the complaints dated 21-5-2003, 7-6-2003, 28-6-2003, 26-7-2003 and 2-8-2003 etc.
  
- 5.5. That the most astonishing thing, that the A.S.I. so casually

brushes aside, relates to the varying levels at which the so called “pillar-bases” stand. Even if we go by the A.S.I.’s own descriptive table (pages 56-67), as many as seven of these so called 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 Floors 1 to 3 are even recognised by the A.S.I. to be floors of the Mosque, how can so many pillars be said to have been erected after the Mosque had been built, in order to sustain a so called earlier temple structure! Moreover, as many as nine so called “pillar bases” are shown as cutting through Floor No.3. So, are we to presume that when the Mosque floor was laid out, the so called “pillar bases” were not floored over? It is thus clear that the said structures are simply not “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.

**5.6.** That the comparative stratigraphy of these 50 alleged bases also requires comment. The tabulation on p.p. 56 to 67 gives us the following data:-

2 bases (nos. 16, 26) were cut through Floor 4.

25 of them (from the Z-trenches in the north to the G 10 and H 10 trenches in the south) rested on Floor 4.

6 of them on Floor 3 (nos. 19,21,23,24,30,37).

1 (no. 28) actually is said to rest “at the junction of Floor 3 and 4”

2 of them cut through Floor 3 (nos. 12 , 15)

7 of them project above Floor 2 (nos. 1,2,3,5,7,8 and 14).

We thus see that these 50 features belong to different floors and therefore could not all have been functional at the same time. They lack coherence as architectural features. It is irresponsible, therefore, to repeatedly refer to “rows” of these features, as has been

done in the report.

Some of these features appear to incorporate all sorts of material: pieces of brick, small stones and brick pieces, long stone slabs, and D-shaped large stones, etc. This also leads to the inference that all these structures could not belong to any one period.

**5.7.** That even the table on pages 56-67 of the A.S.I.'s Report may not correctly represent the layers of the alleged pillar bases, since its information on 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 said "pillar-bases", in many cases, are supposed to have been sealed by, or to have cut through or stand on!

**5.8.** The most of these so called pillar bases of the northern side comprise of square sandstone slabs, perhaps resting on calcrete blocks (only one has been excavated that reveals the calcrete block). The inner dimensions of these pillar bases range from 48.5 x 43, 50 x 50, 47 x 46, 48 x 56, 49.5 x 49 and 51 x 51 cm. These dimensions are completely different from those of the pillars that have actually been recovered. The dimensions of the latte range from 21 x 21 to 24 x 24 cm. Thus, the pillars that could be said to have stood on the said northern pillar bases would certainly not be the blackstone pillars, used in the mosque, or any other pillars of the same or similar type.

**5.9.** That the A.S.I.'s assumption is that the floor, with which are associated these so called pillar bases in the north, is the same as Floor 2 in the south. However, it cannot be definitely said that the floors in E2, F2 or G2 can be easily correlated with E1, F1 or G1 or with ZF! or ZG1.

**5.10.** That the A.S.I.'s own information on the said pillar bases is highly confusing and marked with discrepancies. For example, in the tabulation of so called pillar bases in Chapter IV, 50 'pillar bases' have been described and have been illustrated in Fig. 3A. The number and the location of these 'pillar bases', however, do not tally with information given in Appendix IV as illustrated in the following Table:-

.....

**5.11.** That, two 'pillar bases' are mentioned in H5, H10, G10 and ZH1 whereas only one in these trenches have been illustrated and described in the text. 'Pillar bases' in the L series of trenches and J2 have not been indicated in the Tabulation as illustrated above.

**5.12.** That on p. 55, distances between 'pillar bases' have been given, that in the east-west direction, center-to Centre distance was 2.90-3.30 m. However, the distance between 'pillar bases' 37 and 38 is 3.80 m. Similarly, these are not always in alignment as is the case with 'pillar base' 30 in Trench G6. "Pillar bases' 37 and 38 in Trench F8 are also not in alignment with each other.

**5.13.** That the dubious nature of the 'pillar bases' is illustrated by the figures attached with the complaints. The collection of calcrete and brickbats at a lower level than the above has been ignored by the A.S.I. even though it resembles their so called 'pillar bases'. At times, walls were cut to make 'pillar bases' as in Trench F6. The confusion between walls and 'pillar bases' is apparent in Trenches E1 and E2. The same is the case with 'pillar base' 27 in Trench H5. This is nothing

but the southern part of Wall 18B.

- 5.14.** That more serious problem has been created by giving Figs. 23A and 23B, showing the ‘pillar bases’ hypothetically. An incorrect impression is being created, by showing some ‘pillar bases’ where no structure was exposed at all and where no excavation was also done.
- 5.15.** That there is an additional problem with the “pillar base” interpretation. Load carrying pillar bases require to rest on hard and resistant surfaces, on floor slabs or rammed floors of say 30 to 40 cm height, or else to be set into or enclosed in pits that are packed tight with filled material. The various sections in the report indicate that this is not the case (see, e.g., Figures 8,9,10 where the features appear to have only been set without packing into the ground, and interrupt the continuity of Floor 2, which is only a few centimeters thick, and lies over a stratum not said to be homogeneous earth filling, or of rammed earth. Thus the very use of the words “rows” and “bases” is incorrect and misleading. These features could in some cases represent a pile of unused bricks, broken or entire. In other cases, they may have been used to fill hollows or to raise the level of the mound. In yet other cases they could have been used to shore up a heavy wall or else to function as an apron for a building.
- 5.16.** That the A.S.I. should have surely looked about for other explanations of these heaps of brickbats, before jumping to its so called “pillar base” theory. There was another clear and elegant explanation when the surkhi-lime mortar bonded Floor No.4 was being laid out over the mound, sometime during the Sultanate period, its builders must have had to level the mound properly. The hollows and depressions then

had to be filled by brickbats topped by calcrete stones (the latter often joined with lime mortar) to fill them and enable the floor to be laid. When in time Floor 4 went out of repair, its holes had similarly to be filled up in order to lay out Floor 3. And so again when Floor 3 decayed, 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 others they “Cut through” Floor 3 or Floor 4 only. They are mere deposits to fill up holes in the floors. Since such repairs were at times needed at various spots all over the floors, these brickbat deposits are widely dispersed. Had not the A.S.I. 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.

## **6. THE ALLEGED “CIRCULAR SHRINE”**

- 6.1.** That the sub-heading given to the discovery of a structure of burnt bricks as “The Circular Shine” at page 70 is indicative of the mindset with which the A.S.I. team did the excavation work. The A.S.I. team should have just said “The circular structure” because there is no evidence to make this structure a shrine. Just by comparing it with certain temple structures and not with circular walls and buildings of Muslim construction one can not come to the conclusion that the circular structure was a Hindu Shrine. No object of Hindu worship was found on this layer. The story of “parnala” is also a sheer figment of imagination and a conjecture without any evidentiary basis. The comparison at page 71 is irrelevant and also unrealistic. The layer on which this circular structure

was discovered did not throw up any material to justify the naming of this circular structure as a shrine. The surviving wall, even in A.S.I.'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 also.

6.2. That the scale of the Plan (as given in Figure 17 of the Report), would have an internal diameter of just 160 cms or barely 5½. Such a small “shrine” can hardly be worth writing home about. But it is, in fact, much smaller. The plan in Fig. 17 shows not a circle (as one would have if the wall shown in Plates 59 and 60 are continued) but an ellipse, which it has to be in order to enclose the entire masonry floor. No “elliptic (Hindu) Shrine” is, however produced by A.S.I. for comparison the few that are shown re all circular. As Plate 59 makes clear the drawing in Fig. 17 ignores 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 even less than 130 cms. or just 4.3 feet! Finally, as admitted by the A.S.I. itself, nothing has been found in the structure in the way of image or sacred piece that can justify it being called a “shrine”.

6.3. That “the southern part of the said structure was found resting over a 0.75m wide brick wall (Wall 19 A ) of 9 courses belonging to earlier period which runs in east-west direction and joins the end of the north-south oriented brick wall(Wall 19 B) having 7 extant courses of bricks and a width of 0.55 m, making the south-western corner of the earlier structure.”

The wall 19A rests over a still earlier wall (Wall 20) which is 0.62 m wide. Another wall (Wall 21) is about 0.51 m away from structure 5 and northeast of it.

Wall 19 A and Wall 20 are considered to belong to the Post Gupta (Period V) and Gupta (Period IV) periods respectively. It

appears from their description and from Plate 59 that the 'circular shrine' was built over existing walls without removing the walls. These earlier walls were of the preceding period as well as the same period. These earlier walls could not have been used as the foundation for the structure as they are of completely different dimensions and shape.

6.4. That the size of Structure 5 has an outer diameter of 1.6 m and measures 0.6 m in the inner area. The entrance is 0.5 m wide and length of the 'passage', from the entrance to the inner area is 0.4 m. Comparisons are being made with circular brick temples at Sravasti, Kurari, Masaon, Tinduli and Chandrehe (p 71, Fig. 18). The outer diameter of these structures range from 6.1 m (Masaon), 5.8 (Chandrehe and Chirenath), 5.5 m (Tinduli), 4.9 m (Kurari I ) and 3.6 m (Kurari II) (see Fig 18). The inner area of Kurari II, the nearest in size to the Ayodhya structure is 1.4 m, Kurari I is about 1.8 m and Chirenath is 2 m. The entrance measurements are 0.9 m for Kurari II and 0.7 m for Kurari I. The length of passage is 0.6 m for Kurari II and 1.5 m for Kurari I.

6.5. That all the circular shrines have a mandapa except for the Kurari temples Kurari I is also on a plinth with steps on the east. The closest in size to structure 5, Kurari II, is more than double the former structure. the inner area of Structure 5 is too small to even allow anyone to enter it. Where is the possibility, then, of performing any kind of abhisekha?

Out of all the temples illustrated in Fig. 18, four have the entrance from the west, one from the north and one from the east . Thus, it seems that the comparison between Structure 5 and these shrines is being stretched too far . Structure 5 has been dated to the 10<sup>th</sup> century AD. However, as will be evident from the Report, the

layers associated with this structure have mixed material, preventing any chronological determination of the structure.

6.6. That if, as pointed out by the A.S.I., subsequent structural activity (in Period VI) damaged the circular shrine, it is surprising that a later temple would destroy an earlier Hindu religious structure. Moreover, a later temple could easily have incorporated an earlier temple into its plan and maintained the sanctity of the earlier structure. Instead, what is being suggested is that the central part of the later temple is much further away to the north, about 20 m away. Thus, it seems highly unlikely that this structure was a Hindu religious shrine.

6.7. That Structure 5 could well have been a *stupa* , belonging to perhaps the 6<sup>th</sup> or 7<sup>th</sup> century AD. Figure 24 giving a bird's eye view of the structure, shows a slight difference in diameter between the first few lower courses of bricks and the courses above them. This difference recalls the two parts of the stupa, the medhi (or the drum) and the anda (or the higher rounded portion of the stupa). The 'opening' towards the east could well have been a niche for a Buddha figure. One of the reasons for considering this structure as a *stupa* is that it is too small to enter, which one would not have to do in the case of a Buddhist Stupa. These religious structures symbolizing the Buddha are meant to be walked around and not entered.

6.8. That according to the Table placed after Page 37 (A.S.I. Report) this period V is represented by layers 6 and 5. Layer 6 is a flood deposit and layer 5 belongs to Gupta period. So the formulation of Period V assigned to Post Gupta – Rajput times is arbitrary. Thus whatever structures are said to have belonged to Period V, in fact, they belong to Period IV (Gupta

Period).

**6.9.** That the Text says that layer 5 A is a contemporary layer of the shrine (structure 5 ) “below which lie walls 19 A and 20.....The layer below their working level is layer 7.....” (page 72 of A.S.I. Report). There is existence of only one layer between layers 5A and 7, the layer 6 (A.S.I. Section, F8, Fig 16). Layer 7 has been dated 140 – 80 BC on 14c determination. The calibrated date read AD 90 – 340 (Page 72 A.S.I. Report). The range of calibrated date is extremely wide. However, on its maximum range it reads about 4<sup>th</sup> C.A.D. While layer 7 is dated to 4<sup>th</sup> century A.D. and layer 5A is being said to be contemporary to the Shrine which has been dated to 10<sup>th</sup> century A.D. The shrine on stylistic grounds has been dated to 10<sup>th</sup> century A.D. (Page 71, A.S.I. Report). The concerned two layers (i.e. 5A and 7) is intervened by only one layer. That is layer 6 could this lone layer represent a temporal duration of about six centuries ? It is ridiculous and fantastic. It is simply not possible. Thus the dating of the shrine to about 10<sup>th</sup> Century A.D. is arbitrary. The structure 5, whatever it may be either a simple structure or a Buddha circular stupa, in view of the radiocarbon data seems to have belonged to slightly later than circa 4<sup>th</sup> Century A.D. That is Gupta Period.

**6.9.** That there is yet another important feature of the so called Shrine that needs comment. it is about its suggested water channel. Stylistically, its northward orientation has been marked to have some special significance.

The channel does not have a uniform width throughout. It does not have been a gradually decreasing width from south to north. It becomes suddenly very narrow at nearing its end. Thus it appears that it was not made for the purpose as has been suggested. It seems to have taken the existing from by the removal of mortar during excavations as was filled therein.

It did not function for draining water from south to north is evident by the fact there is no evidence of slope towards the direction in question. It has been measured by the levelling instrument at three at points of the channel. It was found that there is no sloe on its surface.

Further, had the so-called channel been in use for draining water for a longtime, then there should have been the remains of water residuals in the channel. Such evidence could be expected on the northern side of the circular wall corresponding along to the area of water discharge. But there is no such evidence either in the channel or on the surface of the wall in question.

## **7. THE “DIVINE COUPLE” AND OTHER ARCHITECTURAL MEMBERS:-**

- 7.1 That the stone “mutilated sculpture of a divine couple” (p 272) is described on p.130 (Reg. No. 1184) and Plate 235. The lower portion alone is present, below the waist. The piece is so damaged that it is almost undecipherable. What aspects of this incomprehensible piece make it a “divine” couple, we are not told. Thus the report shows clear bias in the use of the adjective “divine” and also “couple”.
- 7.2 That further, and more important, the recorded findspot (p.130) of this piece is Trenches K3-K4 (in the east ) and the recorded layer is “Debris”. Clearly, this piece of sculpture does not come from a stratified context, leave alone the strata of Period VII.
- 7.3 That so too, a black schist pillar with a square base and octagonal shaft and intricate carving comes from surface debris above the topmost floor (Floor 1) in Trench F3 (p. 140), which is also of no relevance.
- 7.4 That regarding the octagonal stone that was said to have been

carved in twelfth century style, it may be noted that according to the text (on p 56), it was found in Trench F-7, on pillar base 32 but as per table (on p.63) that was “resting on Floor 2”, in Trench F6-F-7, while its foundation was resting on floor 4. It may be notice that in the Section Facing South West-East (E-F), no floor marked “Floor 4” is indicate.

7.5 That the theory of so-called temple rests on some other reported architectural fragments also. Out of about 380 pieces that have been tabulated, 205 are featureless with only marks of dressing or in some cases are completely undressed stones. To give examples, No 122 (Reg. No. 882) kept in Manas Bhawan is a rectangular piece with pecking marks and partially polished (p 129), No.131 (Reg. No. 953) is a “rectangular slab with one of its sides nicely polished” (p.129), No. 3 (Reg. No. AYD-1 / 74) kept in the tin shed at the excavated site is “a rectangular partly dressed sand stone slab with an open groove meant for dowel” (p. 131). the majority of these came from the dump or fill and were in many cases part of the Babri Masjid walls. There were numerous others (particularly of calcrete) that were removed from the dump from trenches, during excavation, that were thrown away and are not tabulated. Out of 383 architectural fragments, only 40 came from stratified context. Out of this 40, too, none were specific to a temple, even the 8 that have been separately mentioned, pillar, doorjamb, octagonal shaft of pillar, amalaka, divine couple, slab with srivatsa motif, lotus medallion and a rechielled slab with lozenge design, are of no significance. The srivatsa design is associatd with Jainism ands the lotus design could as well be Budist or even Muslim. The lozenge design could well belong to a Muslim structure. It is also interesting that the floral design on the architectural fragment in Plate 90 matches the lower portion

of the Arabic inscription in Plate 92. The latter depicts a floral design and the design, as well as the method of carving, in the two pieces are very similar. It is also mischievous to label a sculpture showing the waist portions of two human figures as representing a divine couple. Moreover, all the above noted 8 pieces came from the debris. The octagonal shafts has, in fact, not even been tabulated. Many of the architectural fragments are, as admitted, of different materials (pink sandstone), buff sandstone, spotted red sandstone, calcrete, and so forth), and it is well known that temples do not use stones of diverse colors and types for decoration.

7.6 That report admits that there are few architectural members (plates 92 to 94 ) which can clearly be associated with Islamic architecture and on stylistic grounds which might belong to 16<sup>th</sup> century A.D. onwards (page 122). On the same page in earlier sentences the report described certain architectural members. The photographs of these architectural members appear on plates 79, 80, 81, 84, 85, 86, 87, 89 and 90. The report says that stylistically these architectural members in general and pillars in particular may be placed in a time bracket of 10-12 century A.D. In Indo-Muslim architecture elements of early Indian architecture which were consistent with Islamic traditions were freely used. Foliage, floral and geometric designs as found in early Indian architecture were copied and used in the Indo-Muslim architecture and this is the important feature which distinguished Indo-Muslim architecture from that of Arabian Land and Persia. The elements and designs in Plates 79, 80, 81, 85, 86, 87, 89 and 90 are found in many muslim religious and other buildings. Lotus medallian as in pl. 70 are found as apex-stone in domes.

On what basis the style and design contained in plate no. 93,

94 is attributed to 16 century, is also not mentioned.

The architectural members shown in plate no. 79, 80, 81, 84, 85, 86, 87, 89 and 90 do not contain any carving of a Hindu deity. Such elements and designs have been used in Indo-Muslim architecture and hence these architectural members may have been parts of a muslims structure. On what basis the A.S.I. remarks that these “emphatically speak about their association with temple architecture”, is not known. What is the basis for placing these architectural members in time bracket of 10-12 century A.D. is also not given in the report. Plate No. 81 is not amalaka but a part of petal design. It has to e noted that the so-called amalaka (pl. 81) is a surface collection found in debris above floor-1 (page 141 Sr. No. 125).

7.7. That the octagonal stone block having so-called floral motif has been dated to 12<sup>th</sup> century A.D. on its alleged similarity with that one found in the Dharmachakrajina Vihar of Kumardavi at Sarnath (Plates 39 and 40 ). Even a cursory inspection clearly reveals that there is not the least similarity between the two. The Sarnath Specimen is rectangular on Plan while the Ayodhya one is Octagonal. Again the Sarnath specimen has depiction of floral motif but the Ayodhya specimen has different motif. Further, apart from the stylistic dissimilarity there is dissimilarity in their architectural technique as well. On the Sarnath Specimen the depiction of motif is in slightly low relief while on the Ayodhya one it is in very bold relief.

There is of course one very distinct similarity between the two. Both belong to the category of reused material. The Sarnath Vihar in question has been built mainly by reused earlier materials such as broken bricks, stone architectural members, both plain as well as decorated etc. The stone pilaster as cited for comparison

with octagonal stone block is also a reused specimen. It, thus, cannot be contemporary to the builder of the Vihar in question. There is no question on the date of Kumardevi. There is no question on the date of Kumardevi. It is early 12<sup>th</sup> Century A.d. But there is of course a big question over the date of the pilaster cited for comparison. It is certainly of some earlier date it could be even of Gupta period.

So it is obvious that of the listed architectural members(stored in Manas Bhawan as well as in the Tin Shed at the excavation site, mostly collected from the surface or debris above floor1) majority of them are fragmentary and plain in nature. It is also obvious that they cannot be dated on stylistic ground.

7.8. That in view of the evidence drawn from the depositional history of the site there was no habitation at this site after Gupta period for a long time. It was reoccupied after a long desertion in 13<sup>th</sup> century A.D. Under this situation, many of the remains of architectural members having so called association with temples, as alleged, could have belonged to Gupta period. Some of these said to have belonged to 10<sup>th</sup> – 12<sup>th</sup> century A.D. could have been brought here to be used as building material from some neighboring sites. This is the situation also of the decorated/moulded bricks. Needless to mention that moulded bricks were quite prevalent in Gupta Period.

#### **7.9. INADEQUACIES OF THE STRTIGRAPHY:-**

8.1 That an essential requirement in an excavation report is a chapter that describes, one after the other, the main strata or levels found in the excavation, their nature (soil texture, colour, etc. ) and contents. For example in H.D. Sankalia and S.B. Deo, Report on the Excavations, at Nasik and Jorwe,

Poona Deccan College, 1951, Chapter Two, entitled “Strata and Structures” contains on pp. 9-19 a description of all the strata in the different excavated areas of the site. Earth colours, textures, the presence of charcoal or ash, the slope of the strata, their depth, etc. are described. So also, in M.K. Dhavalikar et al., *Excavations at Inamgaon*, Pune: Deccan College, 1988, Chapter 7 on “Cuttings and Stratigraphy” describes the 16 layers of the site (pp. 121-125). Even though Inamgaon was occupied only in the Chalcolithic period and is not a multi-period site like Ayodhya, there is information on each of the 16 layers of the mound in this chapter. Veerapuram is a site on the Krishna river in Andhra Pradesh, with Neolithic, Megalithic (Iron Age), Early Historic, and Early Medieval (AD 300-400) levels. For this site too, the excavators have given a description of each of the 15 strata. See T.V.G. Sastri, M. Kasturi Bai, and J.V. Prasada Rao, *Veerapuram: A type site for cultural study in the Krishna Valley*. Hyderabad: Birla Archaeological and Cultural Research Institute, 1984, pp 15-19. But there is no such section, let alone a chapter, in the Ayodhya report. There are serious consequences of this lacuna in basic excavation and recording procedure. Moreover, the descriptions in Chapters II (Cuttings), III (Stratigraphy and Cuttings) and IV (Structures) very rarely allude to the drawn sections presented in the report while sections present, in a sense, an “X-ray” of the history of a mound. It is on the basis of sections that the sequence and history of a mound is constructed.

8.2 That it may also be pointed out that, the descriptions given in the report are not always matched by the sections. The reverse is also true. The text does not state the periods to which the following layers belong:

- (i) Trench 13: layer 6 with the inscribed stone (Figure 22);

- (ii) Trenches ZE1-ZF1: Layers 4 to 6 (*Section Facing South, West-East (K-L)*); and
- (iii) Trench E7 Layers 3 to 6 (*Section Facing South, West-East (E-F)*).

8.3 That the text mentions (p.40, pp.68-69) a red brick crush floor of Period VI, attached to Wall 17, and states (p.40) that this floor can be traced in Trenches E8 and F8, G7, J5 and J6 and ZF 1. It is seen in the east section of F1. As regards trench G 7, we see this red floor in Photograph No. V, and we find a floor marked “Floor 4” in the section Facing South, West-East (E-F). But as regards E8, the Section Facing South, West-East (*E-F*). But as regards E8, the Section Facing South, West-East (C-D) marks (or numbers) Floors “1” and “2” only: which, the text indicates, belong to later periods, layers 3 and 4, below “Floor 2”, are assigned to Period VI on p. 41. As for J5 and J6, the Section Facing South, West East (*E-F*) indicates “Floor 2” below layer 4, and, at a lower level, a very thick or flooring of brickbats.

The same problem is faced as regards ZF 1: the *Section Facing South, West-East (K-L)* does not mark or number any floors in the layers 1 to 6, Layers 4 to 6, are not assigned to any of the periods of the sequence. ZF 1, was found to have been dug down 1 m against the north section, in which some broken bricks can be seen, but these are not the same as the red brick crush floor. Thus the numbering of the floors and other details are not according to the stratigraphy and the report is full of confusion.

8.4 That chapter II, III and IV mention the actual layer numbers, in specific trenches assigned to Periods 1 to VI. For instance, to Period VI which lies below the “massive structure “, belong the following (pp. 40-41).

layers 5,6,7,	in Trench G2;
layers 3,3A, 4	in Trench G7
layers 5, 6	in Trench J 5 and J 6; and
layers 3, 4	in Trench E8 and F8

However, the text fails to mention which particular layers, in these and other trenches, pertain to Period VII (pp. 41-43), which very stratum is claimed to represent the alleged massive pillared hall. we could assume that in the published sections either one or two layers above those listed for Period VI would pertain to the so called “massive structure” Also, on page 42 is given the confusing information that the period is represented by

“layers 1 and 2 in almost all the trenches except those in the eastern area where the deposit was disturbed..... an in the northern area where the floor of the period VII-C remained exposed and under use till late. In the northern areas layers 2 and 3 belong to this period . The three floors of this period were not found in all the trenches uniformly.

We can only assume that in the southern area it is layers 1 and 2 (with Floors “2” and “3” as marked on the *Section Facing South, West-East E-F*) that represent this allegedly significant period and, by default, that nothing but the mosque floor lies over it. significantly, and as stated above, we are not told the periods to which layers 3, 4, 5 and 6 of Trench E 7 are assigned.

If G2 whose layers 5, 6 and 7 belong to Period VI, is counted as one of the “northern” trenches and layers 2 and 3 belong to period VII as the paragraph quoted above indicates, to which period can we assign its layer 4? If it is counted as one of the “southern” trenches (where, the para quoted above says, layers 1 and 2 belong to Period VII, to which period do layers 4 and 3 belong? With no

section drawing of G2 available, we are none the wiser. In the *Schematic Cross Section of the Disputed Mound and the Tentative Periodization of the Disputed site*, in fact, no layer below layer 3 is mentioned in the relevant column.

Thus we see the consequences of the serious inadequacy of the report, mentioned above. Nowhere does the report tell us the content/colour/texture of the northern layers 2 and 3, or the southern layers 1 and 2. No evidence is cited to show that layers 1 and 2 in the south of the mound are contemporary with layers 2 and 3 in the north of the mound. the paragraph on P. 42 of the report, quoted above, remains without substance.

**8.5.** that below “Floor 1” obviously belonging to the mosque, we expect to see, in the sections and plans of the various trenches, a sequence of 3 floors, presumably from “Floor 2” downwards to a “Floor 4” of period VII with a Floor 5 belonging to period VI. But nowhere is there any section showing Floors numbered “4” (which we expect, from the text, to be the lowest floor of the alleged “massive structure” of Period VII) or “5” (which we would expect to be of the Period VI below), and no section show a sequence of floors numbered “1” to “5”.

On p. 42 the text mentions the most extensive floor of the mound, assigned to Phase C of Period VIII, but fails to state what number has been assigned to it in the relevant trenches.

In Photograph 24 of Trench E 7, we see a floor marked “Floor 3” at the bottom of the trench, uniformly touching the remnant plaster on the east face of the western wall, within the south chamber of the mosque. The acceptable inference would be that this “Floor 3” about 1 m below surface, belonging to the so called “massive structure”, is actually in functional relationship with the brick-course levels of the north south wall on the west.

Below Floor 3, which is very approximately 1 m below surface in various trenches (as seen in several sections), a floor is marked “4” in the *section Facing South, west-East (E-F)*, as also in Trench G7 (see also Photograph 5). This Floor 4, however, is shown as laying between layers 4 and 3A in the section (between layers 3 and 4 in the photograph). These layers 3 and 4, the text tells us (p.41), belong to the earlier Period VI. Thus “Floor 4” in this section cannot belong to Period VII or the “massive structure”. moreover, this floor is quite different from the floors that lay above it in the west section of G7, as evident in Photograph # 5. Thus it would be “Floor 3” that belonged to period VII, which means that in this trench only two floors, 3 and 2, may possibly be assigned to that period.

In Photograph # 53, “Floor 4” is mentioned in the caption as the “first” floor associated with the north-south wall. It is shown at the base of the excavation. The trench is without number in both photograph and caption. The floor at the base of the trench lies several (30-40?) centimeters below what is marked “Floor 1” on the section. Moreover, the section labels above this floor mark only layers 3 and 2, with “Floor 1” between these layers.

The only other mention of “Floor 4” is in the hypothetical isometric reconstruction of the mosque and ‘temple’ in Figure 23A. This is only a suggested reconstruction.

True, it is said (pp. 42-43) that the numbering of the floors of Period VII differs from trench to trench. yet the question still remains as to which section in the report shows phases A to C of Period VI and their three floors., whatever the numbers assigned to them. As pointed out earlier, the report nowhere states the nature and content of the layers distinguished as VIII A, VII B and VII C.

In stratigraphic terms, then, the characteristics and contents of the 3 phases of “Period” VII as given in the text of the report, are

thrown in doubt by lacunae and inconsistencies. Lacunae include not only an absence of 3 sequential floors in the sections of the relevant layers, but also the absence of information as to the content of the Strata below those assigned to Period VII in Trench E7, one of the more important on the mound as it contains an undisputed part of the mosque, the South chamber.

**8.6.** That a simple stratigraphic principle is that no wall can be accurately dated vis-à-vis floors, unless we can see from which level the foundation trench for the western wall was cut, an which floor seals (or runs over) that vertical foundation cut (running close along the wall). A wall can be used, even raised higher, in periods after it was originally built. If a floor runs right up to a wall, with no gap or interruption between them. We assume that the wall and floor are functionally related, i.e. that they belong to the same building it may be that the floor was laid after the wall was built, but not vice versa. the stratum to which the first construction of the wall dates, is indicated by the level from which the cut was for made its foundation. That cut, in its turn, will be dated by the floor or surface that seals the cut. The report does not state which layer or floor seals the so-called foundation trench mentioned on p. 41 and p.69.

*Photograph no.52* (Trench E8) purports to show a cut, indicating the date of the massive west wall, in the north face of the trench, but (a) this face or section (technically, the “Section Facing South”) shows an animal burrow sloping away from the west wall towards the east. the burrow cuts the second floor from the top, and also the read crush floor below it. From the level of the latter, the read stratum, a cut goes down vertically, but is too far (about 75cm.) from the west wall to be appreciated as its foundation trench cut.

Besides, (b) there is no “proof” because I the photograph the cut in the floor at the bottom of the trench (this floor lies several

centimeters below what is marked.

“Floor 2” on the second in the Photograph) is neither close to, nor parallel to, the line of the wall, and does not therefore, indicate the edge of a trench dug to make a wall.

In *Photograph 55 of Trench ZE1* we see labels marking “Floor 1” and “Floor 2” in the section, and a floor (without number) at the base of the excavation area below, but there is no cut visible in the trench section close to the east face of the north-south running wall. the upper and lower floors run right up to the east face of the wall. Thus we cannot say that either of these floors was earlier than, and cut to make room for, the upper courses of the north-south wall. the same observation follows from the Section Facing South, West-East (K-L), pertaining to Trench ZE1, east of Wall # 5 A.

So too no cut is visible in the Section E-F, Facing South, in E 7 inside the South Chamber of the mosque. All that we have in this is a sequence of surfaces or strata below “Floor 3” coming straight up to the western wall in E7. There is no cut line, vertical or sloping, near the vertical edge of the wall.

## **9.TERRACOTA FIGURINES \_\_\_\_RELEVANCE OF:-**

**9.1** That during the excavation, the A.S.I. found 62 human 131 animal figurines. These discoveries are irrelevant to the question under inquiry. A large number of them belong to ancient period. The A.S.I. unnecessarily took pains to give details of terracotta figurines and to include their 33 plates (Pls. No. 104 to 136) knowing well that these figurines, most of which belong to ancient periods, were not at all relevant to the question contained in the Hon'ble Court's order. The chart below gives an idea of this exercise in futility. It is possible that the A.S.I. gave detailed description of human figurines and their photographs to lead



context, find material of later periods. However, the latter appears to be the case at Ayodhya in the context of terracotta figurines as seen in the tabulation provided on pp.174-203. We find in numerous cases figurines of later periods in far earlier levels, as is evident from the following Table:-

**Table of Discrepancies in stratigraphy in relation to terracotta figurines**

Artefact details	Discrepancies
<b>S.N. 50. R. No. 1027. Part of human Figurine. Mughal level. G5, layer 2, below Floor 2</b>	
<b>S.No.52, R.No.393 Animal figurine. Late Medieval period. E8, layer 5</b>	
<b>S.No.67, R.No.549, Animal figurine. early Medieval. F9, layer 5</b>	
<b>S.No.69, R.N.594. Animal figurine. Mughal. E8, layer 6</b>	


9.3. That it may also be pointed out that on p.93 the Report mentions that shapes like sprinkler appear in Period IV (Gupta period). However, on p.80, sprinklers are mentioned from Period II (Sunga level) that evolved into their diagnostic forms in the subsequent Period III or Kushan period. So also on p.41, it is stated that layers 5,6 and 7 in Trench G2 belong to the Medieval Sultanate level. In the schematic cross-section and tentative periodization, layer 2 and 3 belong to the Medieval level. Hence, what is then layer 4?

## 10. GLAZED WARES AND GLAZED TILES:-

10.1. 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 galzed 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 11<sup>th</sup>-12<sup>th</sup> centuries. The report tells us that the glazed ware sherds only “make their appearance” “in the last phase of the period VII” (p. 270). Here we directly encounter the play with the names of periods. On page 270, Period VII is called “Medieval Sultanate”, dated to 12<sup>th</sup> –16<sup>th</sup> century A.D. But on p. 40 “Medieval- Sultanate” is the name used for Period VI, dated to 10<sup>th</sup> and 11<sup>th</sup> centuries. In Chapter V (Pottery), there is no statement made to the effect that the galzed ware appears in

“the last phase of Period VII” as is asserted in the Summary. Rather, it is there definitely stated that “the pottery of Medieval-Sultanate, Mughal and Late-and-Post Mughal period (Periods VII to IX)...indicates 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” of Period VII is thus a last-minute invention in the Report, to keep its “massive” temple, allegedly built in Period VII, clear of 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 the items of galzed pottery have not been attributed to their trench and stratum even in the select list of 21 items of glazed ware (out of hundreds of items actually obtained) on pages 109-11]. 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 order dated 10-4-2003 about the need for recording of glazed ware, a tabulation of all recorded galzed-ware sherds according to trench and stratum was essential. That this has been entirely disregarded shows that, owing to the glazed-ware evidence being totally incompatible with any alleged temple construction activity in Period VI, the A.S.I. has resorted to the most unprofessional act of ignoring and manipulating the archaeological finds.

- 10.2. That Going by the Pottery Section of the Report (p. 108), not by its “summary”, the presence of Glazed Ware throughout Period VII (Medieval, 12<sup>th</sup>-16<sup>th</sup> centuries) rules out what is asserted on page 41, that a “column-based structure”---- (on the alleged pillar bases)-----was built in this period. How could Muslims have been using glazed ware inside a temple?

(To say that glazed ware was found at Multan and Tulamba before the 13<sup>th</sup> century, is hardly germane to the issue, since, obviously these were towns under Arab rule with Muslim settlements since 714 AD onwards, and so the use of glazed ware over there can be expected.) The whole point is that glazed ware is an indicator of Muslim habitation, and is not found in medieval Hindu temples.

- 10.3. That the question whether particular sorts of glazed ware made by Muslim potters, could have been used in any medieval Hindu temple was dealt with by S.K. Mirmira, in *Indian Pottery* (Chanda: Gramodyaya Sangh, 1973) who states (pp. 5-7):-

“India was invaded and ruled by the Moslem dynasties since 1000 AD for a few centuries and along with them they had brought certain arts and crafts. Decorative pottery was one of them. In the 12<sup>th</sup> century AD Muslim rulers had encouraged many potters from their homelands to come and settle in India. These potters especially from Persia, knew how to superimpose bluish green glaze on red clay wares.....As a result of this, the potters near Delhi have become famous for their bluish decorations... An enthusiastic Maharaja of Rajasthan near Jodhpur brought some potters from Arab countries.....

It is presumed that the reason for not adopting the glazing technique of Muslim craftsmen in religious; the orthodox Hindu potters did not relish the idea of learning the new technique from those who eat beef. In Khurja near Delhi there still a few Muslim potters, descendants of the Persian settlers, who still use this technique of glazing.”

Concerning porcelain wares the author writes,

“Indians because of religious prejudices did not like these, as they thought that bones were used in the clay for whitening the wares. Even in this day, in rural parts people call whitewares as ‘farangi’.....Therefore, nobody even tried to adopt these techniques.”

10.4. 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 which means that the layers are wrongly assigned and must be dated to period VII (Sultanate period). There could be no remains of any “huge temple” in these layers then.

10.5. That On p. 163, it is mentioned that glazed tiles “mainly come from debris and dump of the disputed structure. However, some of the glazed tile pieces have also been recovered from the depth which is lower than the disputed structure but from the levels of Period VIII and IX only.” These are completely false statements and show the level of inaccuracy in the Report. First of all, the glazed tiles do not come from the debris and dump of the disputed structure. The debris and dump was removed from Trenches E2, F2, G5, F6, E6, D6, F3 and F4/F5 out of the excavated trenches. Glazed tiles that have been found from these trenches come from levels below the Babri Masjid floor and not from the debris or dump lying about it. some of the debris that had rolled down the western slope, was recovered from the B and C series of trenches. Glazed tiles from this debris add up to a total of 14, Second, of the 155 pieces of glazed tiles in the table provided by the A.S.I., 96 come from pits or fill in various trenches. Of the remaining 45, 29 come from Period VII but 14 are from Medieval levels (Period VII) and 2 from the Early Medieval level (Period VI). This has been gleaned

from the table provided by the A.S.I. on opp. 164-72. Thus, the A.S.I.'s own information falsifies their claim that the glazed tile pieces mainly come from Period VIII and IX.

**11. GROSS OMISSION: EVIDENCE OF ANIMAL BONES:-**

11.1. One decisive piece of evidence, which entirely negates the possibility of a temple, is that of animal bones. Bone fragments with cut marks are a sure sign of animals being eaten at the site, and, therefore, rule out the possibility of a temple existing at the site at the relevant time. As no record of bones was being maintained by the A.S.I. Team, the plaintiffs had moved application and thereupon directions were given by the Hon'ble High Court to the A.S.I. to record "the number and size of bones and glazed wares" (Order dated 10-4-2003). The Report in its "Summary of Results" admits that "animal bones have been recovered from various levels of different periods" (Report, p. 270). Any serious archaeological report would have tabulated the bones, by periods, levels and trenches, and identified the species of the animals. There should, indeed, have been a chapter devoted to animal bones/ 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 A.S.I.'s prejudiced mindset with which the excavations were carried out and far of the fatal implications held out by the animal bone evidence for its preconceived temple theory. A partial table is being provided of animal bones as found in the various trenches at different levels as noted by the nominess of the plaintiffs (which may also be verified from the Day-to-Day register) and it is shown how these are found at all levels all over the site. The A.S.I.

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 with cut-marks strewn all over, 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.

11.2. That the statements on pages 45, 55 and 271 etc. of the report, suggesting that probably this site was not a habitational site and had stratified cultural material only from the first seven periods or that it was only during and after Period IV (Gupta level) onwards upto Period IX (Late and Post Mughal level) that the regular habitational deposits disappear and the area below the disputed structure remained a place for public use for along time till the Period VIII (Mughal level) stand belied and negated by the animal bone evidence and perhaps that is why the Animal bones were totally ignored.

Given below is a Table of animal bones found in various trenches at various levels, from records maintained by nominees during the excavations and more detailed and accurate Table may be prepared and filed by the A.S.I. with the help of day to day register.

**Table showing Examples of finds of animal bones:-**

Trench, Layer and Depth	Affiliated Period
E8, 8: 280-85	Gupta
E7, 7: 245-60	Gupta
G7, 7: 228-45	Gupta
E9, 4:96-124	Early Medieval
F9, pit, s/b 5: 195	Early Medieval/Post Gupta

E8, 5:230-68	Post Gupta
G7,7: 248-53	Gupta
E8, 6: 168-86	Post Gupta
F6, 2, below Floor 2: 48-77	Medieval
G7,8: 285-90	Gupta
E8, 6: 186-215	Post Gupta
F6, 2: 77-123	Medieval
G8, 6: 135 (changed to layer 5)	Post Gupta
G8, 5: 185	Post Gupta
G8, 5: 230	Post Gupta
F4/F5, dump s/b 5: 182-220	Post Gupta
G7, 20: 1140-1170	NBP
G7, 21: 1167-1207	NBP
G4/G5, pit s/b Floor 2: 93-113	Medieval
J5/K5, 2: 45-80	Fill
J6/K6, 2: 45-80	Fill
ZE1, 2: 180	Medieval
G7, pit s/b 21: 1207-1240	NBP
G4/G5, filling: 113-140	-
G2, 1, below Floor 1:22-35	Mughal
J3/K3, 1: 73	Fill
G2, 1: 30-45	Mughal
J3/K3, 2: 30-70	Fill
E1/ZE1, 3:90	Medieval
G8, 6:135	Post Gupta
G8, 5: 230	Post Gupta
E1/E2, 2: 30-40	Medieval

K5, 3:92-103	Mughal
K3, 2: 30-25	Late and Post Moghal
F4/F5, 2: 26-46	Medieval
F4/F5, 4 pit s/b: 140-166	Early Medieval/Medieval
F3, below Floor 4: 364	Early Medieval/Medieval
G7, 18, 19: 1050-1115	NBP
G1/ZG1, 3: 100-165	Medieval
G7, 20: 1115-1140	NBP
E6, 2: 53-70	Medieval
G9, below Floor: 15-20	Medieval

[All measurements given above are in meters and centimeters based on the information given by the A.S.I. at the site]

11.3. That from the above table it is clear that animal bones have been found in NBP, Gupta, post Gupta, Early Medieval, Medieval and Mughal levels, in other words, practically from all levels. It should also be clear that bones were also found from the central supposedly significant area, as in Trenches F3 and F4/F5. In the case of F3, bones are coming from Early Medieval levels and in F4/F5 from Early Medieval and Medieval levels. If, as according to the A.S.I., post-Gupta levels onwards are not residential in nature but attest to levels with temples, and these levels are supposedly stratified, it is to be wondered at as to why animal bones were found even from the central part of the alleged temple. If, as the A.S.I. says, soil from earlier levels was used for construction, then it is surprising that for the construction of a temple, no sorting or sieving was done, as bones and other such materials are regarded as highly polluting.

## 12. POTTERY:-

- 12.1. That in Chapter V on Pottery, it is highly significant that the pottery of Periods VI, VIII and IX is all described together (see pp. 108-120). If stratum VII contained a structure so radically different from the mosque in VIII above, why were their finds not kept separate?
- 12.2. That the moreover, it is stated (p. 108) that the pottery of Periods VII, VIII and IX is combined together because “there is not much difference” in either wares or shapes. Thus the pottery of an insinuated “temple” structure is said to be of the same types as that of a mosque! Incidentally, *chillum* and *hukka* pieces are also recorded in this combined batch of pottery (p. 115). Can we expect such finds in a temple?

## 13. INSCRIPTIONS:-

- 13.1. That the short report on Inscriptions (on pages 204-06) one of which is in Nagari, and are are in Arabic, show how casual and preconceived in its notions was the A.S.I. The first is not to be dated with any certitude to the 11<sup>th</sup> century: its time range could be 7<sup>th</sup> –12<sup>th</sup> centuries; and it could be a Pala record of a Buddhist provenance--- a piece of evidence negating the presence of a Hindu temple. On purely palaeographic rounds, the Arabic inscriptions can be dated to the 13<sup>th</sup> century with a much reason as to the 16<sup>th</sup> century.
- 13.2. That the so-called “Nagari” inscription has only five letters whose right-ward sloping limes in their lower portions proclaim their affinity to the Siddhamatrika script, 7<sup>th</sup> –12<sup>th</sup> centuries, out of which the Devanagari script has originated. Five letter are not sufficient to declare the letters as belonging to the 11<sup>th</sup> century (where the A.S.I. places construction of the “huge” temple. (See for the Sidhamatrika script and

characters\_ Richard Salomon, *Indian Epigraphy*, New Delhi, 1998, pp.32, 39-41). Thus the time-range of the inscription should be 7<sup>th</sup> –12<sup>th</sup> centuries. The decipherment is also hasty. The reading of the character next to la is *ja* (with a as in “jar”), not simple *ja* with ‘a’ as ‘u’ “judge”. Further the A.S.I. should have asked itself about the suffix *pala*, which suggests a possible reference to one of the Pala rulers of Bengal and Bihar (8<sup>th</sup>- 11<sup>th</sup> centuries) who also held eastern U.P. (as shown by an inscription at Sarnath), and used the Siddhamatrika script. Their well-known patronage of Buddhism seems to be the sole reason why the A.S.I. has avoided any further enquiry into the name-Pala found in this inscription.

- 13.3. That the bias of the A.S.I. is again manifest in how the two Arabic inscriptions found in the debris of the Mosque, are dealt with in the Report, (pages 205-6), with Plates 91 and 92. The A.S.I. epigraphist dates them both to the early sixteenth century, allegedly on the basis of the *naskh* characters employed. He gives no reason why the writing cannot be dated earlier, or placed within a larger range, say 13<sup>th</sup>- 18<sup>th</sup> century. In this respect reference may be given to the inscriptions on fronts of the Qutub Minar and the tomb of Iltutmish, both belonging to the first half of the 13<sup>th</sup> century (given in Tatsuro Yanamoto, et al., *Delhi: Architectural Remains of the Delhi Sultanate Period*, Tokyo, 1967, Plates 2b, 6b). It will be seen that the *naskh* is of the same style. Clearly, the A.S.I. epigraphist has not even considered the possibility of an earlier date, because he know he was expected to hold that all mosque materials must be dated to 1528, so that there be no thought that anything could belong to an earlier mosque/Eidgah on the site.

- 13.4. That the floral design of the stone slab in which the word

“Allah” has been carved (Plate 92) should show to everyone how absurd it is to take a floral motif as a sure sign of a temple!

**14. OTHER CONTRADICTIONS AND DISCREPANCIES:-**

**14.1.** That there appears to be considerable confusion on the point as to when structural activity first began at the site. For example, on p. 37 it is mentioned that, “the site had seen successive structural activities which began from the middle of the Kushan level (Period III).” On p. 38 in the section on Period II (Sunga level) it is mentioned that, “it is this period that the site witnessed first structural activity in stone and brick, as noticed in J3.”

**14.2.** That the descriptive term used for certain period changes from one chapter to another. For example, in Chapter III (Stratigraphy and Chronology), Period VI is described as the Medieval-Sultanate level. In the same chapter, the tentative periodization and schematic cross-section of the mound describes the period as Early Medieval-sultanate. however, in Chapter V (Pottery) and Chapter X (summary of Results) this same period is described as Early Medieval. In Chapter X, this period is also described as Early Medieval-Rajput. Period VII in Chapter III is described as Medial but the Chapter V and Chapter X, it is described as Medieval Sutanate.

**14.3.** That on p.44, it is stated that, “no deposit contemporary to the Mughal period exists on the mound presently.” The next page (45) it points out that the last two periods (Mughal and Late Post Mughal) are only represented by structural activities. Further, on p. 271, the Report points out that, “there is an increase in contemporary archaeological material including pottery in the Mughal period.

- 14.4.** That on page 41, it is mentioned that the earliest floor extended in the eastern area up to the H series of trenches in sub-period VIIA. In sub-period VIIB, the next floor extended up to trenches J4-J5-J6. On p. 42, it is indicated that in sub-period VIIC, the floor associated with the “pillar bases” is the most extensive on the mound. In Fig. 23A, however, Floor 4 (the said earliest floor) is shown as extending all over the mound while Floor 3 and 2 are more restricted providing a complete contradictory picture.
- 14.5.** That In Chapter III, on p. 42, Period VII is described thus: “Total deposit of this period is approximately 50 to 60 cm thick which includes layers 1 and 2 in almost all the trenches except those in the eastern area where the deposit was disturbed by the construction in the later periods and in the northern area where the floor of the Period VIIC remained exposed and under use till late.” However, according to the tentative periodization and schematic cross-section in the southern area, layer 1 is shown to be clearly belonging to the Mughal period. So does layer 1 in the southern area belong to period VII or VIII?
- 14.6.** That on p. 44, while discussing Period IX (Late and Post Mughal level), it is mentioned that first a partition wall was added and later an enclosure wall was built for the complex. However, it is well known that the Babri Masjid was built with an enclosure wall and around the mid-19<sup>th</sup> century, the area of the Babri Masjid was partitioned with a wall.
- 14.7.** That on the same page (p.44) and on pp. 70 and 270 it is mentioned that there were burials in the late and post Mughal period (Period IX) in the north and south that have cut the top floors and were sealed by layer 1. According to the A.S.I.’s own admission, on p. 42, layer 1 in the southern area is

supposed to be of the medieval period while in the schematic cross-section and tentative periodization, layer 1 is of the Mughal period. Therefore, if these burials are sealed by layer 1, then either they belong to the medieval period (Period VII-12<sup>th</sup> to 16<sup>th</sup> centuries) or to the Mughal period (period VIII). It may be pointed out that it is in the former period that the alleged temple supposedly stood here.

- 14.8.** That the tabulation of the “pillar bases” from pp. 56-57 mentions the floors on which they rest and in some cases to which they are contemporary. However, the floor numbers do not tally with the information provided in Appendix IV at the end of the text. For example, “pillar base” 22 on pp. 60-61 is indicated as resting on Floor 4 but on p.6 of the appendix, there is no Floor 4 in Trench F2. This discrepancy has been found in 21 cases out of 50.
- 14.9.** That the tabulation of stone architectural fragments, in Chapter VI, also includes non-architectural members like S.No.3 (saddle), S.No.20 (bowl), S.No.48 (pestle), S.No.51 (pestle), S.No.76 (*diya*), S.No.78 (pestle), S.No.81 (elephant), S.No.90 (muller) and S.No.145 (dish). These, if of stone, should have been described in Chapter IX, on miscellaneous objects.

## **15. SUMMARY:-**

- 15.1.** While summarizing the objections against the A.S.I. Report it can be safely said that the objections mentioned above cannot be said to be exhaustive but rather the same are only indicative of the shortcomings, lacunae, partisan attitude, bias and unprofessional style and method of the said report and in short it can be said that the well wishes of Indian Archaeology have to consider that how the credibility and reputation of the A.S.I. can be revived after such a report,

which has virtually destroyed the 142 years old image and distinguished past of such an erstwhile renowned organisation.

- 15.2.** That since the “Summary of Results (P.P. 268-272 of the report) is not based upon the archaeological finds and material, no member of the A.S.I. Team takes responsibility for the same and that is why chapters I to IX are ascribed to one or more authors, but not so the last, chapter X, (Summary of Results).
- 15.3.** That the conclusion drawn in the report (P. 272) about the alleged “remains” mentioned therein, being indicative of the “distinctive features found associated with the temples of north India” is totally baseless, unfounded and without support of any archaeological evidence.
- 15.4.** That about the evidence of continuity in structural phases from the tenth century A.D. onwards up to the construction of the disputed structure, stratigraphically, the situation is not so as has been alleged. The depositional history of the site clearly reveals that the site was abandoned and remained deserted for about six centuries after Gupta Period. That is, from about six to twelfth century A.D. It was reoccupied in 13<sup>th</sup> century by the people who used glazed ware, glazed tiles, made floors of lime and surkhi and lived on food animals.
- 15.5.** That the available positive material evidence relating to stratigraphy, depositional history, cultural assemblages and architectural technology clearly reveal that the structures lying below the Babri Masjid belong to the Islamic Period. There is nothing to indicate at all that there were any remains of an alleged temple.

PRAYER

It is therefore, prayed that this Hon'ble Court may kindly be pleased to reject the A.S.I. Report filed on 22-8-2003 and such other order/ orders as may be deemed just and proper in the circumstances of the case may also be passed in the ends of justice.

Lucknow: Dated  
October 8, 2003

(Z. Jilani)  
Advocate  
(Counsel for the Plaintiff No.1- Objector)

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

C.M.Application No.17 (O) of 2004

Sunni Central Board of Waqfs, U.P. ....Plaintiff No.1 –Objector  
In Re:

O.O.S. No.4 of 1989

Sunni Central Board of Waqfs, U.P. and others .....Plaintiffs

Versus

Gopal Singh Visharad (now dead) and others .....Defendants

**ADDITIONAL OBJECTION, AS PER ORDER DATED  
19-1-2004, AGAINST THE A.S.I. REPORT OF AYODHYA  
EXCAVATION**

The plaintiff No.1- Sunni Central Board of Waqfs, U.P. begs to submit as under:-

1. That in addition to the objections already filed against the A.S.I. report of Ayodhya Excavation these Additional objections are being filed in pursuance to the order dated 19-1-2004.
2. That at the very outset it may be pointed out that the papers submitted by the ASI do not contain an essential document Viz. the concordance of numbered layers in each trench with the Periods attributed by ASI to the same in its Report. It is, therefore, not at all clear as to how the ASI could make statements in its Report about the finds like pottery type, terra cotta artefacts, sculpute pieces and structural remains as belonging to certain periods. This is not possible without such a concordance covering all trenches. If such a concordance does not exist and was not prepared at all, it would mean that the ASI has made its statements about the

periods of structural remains and artefacts without any basis in stratification just to please its masters. If, on the other hand, a concordance was prepared, and it is now being withheld or has been destroyed, it would suggest that the ASI was itself apprehending that the same may go against their findings and as such they did not want their report to be tested on the basis of the same.

3. That even otherwise, from the ASI report and from other informations / papers etc. supplied to this Hon'ble Court by the ASI Team Leader, it can not be believed that the said report could have been directly feeded in the Computer by the authors of the same, as shown in the said report, and that being so a serious doubt has been created about the authenticity an genuineness of the said report and further submissions about the same can be made only after getting response of the ASI, as per order of this Hon'ble Court, passed on 20-1-2004 on the objection filed by the plaintiffs against the rely of Sri Hari Manjhi filed on 19-1-2004 against the application under section 340 Cr.P.C. As such the plaintiffs and other objectors may require to file further objections after perusing the response of the ASI to the aforesaid objections dated 20-1-2004.
4. That it is quite unimaginable that the entire report of excavation was directly feeded on Computer by the so called authors of the same without preparing any rough notes or draft report and the efforts made by the ASI not to bring those rough notes and draft reports etc. on record create serious doubts about the genuineness and correctness of the said report filed in this Hon'ble Court. In this respect the objections filed by the plaintiffs on 20-1-2004, against the reply of Sri Hari Manjhi filed on 19-1-2004 against the

application moved under section 340 Cr.P.C., may be treated as a part of these Additional Objections.

5. That the stand taken by the ASI, for explaining the delay in depositing the photographs taken from the Digital Camera and Digital Cassettes of the same and the averments that the photography of the Digital Camera was done as a parallel reording with the manual photography and Video Filming, was also misleading and this indicated atleast negligence and carelessness of the ASI Team Leader. The very fact that Digital Cassettes were said not to have been ever seen by the ASI Team Leader also goes to establish as to how and to what extent he was in the control of the said excavation. Even the wrong mention of dates in these Digital Cassettes, as pointed out in the reply of the plaintiffs dated 4-12-2003 filed against the response of the ASI dated 1-12-2003, was of much significance and the said reply may also be perused in this respect and for other incidental matters to show the performance of the said ASI Team Leader regarding the preparation of this report.

**BONES:-**

6. That although this Hon'ble Court had taken care to ensure that the Bones and Glazed Wares etc. may also be preserved so that the same may be taken note of at the relevant time and from the affidavit of Sri Hari Manjhi dated 12-11-2003 it appears that apart from the sealed packets of bones preserved in pursuance to the order dated 26-3-2003 there were some other bones also which were mentioned on the register but the ASI report makes only casual and cursory mention about the said bones and perhaps no study and observation of the said bones was ever done by any member of the ASI Team. This deliberate omission on the part of the ASI team appears to be

the result of some preconceived notions about the report which was to be given by the ASI because the study of bones was bound to lead to the inference that the layer in which the said bones were found could not belong to any period during which the alleged existence of any temple could be claimed as it was evident that in no temple, least of all in a Ram Temple, animals could be said to have been eaten and their bones left around.

7. That there is no chapter about the study of bones in the entire report and a casual reference about the bones on page 270 in the chapter of summary of results, without mentioning any contextual relationship of the said bones with the structural remains including those which were attributed by the ASI to a temple, goes to establish that the said conclusion made by the ASI (page 272) is totally unreliable, unfounded and incorrect. In this respect it may also be possible that the original report did contain such a chapter or sub chapter about the study/ observations regarding the bones but such information being found to be inconvenient to the pre-determined assumptions of the ASI, the same might have to be deleted from the report. however for the convenience of the court and for a better appreciation of the arguments to be advanced in this respect a chart showing layers and trenches etc. where the said bones were reported to have been found during the course of excavation may be submitted at the time of arguments for the disposal of the ASI Report.
8. That as the ASI has not offered any concordance of trench wise layers with the periods assigned to those layers by the ASI it was difficult to be accurate about the said periods. This omission may be said to be on account of lack of

professionalism shown by the ASI Team but this may also be deliberate in order to evade any close checking of their claims and assumptions.

9. That from the ASI's own record we find that animal bones are found in the layers of Period VI, in practically every trench, whose layers have been attributed to specific periods by the ASI. This may be seen from the following Table:-

<u>Trench No.</u>	<u>Layer No. assigned to Period VI</u>
E-6	4 (below Period VII layer 3)
E-7	4 (below Period VII layer 2)
F-4/F5	4 (below period VII layer 3)
F-8	3
G-2	6, 6A
G-7	4
J-2/J-3	4
J-3	5

How so many animal bones could have been scattered about in the layers of Period VI when allegedly a "massive" temple came to exist at the site in this very period? is a question that finds no answer in the Report. indeed, the doubts as to Floor 4, said to have been allegedly laid out as a temple floor in this period, also grow immensely when we find animal bones recorded in the context of Floor 4 in trenches J-7 and E-9. Furthermore, animal bones continue to be found between Floor No.4 and Floor No.3 (claimed by ASI to be a temple floor laid out in Period VII) in trenches No.H-7 and G-7.

10. That the claim of ASI that the temple was rebuilt in period VII, resting on Floor No.3, it is worth mentioning that the animal bones were very much found in the layers of this period also in the central trenches:-

<u>Trench No.</u>	<u>Layer No. belonging to period VII</u>
E6	2
F8	2 above layer 3 belonging to period VI
G-2	3
J3/J4	3

It is thus evident that animal bones have been found just below Floor 3, belonging to this period (according to ASI) in trench G-7 as well as in J-7 and H-7. What should have surprised the ASI team still more is the presence of animal bones below Floor 2 (and so between Floors 2 and 3) in G-7. Since Floor 2 is alleged by ASI to be the earliest mosque floor and Floor 3 to be that of the alleged temple, how could these animal bones be said to have remained there into a temple?

The number of animal-bone remains from these periods would be far more numerous, if in the case of the central trenches, where alone the ASI has identified layers with periods, the layers of bone-finds had been universally specified and/or if the ASI were to provide a concordance of layers with period in all the trenches.

Taken together, the animal-bone evidence clearly refutes any suggestion that there could have been a temple on the site in question in the period 11<sup>th</sup> to 16<sup>th</sup> century (ASI's periods VI and VII) and the Floors 4 and 3 could have belonged to an alleged temple.

### **GLAZED WARES AND GLAZED TILES**

11. That in its Report the ASI makes, both explicitly and implicitly, an assertion that the kinds of glazed pottery and tiles found at the disputed site in Ayodhya through its excavations belong solely to the period after the arrival of the Muslims, i.e. from the 13<sup>th</sup> century onwards.

In Chapter V (Pottery), in the section on Period VI

(“Medieval Pre-Sultanate”, 11<sup>th</sup> and 12<sup>th</sup> centuries- by the ASI’s own description and dating) not a single glazed potsherd is described under Period VI (pages 104-108). The three periods VII, VIII and IX (“Medieval-Sultanate”, “Mughal” and “Late-and-Post- Mughal), i.e. from 13<sup>th</sup> to 18<sup>th</sup> centuries, have their pottery described together (pages 108-120). In the very beginning on page 108 it is stated: “The *distinctive pottery* of these periods is the glazed ware made of well lavigated clay having ordinary terracotta core or whitish sandy core.” (Italics ours.)

12. That regarding the glazed tiles, discussed on pages 163-73 of the Report, it is firmly stated (page 163): “Some of the glazed tile pieces have also been recovered from the depth which is lower than the disputed structure, but *from the levels of Period VIII and IX only.*” (Italics ours.)
13. That there is thus a deep anxiety to project that all finds of glazed pottery and glazed tiles come from such levels as belong to the period after 1200 and preferably after 1526, so that none may think that there are glazed potsherds and glazed tiles anywhere about the levels where the ASI alleges a temple was first built and then rebuilt. The ASI can get away with this because nowhere in its Report does it provide any concordance of its numbered layers trench-wise with the Periods it has established.
14. That if we take up the evidence of the few trenches where the ASI has had to indicate in the text and charts of Chapter III (‘Stratigraphy and Chronology’), the relationship between its numbered layers and the Periods it has established, it would be evident that there was no basis for the same. Now let us take Trench J-3. On the two Charts (placed between pages 37-8) the following layers of this trench are assigned to

particular periods:-

Layer 1: Period VIII “Mughal (16<sup>th</sup> –17<sup>th</sup> centuries)

Layer 2: Period VI “Medieval- Sultanate” (13<sup>th</sup>–15<sup>th</sup> centuries)

Layer 3: Period VII: “Medieval - Sultanate” (13<sup>th</sup>–15<sup>th</sup> centuries)

Layer 4: Period VI: “Early Medieval-Pre-Sultanate” (11<sup>th</sup> -12<sup>th</sup> centuries)

Layer 5: Period V: “Post-Gupta, Rajput” (7<sup>th</sup>–10<sup>th</sup> centuries AD)

(The nomenclature of periods is given here as per ASI application for “correction” submitted to the Court, and the dates, in terms of centuries, are also as stated by the ASI in Chapter III of its Report)

This position will be more clear from the **Chart** prepared on the basis of the ASI’s records, made available to the parties as per orders of this Hon'ble Court, which has 3 Tables. This Chart is being filed herewith as **Annexure No.1**.

This assertion stands belied if we refer to the ASI’s own recording made about different layers of the trench J-3, which shows as under:-

Period	Layer	Description	Serial No. of the Table I of the Annexure No.I
VI	4	Glazed ware sherds (two pieces)	8
VI	4	Glazed ware sherds (J2/J3)	186
VII	3	Glazed ware sherds (J2/J3 baulk)	190
VII	3	Glazed ware sherds (J3/J4 baulk)	191
VII	2	Glazed ware sherds (three pieces) (J3/K3 baulk)	213

In addition Gritty Glazed Ware was found in Layer 5 (Annexure 1, Table II, S.N.3) and Blue Glazed Ware in Layer 5 (Annexure 1, Table III, S.N.9) and one piece of Glazed Ware with T.C. core (Annexure I, Table III, S.N.18) in Layer 4.

With such amplitude of glazed ware in Layers 4 and 5 in J-3, how can these layers be dated before the 13<sup>th</sup> century? The same result is obtained if one looks at Glazed tiles from the list of glazed tile fragments in the ASI Report itself (pages 164-173):-

Period V	Layer 5	Large rectangular fragment in three pieces	Serial No.9
Period V	Layer 5	14 fragments of glazed tiles, floral designs, bluish green glaze	Serial No.18
Period V	Layer 5	Fragment of green glazed tile	Serial No.21
Period V	Layer 5	10 fragments of green- and blue- glazed tiles	Serial No.23
Period V	Layer 5	Blue- glazed tile	Serial No.26
Period V	Layer 5	Rectangular strip with green glaze	Serial No.33
Period V	Layer 5	Fragment with greenish glaze	Serial No.34
Period V	Layer 5	Greenish glaze, perforated	
Period V	Layer 5	Greenish glaze, perforated knob (fragment)	Serial No.35
Period V	Layer 5	Two glazed tile pieces	Serial No.11
Period V	Layer 5	Three greenish glazed-tile fragments	Serial No.30
Period VI	Layer 4	Glazed tile fragment, blue glaze	Serial No.31
Period VI	Layer 4	Four fragment with blue green glaze	Serial No.11
Period VI	Layer 4	Blush green tile	Serial No.30

		(fragment)	
Period VII	Layer 3	Decorated blue-glazed tile (fragment)	Serial No.3
Period VII	Layer 3	Green glaze (two fragments)	Serial No.110
Period VII	Layer 3	Green glaze, one piece	Serial No.111
Period VII	Layer 3	2 fragments, green glaze	Serial No.112
Period VII	Layer 3	Rectangular piece, dark green glaze	Serial No.113
Period VII	Layer 3	2 pieces, green glaze	Serial No.114

15. That even if we ignore the finds from J-3, attributed to pits or not assigned to any layer, yet from the numerous pieces of glazed wares of Muslim provenance (as admitted in effect by the ASI's report) found in layer 4, attributed to Period VI, the same will be treated as of a period when the initial Floor No.4 of the alleged Rama temple is supposed to have been laid out, and in layer 3 attributed to Period VII, when the alleged second temple floor, 'Floor 3' was allegedly laid out. It is thus clear that not only the ASI's periodization is wrong but that there did not exist any temple over either Floor 4 or Floor 2 and so none existed at any time, since glazed tiles are not known to have been used in any temple before the seventeenth century- a reason why the ASI cleverly wishes to assign all glazed tiles found at the site to the 16<sup>th</sup> century and later.
16. That it may be mentioned here that besides a glazed ware sherd (Annexure 1, Table I, S.No.16) found in context of Floor 4, a 'diamond motif with green-glazed' tile has been found in J7 below Floor 3 (see item 24, page 165), along with a fragment with green glaze, also found below Floor 3 (item 25) in the same trench, so that these glazed tiles are sealed by Floor 3, and, so must have come from a structure built on Floor 4. How could, then, the structure built on Floor 4 have

been a temple or might have belonged to the 11<sup>th</sup> – 12<sup>th</sup> centuries (ASI's Period VI")?

**PILLAR BASES:-**

17. That while speaking about "pillar bases" (allegedly fifty of them), the ASI does not produce a single instance of any pillar base found anywhere else which might be of similar or identical nature in appearance and may as those which were claimed to have been discovered at the Babri Masjid site. This was so, also, because no load bearing pillar could ever have stood on mere mud-bonded heaps of brickbats. On the other hand we find at Sanghol as to how pillar bases actually look when archaeologists find them in excavation. Three Photographs of the Pillar Bases found at SANGHOL are being filed herewith as ANNEXURE NOS.2,3 and 4.
  
18. That the aforesaid Photographs illustrate how brick pillar bases should be constructed. These are probably of the Kushan period from the site of Sanghol in Punjab. Sanghol in Samrala Tehsil of Ludhiana district was excavated with gaps, from 1968 to 1990. These excavations were jointly conducted by the Department of Cultural Affairs, Archaeology and Museums, Government of Punjab and Excavation Branch 2 of the Archaeological Survey of India. Sanghol is a multi-period site with evidence of Late Harappan Bara culture and Sunga, Kushan, Gupta and Medieval periods. The site was evidently a flourishing center in the Kushan period when stupas and monastries were built.

The pillar bases in these photographs belong to a stupa-cum-monastery complex, the second and smaller complex that was excavated. The pillar bases are rectangular, made of large bricks neatly set in place with a depression in the

middle to set the pillar. Annexure No.3 also shows clearly that the pillar bases are all uniform in size and in method of construction, and are accurately aligned. The contrast with the so-called “pillar bases” at Ayodhya is more than apparent. At Ayodhya the alleged “pillar bases” have no means to secure and hold pillars in place. They are all of varying dimensions and materials and are not in any accurate alignment. In short, they could not have, in actually, been pillar bases.

**OTHER CALCRETE AND BRICK BUILDINGS OF AYODHYA:**

19. That the ASI Team did not even bother to make a survey of other buildings made of Calcrete and Bricks situated in Ayodhya in order to appreciate the tentative period of the use of similar Calcrete Stones and Bricks at Ayodhya. In this respect the photographs taken from three different spots are being filed herewith as **ANNEXURE NOS. 5 to 11**. The photographs being filed herewith as **ANNEXURE NOS. 5 to 9** are of the famous Mosque of Begum Barias site and the platform of the same built of Calcrete Stones and Bricks, while **Annexure NO.10** is of a wall of the Mosque situated at Ram Ki Pauri, Ayodhya and the Photograph being filed herewith as **ANNEXURE NO.11** is also of a wall of the Calcrete and Bricks situated at a place known as Mani Parbat at Ayodhya.

**INHERENT CONTRADICTIONS AND ANOMALIES:-**

20. That from a perusal of the Day to Day Register, Antiquity Register and other documents as well as from a perusal of the

final report it is evident that a large number of entries mentioned therein vary in description from each other and as such it is difficult to understand as to which entry and what material was relied upon by the authors of the report. These contradictions, variations and discrepancies will be pointed out in detail during the course of arguments, which have already been mentioned to some extent at earlier occasions. To illustrate this point it may be mentioned that what is now being called as “Divine Couple” was an ordinary stone when it was found and how and by whom it was described as a “Divine Couple” is not borne out from any record?

**CONCLUSION:-**

From the aforementioned points as well as from the points mentioned in the earlier objection dated 8-10-2003 it is evident that the ASI report filed on 22-8-2003, is full of confusions, contradictions and discrepancies and the same does not appear to be based upon the material found during the course of excavation and most of the finds/antiquities have also been either mis interpreted or ignored for arriving at the pre-determined conclusion. The said Report is, therefore, liable to be rejected and such other order/orders as may be deemed just and proper in the circumstances of the case are also liable to be passed in the ends of justice.

Lucknow: Dated

February 3, 2003

(Z.Jilani)

Advocate

(Counsel for the Plaintiff No.1- Objector)

**In the Hon'ble High Court of Judicature at Allahabad,  
Lucknow Bench, Lucknow**

**ANNEXURE NO.1**

**IN RE**

**Additional Objection against ASI Report**

**IN RE**

**O.O.S. NO. 4 OF 1989**

Sunni central Board Of Waqfs, U.P. and others ...Plaintiffs

Versus

Gopal Singh Visharad (now dead) and others ...Defendants

**CHART SHOWING RECOVERY OF GLAZED WARE  
SHERDS DURING EXACAVATION AT AYODHYA**

TABLE NO.I

S.No.	Trench	Layer	Depth in cm	object
1.	K7	-	-223 to – 253	Recovered glazed ware sherds
2.	K8	-	-252 to 285	Recovered glazed ware sherds
3.	K8	-	-285 to – 325	Few sherds recovered
4.	J5	-	-52 to –70	Recovered glazed ware sherds
5.	K7	-	-280 to – 295	Recovered glazed ware sherds
6.	K8	-	-325 to – 345	Few sheds recovered
7.	K7	-	-295 to – 348	Recovered glazed ware sherds
8.	J3	4	-100 to – 180	Recovered glazed ware

				sherds (two pieces)
9.	J4	3	-20 to -50	Recovered glazed ware sherds
10.	K6	-	-10 to -60	Recovered glazed ware sherds
11	K3	-	-180 to -240	Recovered glazed ware sherds
12.	J5	-	-7	Recovered glazed ware sherds
13.	J5	-	-107 to -146	Recovered glazed ware sherds
14.	J6	-	-80 to -100	Recovered glazed ware sherds
15.	K6	-	-160	Recovered glazed ware sherds
16.	J7	Floor No.4 encounter	-77	Recovered glazed ware sherds
17.	E7	-	-30 to -45	Recovered glazed ware sherds
18.	E8	-	-30 to -48	Recovered glazed ware sherds
19.	G7	Below floor 2	-18 to -50	Recovered glazed ware sherds
20.	J3	-	-80 to 180	Recovered glazed ware sherds
21.	J3	-	-180 to -280	Recovered glazed ware sherds
22.	E8	-	-65 to -90	Recovered glazed ware sherds
23.	J3	-	-280 to -335	Recovered glazed ware sherds
24.	D7	-	-25 to -55	Recovered

				glazed ware sherds
25.	H1	-	-05 to -45	Recovered glazed ware sherds
26.	C1	-	-350	Recovered glazed ware sherds
27.	G8	-	-20 to -48	Recovered glazed ware sherds
28.	J3	-	-335 to -380	Recovered glazed ware sherds
29.	F8	-	-18	Recovered glazed ware sherds
30.	E7	-	-40 to -65	Recovered glazed ware sherds
31.	F8	-	-18 to -38	Recovered glazed ware sherds
32.	C1	-	-43	Recovered glazed ware sherds
33.	F8	-	-38 to -58	Recovered glazed ware sherds
34.	ZH1	Below floor 2	-51 to -65	Recovered glazed ware sherds
35.	C1	-	-430 to -450	Recovered glazed ware sherds
36.	J3	-	-520	Recovered glazed ware sherds
37.	F8	-	-55 to -80	Recovered glazed ware sherds
38.	ZH1	-	-61 to -88	Recovered glazed ware sherds
39.	G1	-	-10 to -35	Recovered glazed ware sherds
40.	E7	-	-50 to -70	few glazed

				ware sheds recovered
41.	G1	-	-45 to 60	Recovered glazed ware sherds
42.	G1	-	-70	Two pieces glazed ware sherds recovered
43.	G8	-	Surface	On piece glazed ware sherds recovered
44.	G1	-	-93	Recovered glazed ware sherds
45.	ZH2	-	-10	Recovered glazed ware sherds
46.	J6	-	-70 to -150	Recovered glazed ware sherds
47.	K8	-	-335 to -345	Recovered glazed ware sherds
48.	G7	-	-70 to -100	Recovered glazed ware sherds
49.	J6	-	-100	Recovered glazed ware sherds
50.	K8	-	-25 to -38	Recovered glazed ware sherds
51.	G7	-	-3500	Recovered glazed ware sherds
52.	J4	-	-160 to -175	Recovered glazed ware sherds
53.	F8	-	-25 to -38	Recovered glazed ware sherds
54.	C1	-	-3500	Recovered glazed ware sherds
55.	K8	-	-160 to -175	Recovered glazed ware

				sherds
56	J3	-	-180 to – 280	Recovered glazed ware sherds
57.	K7	-	-362 to – 400	Recovered glazed ware sherds
58.	J6	-	-5 to –40	Recovered glazed ware sherds
59.	G9	-	-7- to –95	Recovered glazed ware sherds
60.	E5	-	-65	Recovered glazed ware sherds
61.	E7	-	-45 to –65	Recovered glazed ware sherds
62.	E8	-	-90 to –135	Recovered glazed ware sherds
63.	K8	-	-335 to – 345	Recovered glazed ware sherds
64.	K8	-	-165 to – 180	Recovered glazed ware sherds
65.	F8	-	-55 to –80	Recovered glazed ware sherds
66.	K6	-	-20 to –30	Recovered glazed ware sherds
67.	G9	-	-2- to –45	Recovered glazed ware sherds
68.	K7	-	-190 to – 223	Recovered glazed ware sherds
69.	K4	-	-24 to –75	Recovered glazed ware sherds
<b><u>70.</u></b>	<b><u>G1</u></b>	=	<b><u>-45</u></b>	Recovered glazed ware sherds
<b><u>71.</u></b>	<b><u>C1</u></b>	=	<b><u>-400</u></b>	Recovered glazed ware

				sherds
72.	J6	-	-40 to -70	Recovered glazed ware sherds
73.	K8	-	-115 to -145	Recovered glazed ware sherds
74.	K7	-	-485	Recovered glazed ware sherds
75.	K7	-	-80	Recovered glazed ware sherds
76.	K7	-	-80 to -100	Recovered glazed ware sherds
77.	G8	-	-48 to -56	Recovered glazed ware sherds
78.	F8	-	-10	Recovered glazed ware sherds
79.	F9	-	-29 to -45	Recovered glazed ware sherds
80.	J3	-	-80 to -100	Recovered glazed ware sherds
81.	H1	-	-50 to -71	Recovered glazed ware sherds
82.	H1	-	-50	Recovered glazed ware sherds
83.	F8	-	-55 to -80	Recovered glazed ware sherds
84.	E8	-	-55 to -65	Recovered glazed ware sherds
85.	J4	-	-25 to -60	Recovered glazed ware sherds
86.	J5	-	-27 to -100	Recovered glazed ware sherds
87.	E8	-	-30 to -40	Recovered glazed ware

				sherds
88.	K7	-	-192 to – 223	Recovered glazed ware sherds
89.	J6	-	-60 to –275	Recovered glazed ware sherds
90.	G9	-	-35	Recovered glazed ware sherds
91.	K7	-	-30 to –55	Recovered glazed ware sherds
92.	E8	-	-40 to –50	Recovered glazed ware sherds
93.	K2	-	-80 to –100	Recovered glazed ware sherds
94.	K4	-	-30 to –70	Recovered glazed ware sherds
95.	H1	-	-50 to –110	Recovered glazed ware sherds
96.	J3	-	-280 to – 335	Recovered glazed ware sherds
97.	C1	-	-50 to –70	Recovered glazed ware sherds
97.	E7	-	-55 to –70	Recovered glazed ware sherds
99.	E7	-	-50 to –70	Recovered glazed ware sherds
100.	G8	-	-20 to –50	Recovered glazed ware sherds
101.	G7	-	-147	Recovered glazed ware sherds
102.	D7	Layer 2	-55 to –60	Recovered glazed ware sherds
103.	D8	Layer 1	-8 to-25	Recovered glazed ware

				sherds
104.	F1	-	-30	Recovered glazed ware sherds
	D7	-	-82 to -100	Recovered glazed ware sherds
106.	D8	-	-25 to -32	Recovered glazed ware sherds
107.	D7	2	-80 to -85	One piece glazed ware sherds recovered
108.	E9	4	-60	One piece glazed ware sherds recovered
109.	D8	2	-25 to -32	Four pieces glazed ware sherds recovered
110.	E9	Below floor 2	-65 to -70	Recovered glazed ware sherds
111.	F1	1	-45	Recovered glazed ware sherds
112.	F9	4	-105 to -120	Recovered glazed ware sherds
113.	D8	2	-55	Recovered glazed ware sherds
114.	G7	3	-144 to -167	Recovered glazed ware sherds
115.	E8	6	-205 to 225	Recovered glazed ware sherds
116.	E9	3	-74	Recovered glazed ware sherds
117.	ZE1	-	-30	Recovered glazed ware sherds
118.	K7	3	-160 to -220	Recovered glazed ware

				sherds
120.	F1	2	-65	Recovered glazed ware sherds
121.	F1	2	-74	Recovered glazed ware sherds
122.	ZE1	1	-30	Recovered glazed ware sherds
123.	D6	-	-77 to -120	Recovered glazed ware sherds
124.	K7	-	-120 to -220	One piece glazed ware sherds recovered
125.	D6	2	-77 to -120	One piece glazed ware sherds recovered
126.	F9	3	-100 to -160	One piece glazed ware sherds recovered
127.	ZB1	1	-30 to -43	Two pieces glazed ware sherds recovered
128.	K7/K8	Dump S.B.3	-55	Three pieces glazed ware sherds recovered
129.	D6	3	-120 to -140	One piece glazed ware sherds recovered
130.	D9	3	-90	One piece glazed ware sherds recovered
131.	K7/K8	Baulk dump S.B.3	-90 to -120	Two pieces glazed ware sherds recovered
132.	ZF1	1	Surface	Three pieces

				glazed ware sherds recovered
133.	F1	3	-1.32	Three pieces glazed ware sherds recovered
134.	ZF1	1	-40	Six pieces glazed ware sherds recovered
135.	F7	2	-60 to -83	Two pieces glazed ware sherds recovered
136.	F6	2	-77 to -108	Three pieces glazed ware sherds recovered
137.	ZH1	Pit S.B. floor 2	-77	Recovered glazed ware sherds
138.	ZG1	1	-100	Four pieces glazed ware sherds recovered
139.	D8	2	-62	Recovered glazed ware sherds
140.	H2	pit	-50 to -70	Recovered glazed ware sherds
141.	F7/G7	1	-20 to -51 below floor 1A	<b><u>Two pieces glazed ware sherds recovered</u></b>
142.	ZJ1	Surface		One piece glazed ware sheds recovered
143.	F6	Below floor 2	-23 to -100	One piece glazed ware sheds recovered
144.	ZJ1	1	-45	Two pieces

				glazed ware sherds recovered
145.	D9	1	-30	Three pieces glazed ware sherds recovered
146.	G6	2 below floor 2	-58 to -86	Two pieces glazed ware sherds recovered
147.	ZF1	1	-30	
148.	G2	Surface	-	Two pieces glazed ware sherds recovered
149.	G6	2	-86 to -111	
150.	ZJ1	2	-90	
151.	G2	Surface	-	Two pieces glazed ware sherds recovered
152.	ZG2	1	-42	Two pieces glazed ware sherds recovered
153.	G7	4	-140	Two pieces glazed ware sherds recovered
154.	G2	1	-60	Two pieces glazed ware sherds recovered
155.	J5/J6	Pit 1 S.B. floor 1	-490 to -510	
156.	J1	1	-45	
157.	J1	1	-50	
158.	ZJ2	1	-40	
159.	F10	1	Section scrapping	
160.	G5	From loose debris	-150	
161.	L4	2	-21 to -37	Two pieces glazed ware sherds recovered

162.	F6	1	-30 to -40	Two pieces glazed ware sherds recovered
163.	L3	2	-30 to -55	
164.	L4	2	-39 to -53	
165.	G5	1	-183	
166.	E6	2	-52	
167.	E4	2	-72	Two pieces glazed ware sherds recovered
168.	L4	3	-130	Two pieces glazed ware sherds recovered
169.	L7	1	-60	
170.	L7	4	-175	
171.	L7	4	-230	Two pieces glazed ware sherds recovered
172.	L7	5 Pit	-272	Two pieces glazed ware sherds recovered
173.	F3	Below floor 1D	-245 (kept for drawing)	
174.	F3	Below floor 1D	-246	Two pieces glazed ware sherds recovered
175.	L1	Surface	-	
176.	L1	1	-188	
177.	F3	Section scrapping	-	
178.	H9	2	-35 to -50	
179.	H10	1 below floor 1	-32 to -45	
180.	K1	1	-20 to -30	
181.	K1	1	-20 to -35	
182.	K1	1 dump	-244	
183.	H9/H10	1	-25 to -30	Two pieces glazed ware sherds recovered
184.	H9/H10	1	-30	

185.	L1	6?	Section scapping	
186.	J2/J3	4	-55	
187.	J3/J4	Dump S.B.3	-35 to -85	
188.	F2	Below floor 1	-262 to -280	
190.	J2/J3	3 baulk	-40	
191.	J3/J4	3 baulk	-45	
192.	F2	2	-68	Two pieces glazed ware sherds recovered
193.	K4	-	-80 to -88	
194.	K5	-	-92 to -103	Two pieces glazed ware sherds recovered
195.	J3/J4	3 baulk	pit S.B. 3 - 200	
196.	K3	2	-20 to -35	
197.	J3/J4	Dump S.B.3	-205 to -270	
198.	F4/F5	Baulk	-213 to -269	Two pieces glazed ware sherds recovered
199.	F4.F5	From floor 2	-56	
200.	J3/J4	Pit S.B.3	-	
201.	H3/J3	-	-80	
202.	F2	-	-28 to -228	Two pieces glazed ware sherds recovered
203.	F2	1 below floor 1	-50 to -55	
204.	F2	-	-65 to -85	Two pieces glazed ware sherds recovered
205.	J4	2	-83	Two pieces glazed ware sherds recovered
206.	J5/K5	2 baulk	-48	
207.	J5/K5	3 baulk	-90 to -103	
208.	J4/K4	3 baulk	-88 to -93	

209.	G4/G5	2	-61	
210.	J6/K6	3	-93 to -103	
211.	J1/K1	1 baulk	-80	
212.	G2	1 below floor 1	-40 to -50	Two pieces glazed ware sherds recovered
213.	J3/K3	2 baulk	-73 to -80	
214.	G5/G6	1 baulk	-25	
215.	J3/K3	2 baulk	-75	
216.	G2	2 below floor 2	-58 to -85	
217.	G5/H5-H5/H6	1 baulk	-20 to -30	Two pieces glazed ware sherds recovered
218.	G5/H5-H5/H6	2 baulk	-42 to -87	Two pieces glazed ware sherds recovered

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

**C. M. APPLICATION NO. 141 (O) OF 2003**

Mahmood Ahmad ..... Plaintiff No. 9-Objector

In Re:  
O.O.S. No. 4 of 1989

Sunni Central Board of Waqfs, U.P. and others ..... Plaintiffs

Versus

Gopal Singh Visharad (now dead) and others ..... Defendants

**OBJECTION AGAINST THE REPORT OF  
ARCHAEOLOGICAL SURVEY OF INDIA FILED ON  
22.8.2003**

The plaintiff No. 9-Mahmood Ahmad begs to submit as  
under:-

1. That the A.S.I. Report had been prepared with motivated mind and pre conceived notion to convey the impression that as if there existed some temple like structure at the disputed site prior to the construction of the mosque known as the “Babri Masjid” while the fact is that the excavations in question have not revealed the existence of any such alleged Hindu structure of 11-12<sup>th</sup> century but rather the same have established the existence of Muslim constructions/ structures of 13<sup>th</sup> century existing at the time of construction of Babri Masjid.
2. That against the A.S.I. Report other plaintiffs have already filed some objections and the same are being adopted by this objector also and further objections may be filed after the examination/study of the day-to-day register. Filed Books, Video-graphs and photographs etc. which could not be properly studied so far due to shortage of time and non filing of complete documents by the A.S.I. Within time.
3. That if the mosque (period VIII) is said to lie directly over the structure of Period VII. implied to be an alleged temple, we must examine the stratigraphic relationship between the foundations of

the stratum VIII structures and its lowest fill and floor on the one hand, and the uppermost strata/floors of VIIC (lying below such foundations) on the other. It is stated on p. 43 that the “floor of the previous period (Period VII-C) is found cut by the stone block (mostly calcrete) foundations of the disputed structure (mosque)”. This is belied by the sentence that immediately follows “However, the north-south wall of the Period VII-A is retained as foundation for the back wall.” Thus there is no question of a foundation cut for the western wall. It is also significant that this statement is not accompanied by any reference to a section or trench in which one can see this cut.

The first mosque floor (Floor I) is said to lie over a rammed earth packing, a layer of grey kankar, and then a thin white surface in that order (top to bottom) (p.43).

No section included in the report shows, between the mosque floors and the layers below them, any interruption or layer of debris, or a burnt level *Photograph 55* of ZEI shows Floors 3 to 1 in sequence against the face of the latter. The same applies to *Photograph 49* showing the north-south wall with a niche in ZE2 no cut is visible in strata 2 to 6 against its offset, no loose or burnt layer either.

4. That it could be argued that since the western wall of the VII Structure is said to have been used for the mosque, no interruption or cut could be expected against it. But what about the South Chamber of the mosque? Did its wall (labeled #6- #7 when it turns north), about 1.5 m wide and consisting of a foundation of 3 calcrete courses and 15 cm offset or footing of brick, cut through the strata of the alleged “massive pillared hall”?

To answer this question, let us first turn to (A) the north section of F7 (*Section Facing South, West-East (E-F)*). It shows the South Chamber wall against the north section of F7. There are no visible cuts in that floor, said to belong to the “massive structure”. (B) In the west section of E7 (*Section Facing East South-North (G-*

H), the South Chamber wall runs up to the west wall (#5, #16) and therefore there is no excavated section here.)

(C) Figure 6 shows the sectional elevation of the west face of F7. The major part of this trench is occupied by the South Chamber of the mosque. Not only is it shown that the upper floors, Floors 1 and 2, run right up to the blocks of the chamber wall, and flush with its face, but so too the line depicting Floor 3, on which a “pillar base” is shown to rest, is also shown continuing right up to the (north) face of that wall. To the south of that wall in the same trench, another “pillar base” lies against it (the south chamber wall) and obstructs the reading of the section.

(D) Personal observation of the South Chamber wall, in E7, showed that it rises above a cement floor about 85 cm below surface. In the east section of E7 it was observed that the white strip that is this lower Floor 3, runs up to touch the South Chamber wall- it has not been cut.

In our study of Trench E7 at the site it was observed that the lime floor that lies about 1 m (or less) below the surface in a small part of E7, south of the Chamber wall (i.e. outside the Chamber) runs all the way up to the plaster on the exterior (south) face of the lowest bricks of the footing of the South Chamber wall.

5. That the footing marked as wall 18 D projects about 20-25 cm out from the base of the calcrete-block built South Chamber wall. It can be observed not only in E7 against the west-to-east run of the wall, but also against its south-to-north stretch. (See *Figures 4 and 6* of the report, where both are clearly drawn.) The footing is 68 cm below the top of the upper calcrete-block course in the west-to-east stretch, 72 cm below in the south-to-north stretch. It is about 25 to 33 cm high.

6. That both footings are plastered. It can be seen that both are integral with the floor that lies about 85-95 cm below surface. The plaster on the footing of the south-to-north stretch is actually one with the material of that floor- the two are continuous. This is the

clinging evidence that Floor 3 actually belongs to the Babri Masjid, and is not a floor of the alleged “massive structure” as stated in the report. The floor runs up, continuously as one layer over the east face of the footing in F7.

7. That it is interesting to observe that the footing against the south-to-north run of the wall, confirms our interpretation that it is a footing and not an earlier wall. Where Wall 7 meets, in F6, an east-west wall of stone blocks (the entrance to the Chamber), there lies a so-called “pillar base”, a scatter of bricks perhaps supporting the corner 1.1 m to the south of the southern edge of this so-called “pillar base” begins the footing. This 1.1 m gap is extremely significant because along it we can see NO holes or gaps, nor bricks to indicate the presence of an earlier wall. This confirms that this brick work was a footing and not earlier and independent.

8. That while the South Chamber wall has no extant plaster, the west-east running North Chamber wall (Wall # 12 in E2) with a foundation of four courses of calcrete blocks was plastered with 4 cm thick lime plaster.” (p.53). This was observed by us in trench E2. Plaster lay on the north face of the stone block courses as well as further east on the brick work that continues this wall. This reaffirms the connection between the Babri Masjid structure and Floor 3.

Therefore, the lime floor that lies about 1 m below surface would have been in a functional relationship with the South Chamber of the mosque. Both would then be of the same date.

9. That together with the absence of foundation cuts and any destruction level-there are, instead, layers that represent filling and raising of the surfaces of the mound-then, evidence of the South Chamber construction shows that alleged uppermost floor (VIIC) of the alleged massive structure was in fact functionally related to the mosque.

10. That if we were asked to infer that the construction found in so-called Period VII was an alleged “temple”, we would need to

prove the existence of a plinth on which that alleged temple, with its so-called “pillar bases”, was raised but we find that the floors and fill of period VI are only foundation of the earliest floor of Period VII in phase A.

11. That in view of the averments made above and also for the objections taken by other co-plaintiffs, it would be expedient and in the ends of justice to reject the A.S.I. Report

It is, therefore, prayed that A.S.I. Report on excavation may kindly be rejected and any other appropriate order, deemed proper, may also be passed.

Lucknow: Dated  
October 8/9/2003

( Abdul Mannan)  
Advocate  
(Counsel for the Plaintiff No. 9-Objector)

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

**C.M. Application No. 16 (O) of 2004**

Mahmood Ahmad ..... Plaintiff No. 9-Objector  
In Re;

**O.O.S. No. 4 of 1989**

Sunni Central Board of Waqfs, U.P. and others .....Plaintiffs

Versus

Gopal Singh Visharad (now dead) and others ..... Defendants

**ADDITIONAL OBJECTION AGAINST THE REPORT OF  
ARCHAEOLOGICAL SURVEY OF INDIA FILED ON  
22.8.2003**

The plaintiff No. 9-Mahmood Ahmad begs to submit as under:-

1. That these objections are being filed in addition to the objections already filed, on behalf of plaintiff No. 9, on 9.10.2003.
2. That the A.S.I. Report of excavation at Ayodhya does not at all comply with the requirements of well settled principles of excavation and submitting report on the basis of the same.
3. That the aforesaid report does not at all provide any concordance of its numbered layers in a trench wise manner giving periods which could be said to have been established on the basis of the same, although such a concordance was very essential in the instant report as the excavation covered a large number of trenches situated at least in an area of about 100 feet by 100 feet.
4. That in the absence of any such concordance having been prepared by the A.S.I. Or given in its report it was almost impossible to suggest with any definiteness and accuracy as to which layer pertained to which period, specially in the context of the finds of Glazed Wares and Glazed Tiles and as such the inference drawn in the report, that some of the Glazed Tiles pieces could be attributed to the level of period VIII and IX only, could not

be a said to be a correct conclusion.

5. That the A.S.I. Report mentions about the bones only in a casual manner without giving any details about the proper identification of the species of animals to which they belonged, or whether they had cut marks or not and in a large number of cases no layers or strata were even recorded.

6. That even the notes and draft of the report etc. which must have been prepared before finalizing the report under objection, have not been brought on record and this also suggests the motive and deliberate effort of the A.S.I. Team leaders to conceal the real position.

7. That the following contradictions in the report also lead to the conclusion that the report and specially the last chapter of the report is not based on the material found during the course of excavation and study of the same but rather the same appears to be based upon some preconceived notions or may be the result of an afterthought:-

(i) On p. 37 it is mentioned that, “ the site had seen successive structural activities which began from the middle of the Kushan level (Period III).” On 38, in the section on Period II (Sunga level) it is mentioned that, “it is this period that the site witnessed first structural activity in stone and brick, as noticed in J3.”

(ii) In Chapter III (Stratigraphy and Chronology), Period VI is described as the Medieval-Sultanate level. In the same chapter, the tentative periodization and schematic cross-section of the mound describes the period as Early Medieval-Sultanate. However, in Chapter V (Pottery) and Chapter X (Summary of Results) this same period is described as Early Medieval. In Chapter X, this period is also described as Early Medieval- Rajput. Period VII in Chapter III is described as Medieval but in Chapter V and Chapter X, it is described as Medieval-Sultanate.

(iii) On p. 46, “in Trench J3, layers 1-6 belong to a pit” and on p.47 it is stated that layers 2-6 belong to a pit.

(iv) On p. 44, it is stated that, “no deposit contemporary to the Mughal period exists on the mound presently.” On the next page (45) it points out that the last two periods (Mughal and Late Post Mughal) are only represented by structural activities. Further, on 271, the Report points out that, “there is an increase in contemporary archaeological material including pottery in the Mughal period.”

(v) On p. 41 it is mentioned that, a “new style of construction is noticed in this period” (Period VII). But Wall 16 of Period VII is very similar in construction to Wall 17 of the previous period. There are also supposedly “pillar bases” in the earlier period as well. So what is this new style of construction ?

(vi) On the same page (p.41), it is mentioned that the earliest floor extended in the eastern area up to the H series of trenches in sub-period VIIA. In sub-period VIIB, the next floor extended up to trenches J4-J5-J6. On p. 42, it is indicated that in sub-period VIIC, the floor associated with the “pillar bases” is the most extensive on the mound. In Fig. 23A, however, Floor 4 (the earliest floor) is shown as extending all over the mound while floor 3 and Floor 2 are more restricted, providing a completely contradictory picture.

8. That the plaintiff No. 9 adopts the Additional objections filed by other plaintiffs also, especially those filed on behalf of the plaintiff No. 1.

9. That it would be very crucial for this Hon'ble court to know as to who had prepared the last chapter of the final report, namely, the chapter of summary of results and when was the same prepared and why the name/names of the author/ authors of the said chapter was/were not given in the report itself. As a matter of fact the report does not at all indicate as to when was it finalised and when was the same, if at all, signed and dated. There appears to be no

indication in the report even about the dates of preparation of different chapters by different persons and all these details also are required to be furnished to this Hon'ble Court in order to determine as to what value is to be attached to this report and in the absence of all these details the report is of no worth and is liable to be rejected.

In view of the facts and circumstances stated above the A.S.I. Report filed on 22.8.2003 is liable to be rejected.

Lucknow: Dated  
February, 3, 2004

(Abdul Mannan)  
Advocate  
(Counsel for the Plaintiff No. 9-Objector)

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

**C.M. Application No. 19 (O) of 2004**

**IN**

**O.O.S. No. 4 of 1989**

Sunni Central Boards of Waqfs U.P. & others ...Plaintiffs

V/S

Shri Gopal Singh Visharad (Now dead) & others ...Defendants

**Connected with**

O.O.S. No. 1 of 1989

O.O.S. No. 3 of 1989

O.O.S. No. 5 of 1989

**Parawise reply on behalf of plaintiffs of O.O.S. No. 5 of 1989 to  
the objection and additional objection filed by Sri Mahmood  
Ahmad, Plaintiff No. 9 of O.O.S. No. 4 of 1989 against The  
Archaeological Survey of India's Report**

The plaintiffs of O.O.S. No. 5 of 1989 most respectfully submit as under:-

1. That it is submitted that plaintiffs filed suit R.S. No. 12 of 1961 (Now O.O.S. No. 4 of 1989) jointly having united cause of action through one set of counsels and let one set of evidence, the objections dated 8/9.10.2003 and additional objections dated 03.2.2004 filed by plaintiff No. 9 of above suit against the repost of the A.S.I. Are not entertain able in face of the fact that objections dated 08.10.2003 and additional objections dated 03.2.2004 filed on behalf of U.P. Sunni Central Board of Waqfs, which has alleged the disputed property as Waqf property and other plaintiffs have merely alleged their right of offering namaz. The other plaintiffs have not claimed their any Title in the disputed property in view of above fact the objections and additional objections filed by plaintiff No. 9 are illegal, against law and against established procedure which are liable to be rejected outright and same are not liable to be considered at all as the plaintiff No. 9 is not entitled to file separate objections and additional objection against the report of the A.S.I.
2. It is wrong to say that the Archaeological Survey of India

report is prepared with motivated mind etc. rather the objector Sri Mahmood Ahmad himself seems to be having the preconceived notion to malign the image of the Archaeological Survey of India which is an institution of repute having secular feelings combined with its scholarly and highly professional working. The excavation at disputed site have clearly exposed the remains of pre-Mosque structures one over the other and continuously three structural levels of Pre-Islamic religious constructions having affinity in the style of north Indian temple architecture.

3. Once the objector Sri Mahmood Ahmad filed the objection against the report, he has not right to file further objections in the circumstances of the case.

4. It is submitted that the objector Sri Mahmood Ahmad has not rightly studied the stratigraphy, drawings and photograph which clearly relates in the report how the massive wall No. 16 with its three phases A, B and C of period VII lies below the structure of the disputed structure of period VIII. It is very clearly mentioned in the report supported by photograph and drawings that the foundation of the disputed structures rests on wall No. 16 and it cuts the floors of the phase C of the temple below the disputed structure. The sections in Figs. 5, 6, 19 etc. and the key plan of structure (Fig. 3, 3A, 3B) and other plans given in the report clearly show the picture.

Floor-I can be clearly seen in sections at Figs. 5, 19 etc. and as such the allegation of the objector Sri Mahmood Ahmad is wrong and misleading, made with a motivated mind against the Archaeological Survey of India team which worked at the site and submitted its report in record time. It is wrong to attribute floor 2 and 3 to the mosque along with floor-I as they lie below floor-I and below the level of the foundation of the mosque and thus they are clearly floors of the structure of pre-mosque origin. The photo-plate at 55 and 49 are very clear in this respect which show the succession of structural levels. It is not understood as to what sort of cut is being searched there by the plaintiff.

5. Since the western wall of period VII structure was used for the construction of the mosque as its foundation, it directly rests over it and no "Cut" should be searched there as thought by the objector Sri Mahmood Ahmad who does not seem to have a sound knowledge and understanding of the structure. It is quite clear from the excavations that foundations of rest of the walls of the south chamber cut the top floor of the structures lying below it and the three courses of calcrete blocks in the foundation do not require a footing of bricks or brickbats below them.

(A) The section at E-F (Fig. 19) clearly shows the eastern wall of disputed structure cutting the floor 2 of the massive structure.

(B) In the Section at G-H (Fig.5) the south Chamber wall is clearly shown running over the brick wall of the massive structure and floor 2 & 3 are also shown in the section up to the levels excavation was down and hence the contention of the objector Sri Mahmood Ahmad is wrong, misleading and against the truth.

(C) The Section elevation in Fig. 6 clearly shows the southern wall of disputed structure cutting the floor 2 of Period VII and floor shown in the interior side of the disputed structure to which it belongs in Period VIII. The floor 3 also runs below floor 2 and continues to run below the southern wall of the disputed structure as it is crystal clear in the Fig. 6 and not as per the contention of the objector Sri Mahmood Ahmad who has failed to understand the sections.

(D) The objection filed by the objector Sri Mahmood Ahmad that "a cement floor about 85 cm below surface exists with wall of south chamber rising over it", is wrong and misleading as no cement floor runs below 85 cm in the trench E7. Even the objector Sri Mahmood Ahmad is wrong in stating that floor 3 runs up to touch the south chamber wall. Actually the floor 3 runs much below the level of the last course of the foundation of the south chamber wall and there is no question of it touching the south chamber. Both the statements are based on no evidence.

The objector Sri Mahmood Ahmad has tried to confuse the situation by stating that the lime floor lying 1m (or less) below surface “runs all the way to the plaster on the exterior (south) face of the lowest bricks of the footing of the south chamber wall”. This is due to wrong approach and misreading, presuming that the brick wall (No. 18D) below the calccrete stone foundation of south chamber is a footing of it. It is very clear that a calccrete foundation can not have brick footing and that too with plastered surface.

6. The objector Sri Mahmood Ahmad's objection about the wall no. 18-D and its projection and location connects the disputed structure to the south chamber is wrong and misleading. The brick wall is connected to the pillar bases down below the disputed structure and runs along the alignment of wall No. 18-C to its parallel. The wall is plastered and therefore it cannot be footing of the foundation of south chamber. Thus in no way it can be connected to the structure of south chamber structure of the mosque of period VIII.

7. The contention of the objector Sri Mahmood Ahmad that floor 3 belongs to Babri Masjid and the plastered brick wall below the calccrete stone foundation of the south chamber is a footing of the wall of the mosque is baseless and the conclusion as drawn is based on wrong reading of the report and wrong understanding of the structure. No footing of the foundation can ever be plastered-a fact which the objector Sri Mahmood Ahmad has either forgotten to understand or mischievously trying to mislead the Hon'ble Court.

8. The gap in between two pillar bases is significant not to show any continuation of an earlier wall, but to show that there exists two pillar bases. It is ridiculous to search for a hole or gap there.

9. The plaster on wall has been noticed above the floor level over ground and not on its foundation. There can be no connection of the plaster of the wall with the floor 3 down below and as such

the contention of the objector Sri Mahmood Ahmad is baseless and does not carry any meaning and based on no evidence to prove the functional relationship of the floor 3 with south chamber of the so so called mosque.

10. The cutting of floor 2 is visible wherever it has been disturbed due to construction of the disputed structure whose foundation has cut the floor 2. Floor 2 lies much below this level and therefore there can be no relation of it with the wall or even the foundation of wall of the so called mosque.

11. The foundation of brick wall No.16 made of stone blocks are clear evidences of the constructional pattern of the temple below the mosque with existing pillar bases projecting over its floors. The objector Sri Mahmood Ahmad is wrong in searching for a foundation of a floor of period VII as only walls have foundation and not floors.

12. It is very much clear that the Archaeological Survey of India's report is correct, it should be upheld and the objections against the report should be rejected.

#### **REPLY TO ADDITIONAL OBJECTION**

13. That with reference to para 1 of additional objection it is submitted that the plaintiff No.9 has no right to file objection and additional objection, which are liable to be rejected as mentioned in para 1 above.

14. That with reference to the para 2 of additional objections it is submitted that they are vague. The plaintiff No.9 has failed to indicate what are the “well settled principles of excavation.” and out of them what has been violated by the A.S.I.

15. That the contents of para 3 of the additional objection are vague, wrong and denied. The A.S.I. has filed all the records before this Hon'ble High Court on the basis of which is submitted its report within the limited time granted by the Hon'ble Court on the particular point which the A.S.I. answered. The plaintiff No.9 must have studied the report and also must have inspected all the records before filing his objections and additional objections but plaintiff No.9 I has failed to point out the mistake and irregularity committed by the A.S.I. in the report. It is also submitted that in case of regular excavations done by the A.S.I. or such other organisations or persons, years are taken in it and then years are taken in preparation and submission of the report giving details in it, as may be observed by looking at the excavations and reports submitted in the past. In case the Hon'ble court needs at any stage. The Hon'ble Court may direct the A.S.I. to appear and clarify anything. It is also submitted that all the excavation work was done by the A.S.I. in the presence of the parties, their representatives, experts, nominees and the observers appointed by the Hon'ble Court who noted the records prepared by the A.S.I. on the spot and parties, their representatives signed on them.

16. That the contents of para 4 of the additional objections are vague, wrong and denied. It is submitted that Glazed wares/Tiles has been carefully set out trench and layer wise at pages 164 to 172 of the report which has been studied by on behalf of plaintiffs. The plaintiff No.9 wanted to be mentioned in the report of the A.S.I. that the above wares were the exclusive invention of Muslims in India which fact is absolutely wrong and denied. Plaintiff No.9 has forgotten that sporadic Muslim invasions were for loot and plunder and return through North West Frontier and which could not grow into a reign in North India (in which Ayodhya lies) till early 11<sup>th</sup> century A.D. Or regular sultanate rule after Qutubuddin Aibak took over Delhi in 1192-93. On Sunni Central Waqf Board showing the

sultanate rule began in 1206 A.D. i.e. early 13<sup>th</sup> century and any imagination of the plaintiff No.9 that the wares/tiles recovered by the A.S.I. was of only Muslim period are totally wrong and denied. It is also submitted that with an intent to avoid repetition of para 10 of the reply submitted against the objection of Sunni Central Waqf Board may be seen. It is also submitted Glazed Wares/Tiles were used in our country much prior to the period when Muslims invaded.

17. That the contents of para 5 of the additional objections are vague, wrong and misconceived. It is submitted that the A.S.I. has complied with the directions contained in order dated 26-3-2003 mentioned in para 9 and order dated 10-4-2003 of the Hon'ble Court. The plaintiff No.9 has nowhere alleged that the A.S.I. failed to comply with the aforesaid orders. It is also submitted that the Hon'ble Court directed vide order dated 26-3-2003 para (1) (iii) "The register should further specify the nature of the finds i.e. bones and Glazed wares etc." and the same is contained again in order dated 10-4-2003.

18. That the contents of para 6 of additional objectors are wrong, misconceived, based on unwarranted presumptions and irrelevant. The A.S.I. has confirmed that all the records relating to excavation have been filed by them. The rest of the contents of this para are denied. Order 26 of code of civil procedure does not require the Court commissioner to file his "notes or drafts." of report. Under the Evidence Act, they do not fall within the definition of "relevant" fact/evidence. The Hon'ble Court passed orders directing the A.S.I. to maintain records during excavation and the said record has been filed before this Hon'ble Court. There is no allegation by the plaintiffs that the A.S.I. failed to maintain the records during excavation as directed by this Hon'ble Court and failed to file the records so maintained. There is a presumption under Section 114, Indian Evidence Act, that every official Act has been performed in a

regular manner. The imputations of objector plaintiff No.9 have been alleged with an oblique motive which deserves to be struck off forthwith.

19. That the content of para 7 of the additional objections are specifically wrong and denied excepting the extract of the report mentioned in sub-paras “(1) to (vii)” which may be seen with its reference and contents.

20. That the plaintiff No. 9 is fully aware that his objection and additional objections are not maintainable as mentioned in para 1 of this reply to the objection as plaintiffs have jointly filed the suit with a common cause of action seeking joint relief and he has not Locus standi in the circumstances of this case to file the same separately.

21. That with reference to para 9 of additional objections it shall be presumed that objection and additional objection had been filed after studying the whole report of the A.S.I. containing the names given in it who contributed to the report of which chapter to x is expressly a summary of chapters 1 to IX. It is also submitted that the Hon'ble Court directed A.S.I to do the work of excavation on the spot which carried out the excavation work through its team, the number of which was enhanced from time to time as directed by the Hon'ble High Court which plaintiff No. 9 is fully aware in view of above para 9 of additional objection has no meaning at all and mentioned only with an intent to enhance the number of paragraphs to please plaintiff No. 9.

Wherefore it is respectfully prayed that the objections and additional objections be rejected and the Archaeological Survey of India's Report on excavation be confirmed. Any other appropriate order which be deemed proper and just may also be passed.

Lucknow

Dated February 17, 2004

Sd/- Ved Parkash, Advocate

Counsel of the plaintiffs of O.O.S.No. 5 of 1989

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

Reply of CM App. No. 25(O) of 2004 of plffs

Nirmohi Akhara ..... Applicant

Inre:-

O.O.S. No. 4/89

Sunni Central Board of Waqf .....Plffs.

Vs.

Gopal Singh Visharad etc ..... Deffs.

Written Reply against objection filed  
by plff. No. 9 Mahmood Ahmad on  
behalf of Nirmohi Akhara.

The answering defendant no. 3 Nirmohi Akhara puts the following reply of the objection aforesaid as follows.

1. That reply to facts stated in para 1 and 2 are his own opinion which are based on wrong assumption of law and therefore are denied.
2. That allegation para 3 and 4 are subjected to only with regard to the harmony of the report, which was replied by the defendant no. 3 in detail against the objection of Sunni Central Board of Waqf. Therefore, the same reply is added. The word "Concordance" has been very liberally used by the Sunni Central Board. The word concordance is the word of art only, it is not basis of any such logic which is being canvassed by the plff no. 9 only two trenches i.e. 1/3 and G/7 have been tested up till natural soil and harmony of layers in these two trenches tallies with the section and plan and also with artifacts. Therefore, one need not always to search for a concordance in every trenches.
3. That the bones cannot work as a material object for searching the truth of the substance of a primitive temple or place of big worship and therefore finding whether it is incised work or lacerated one is immaterial.
4. That contents of paras 6 and 7 are repetition of early objection

filed other plff. and therefore of denied. Trench 1/3 and G/7 are only deep trenches dug till the natural soil and their section did bear the layer symptoms of cultural period.

Thus the reply may be taken to record.

Date: 17.02.2004  
Lucknow

Applicant  
R.L. Verma  
Advocate for  
Nirmohi Akhara



repeated here to avoid the bulk. The A.S.I.'s aim seems to be to so ignore and twist the evidence as to make it suit its “conclusions” tailored to support the fictions of the Sangh Parivar about the previous existence of an alleged temple. That follows in these Objections is only a list of some of the A.S.I.'s aim seems to be to so ignore and twist Snagh Parivar about the previous existence of an alleged temple. What follows in these Objections is only a list of some of the A.S.I.'s major acts of omission while leaving the detailed treatment of a whole series of A.S.I.'s deliberate oversights and suppressions of facts for the objections filed by the plaintiffs of O.O.S. No. 4 of 1989.

## **5. THE MANIPULATION OF PERIOD NOMENCLATURE AND STRATIGRAPHY**

5.1 That the A.S.I.'s Report is so lacking in elementary integrity that it tries to achieve its object by manipulating 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 30-41, the nomenclature for Periods v, VI and VII is given as follows:

Period V: Post-Gupta-Rajput, 7<sup>th</sup> to 10<sup>th</sup> Century

Period VI: Medieval-Sultanate, 11<sup>th</sup>-12<sup>th</sup> Century

Period VII: Medieval, 12<sup>th</sup>-16<sup>th</sup> Century

Now let us turn to “Summary of Results” (pp. 268-9). Here the nomenclature is altered as follows:-

Period V: Post-Gupta-Rajput, 7<sup>th</sup> - 10<sup>th</sup> Century

Period VI: Early Medieval, 11<sup>th</sup>-12<sup>th</sup> Century

Period VII: Medieval-Sultanate, 12<sup>th</sup>-16<sup>th</sup> Century

5.2 That transference of “Medieval-Sultanate” 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 no embarrass the A.S.I. in its

placing of the construction of a “massive” or “huge” temple in Period VI. The device is nothing but a manipulative fraud.

5.3 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). This kind of false stratigraphy had led to situations that are impossible in 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 an alleged temple in “post-Gupta-Rajput” times.

## 6. THE FANTASY OF ALLEGED TEMPLE STRUCTURES

6.1 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-the A.S.I.'s “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 (qanati or open mosque or an *idgah*); and a *mihrab* and *taq* were also found in the associated foundation wall (not, of course, identified as such in the A.S.I.'s report). Such a floor, totally Muslim on “stylistic grounds” (a favourite formula in the Report), is turned by the A.S.I. into a temple floor, “over which a column-based structure was built”.

6.2 That description of the semi circular brick structure as a circular shrine is a conjuncture without any basis and similarly the whole theory of a massive structure just below Babri Masjid is creation of an imaginative mind without any material evidence to support this fiction. The inferences drawn from various architectural members that they are indicative of remains which are distinctive features found associated with the temples of North India are totally incorrect as most of them might have been elements of a

muslim architecture and the remaining architectural members, i.e. the so-called divine couple are surface collections of no significance and also may be planted material.

6.3 That so called divine couple and so called amalaka have been recovered from the debris of the demolished Babri Masjid. The divine couple is certainly a planted piece. There is no evidence to describe the circular brick structure as a shrine Pranala or water-chute is figment of imagination. The discoveries made by the A.S.I. in the excavation prove that there was no Temple/Structure which was demolished to construct Babri Masjid on its site. There is nothing in the report to support the theory of demolition of a temple or structure to make place for construction of Babri Masjid.

6.4 That the most note worthy point is that no object of Hindu worship, no idol and no statue of any Hindu deity was recovered. Foliage patterns, so called Amalaka which is nothing but par of a stone block having petal design, broken octagonal shaft, lotus design medallions are not indicative of temple structure. These have been adopted and used in Indo-Muslim (Indo-Saracenic) architecture.

## 7. STRAY ALLEGED “TEMPLE” FINDS

That No Vaishnavite images have been found. All finds are stray ones, such as the black schist pillar, was visible within it when the Masjid had stood but was broken 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 patterns, *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 (plate 90) is probably Islamic (compare Plate 92, with Arabic inscription). The extremely short list that the A.S.I. 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. Moreover, the presence of Buddhist, Jaina and Shaivite sculpted stones and terracotta figures must also be taken into account, so that we can say, on the basis of the A.S.I.'s logic, that there could be a composite “Buddhist-Jaina-Shaivite” temple here, if at all, on the basis of all these stray finds. Needless to say no example exists of there ever having been any such a temple anywhere in India. There was, therefore, no temple here.

## **8. ARCHAEOLOGICAL SURVEY OF INDIA, NOT ACTING AS AN INDEPENDENT ORGANISATION: THE IMPOSED SAFFRON BIAS.**

8.1 That bias, partisanship and saffronised outlook of the A.S.I.'s Report takes one's breath away. In almost everything the lack of elementary archaeological control 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 A.S.I.'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 B.C. in the “Summary of Results” (page 268), when even in Chapter II “Stratigraphy and Chronology”, the earlier limit of the period is rightly placed at 6<sup>th</sup> century B.C. (page 38). The urge is obviously to provide the maximum antiquity to habitation at Ayodhya, however absurd the claim may be. Whatever should please the masters, must be asserted, was motto of the A.S.I.

8.2 That Quite obviously saffronization and professional integrity cannot go together. What all well-wishers of Indian Archaeology have to consider is how, with a Report of the caliber we have examined, there can be any credibility left in the Archaeological

Survey of India, an organisation that has had such a distinguished past. Today there is no professional head of the A.S.I., a civil servant completely subject to the desires of the Government of the day, is in charge as Director-General. It cannot be overlooked that the occupant of the office of Director-General was changed almost simultaneously with the Hon'ble High Court's direction to the A.S.I to begin the excavations in early March. The signal given thereby was obvious, and the present Report should come as no surprise. Politicians gloating over it are precisely those who have got it written.

8.3 National honour was deeply compromised when the Babri Masjid was demolished. Now the good repute of the Archaeological Survey of India had also suffered an irremediable blow. It has been shown up as entirely partisan and subservient to its master's wishes and its so-called "Conclusions" should be rejected by the Hon'ble High Court.

It is therefore prayed that this Hon'ble court may kindly be pleased to reject the A.S.I. Report in toto and any other order which may be deemed just and proper in the facts circumstances of the case may also be passed.

Lucknow:Dated

October 8, 2003

Advocates  
Counsel for the Defendants 1  
and 2 of O.O.S. No. 3 of 1989-  
Objectors

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

**C.M. APPLICATION NO. 143(O) 2003  
MISC. APP. NO. (O)/2003**

Nirmohi Akhara	Inre	....Def. No. 3-Objector
	003-4/89 Leading case	
Suni Centra Board of Walkf	Vs.	Petts
Gopal Singh Visharad		...Defends

Objection against of ASI Dated  
22.08.03 on behalf of Nirmohi  
Akhara Def No. 3.

The Objector puts following Objection:-

1. That much earlier to this day the Objector Nirmohi Akhara had chosen to file an objection requesting this Hon'ble Court to issue direction to A.S.I. to expose the relevant trenches covering the main domb (shikhar) of Sri Ram Janam Bhoomi's and had suggested to excavate properly the trench no. F/4, F/5, F/3 and towards east of these trenches G/2, G/3, G/4 and G/5.
2. That it would be relevant here to point out that Sri B.R. Mani the then leader of A.S.I. Team had himself thought it proper on the basis of G.P.R. Report of Tojo Vikas Ltd. And sought permission to excavate the said trenches.
3. That the report regarding exposition of Trench's F/3, F/4 and F/5 may kindly be scrutinize on the subject:-
  - (I) Under the head Raised platform at Page 17 report speaks excavation of ten trenches partly and its reference is given at serial no. 31 for F/3 no. 32 for F/D, 33 for F/4, 34 F/5 and 36 for F/6. Where according to own report of A.S.I. excavation was not conducted due to area restriction on the raised platform.
  - (II) An Autocad prepared by computer at figure 23 of the A.S.I. report vol. (I) after page 42 exactly shows the situation of three

domb (Shiker) along with figure 23-A shows two row of pillar bases surrounding the inner courtyard are shown. But the main central santuoereim where floor no. (I) marked in Auto cad figure 23(A) and were in the western and eastern side of the pillar and the wall trench no. F/4, F/5 and G/4, G/5 have been marked as shown in figure 3B after page no. 51. Remain un-excavated in trench no. 3 two pillar base squarish in nature only was exposed without detecting other pillar bases of the other trench, therefore excavation of Trench no. F/3, G/3, F/4, G/4, F/5, G/5 along with baulk is necessary to make the A.S.I. Report a complete and sound historical report in the excavation History.

4. That the A.S.I. Report is well reasoned and fully supported with instances and deserves to be brought on record as approved. Under chapter III statigraphy and chronologically Nine successive cultural period were arrived by the ASI Report based an human deposits potteries and artifacts and human animal figurine based on the carbon determination of the charcol samples. The report is further supported by the embellishment in-tercota having seen large scale use of stone mainly for decorated architectural members. It is further strengthen by the achievement of a circumamambulatory passage i.e. pavement prior to Twelve century A.D.

It is therefore prayed the report of A.S.I. be brought on record as approved with the direction to excavate further trench-F/3, F/4, F/5, G/3, G/4, G/5.

Lucknow: 8.10.03

Objector

Nirmohi Akhara  
Def. No. 3  
Through  
R.L. Verma  
Advocate

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

**C.M. AN. 147 (O) 2003**

Nirmohi Akhara ..... Applicant/Def. No.  
3

Inre: O.O.S. 4/89  
Leading Case

Sunni Central Board of Waqf ..... Plaintiffs

vs.

Gopal Singh Visharad etc ..... Defds.

Written reply to contents of Objection No. (O) filed by Shri S. Irfan Ahmed for Def. No. 6/1, 6/2 in O.O.S. 3/89 along with against other three objection namely of plf No. 9 of O.O.S. 4/89 of Plf 1 of O.O.S. 4/89 and of objection of Def. No. 5 of O.O.S. 5/89 Compositively on behalf of Nirmohi Akhara.

The Defendant No. 3 Nirmohi Akhara puts the following reply against the said objections filed by the plaintiff of Suit No. O.O.S. 4/89 respectively:-

**Reply against Mahmood Ahmad**

1. So far the contents of this para are self exposed:-

Since opening line and is the real intention to malign and attack the A.S.I. team which they are attempting to do since the start of excavation work and further no case of any muslim- construction or structure of 13<sup>th</sup> century A.D. Have been ever set-out by any Muslim or any party of this case or even plaintiff's Sunni Central Board.

2. That more than 25 Experts were engaged by the plf of O.O.S. 4/89 and Mohamadon parties besides local nominee in abundance who kept on visiting the excavation site every day- during the course of excavation of work. At least 6 to 7 experts or archaeologist or historian or senior scholar of such subject along with parties and their nominee kept on keeping continuous watch on

every work of excavation. Three members of their team always took every notes on spot and through they seldom signed the daily register where artifacts are noted but their presence cannot be denied in face of the entry register of excavated area. A list of such names are being appended as Annexure (A). Therefore, the excuse that they could not examine the day to day register etc., therefore they want to keep their right to file objection alive till unknown date is only a lame excuse.

3. That all the four objections which have been filed by the Muslim parties against the A.S.I. excavation report can be classified jointly in four categories namely as follows:-

**A. Tainted with B.J.P. Govt. pressure, SAFFRON'S BIAS, with MOTIVATED MIND. Twist report to support the fictions of SANGH PARIVAR=**

Respectively by (i) Sunni Central Board (2) Plf. no. 9 Mahmood Ahmed (3) Hazi Mehboob (4) Moh. Hashim.

(I) Basically four set of Composite pelfs having similar pleading have filed separate objection even adopting each other, are nothing but an attempt to create four Track for running the way to similar destination but one by one so that valuable time of court be wasted and confusion may be created by different argument by all the four counsel respectively. Is it not at all legally necessary to give and hear each plf's separately one by one. Are their pleading are distinct ? No but is certainly a device to misuse the process of law.

(II) That the attempt of plf of O.O.S. 4/89 had been from the very beginning was motivated to malign the good will of A.S.I. team initially indicating the name of one of the politician and a cabinet minister of central Govt. who in fact has not concern with ASI dept.

(III) That further immediate attempt was made by tendering an application by team leader of ASI without any legal right to do so, the plf. Attempt was to any how confront the team leader and to pressurise him that similar attack against ASI team was made on 21.5.03, 28.5.03, 8.6.03 and the most interesting event was made by

an application dt. 7.6.03 given by Shri Z. Zilani Advocate with five pages with map with a statement that pillar should not be dismantled, therefore the record of the file itself speaks that attempt of plaintiff was from very inception to any how put alive sum attack against the ASI, so that in future if the report comes on the fact finding truth the same may be attacked unnecessarily.

**B. Archaeological terms and Abbreviations**

1. The Act No. 24/58 The Ancient Monuments and Archaeological Sites and Remains Act defines:-

Sec. (2)-

III- any article, object or thing illustrative of science and arts, craft, literature, religion customs morals or politics in bygone ages.

2. Some nomenclature and abbreviation used by ASI report and used in archaeology are narrated as below:-

“Having Courses”	=	it forms construction
“ No courses”	=	They do not form any construction
“Free standing wall”	=	Means without foundation
“Natural Soil”	=	Where no human deposits
“N.B.P.W.”	=	6 to 3 century B.C.
“SUNGA”	=	Second first century B.C.
“KUSHAN”	=	Ist to 3 <sup>rd</sup> century A.D.
“GUPTA”	=	4 to 6 century A.D.
“Post Gupta Rajput”	=	7 to 10 century A.D.
“Early Medieval Sultanant age”	=	11 to 12 century A.D.

MADIEVAL MUGHAL

Late Post MUGHAL = 12 to beginning of 16<sup>th</sup> A.D.

3. Abbreviation used by A.S.I. Report has been given by ASI team on 7.11.03 which is being appended as Annexure (1).

**C. Massive Structure pavement**

(I) The presence of huge pavement towards eastern part of the inner and outer courtyard which has been shown in the report by series of trenches J-I onward K-1 onward with north projection with

ZJ-1 and ZkI, a sample close photograph is being appended as Annexure (2) shows the esquire big-brick used before 12<sup>th</sup> century A.D. Therefore attack by the plaintiff on the report of the pavement is uncalled for and not sustainable.

**D. Temple Structure and temple find**

(1) That there was no ease of plff confined to their pleading or any statement of witness as the plff has closed the evidence to the effect that the large structure found beneath the outer and inner courtyard by the A.S.I. team has been a Muslim construction/structure of 13<sup>th</sup> century A.D existing at the time of the allege mosque. Therefore, the finds, the artifacts, the terracotta, figurien of animal, of Godess, of deity belonging to the religious emblem of Hindu Vedic Sanatan religion or dazzling evidence of a concrete fact finding of a existence of a huge Hindu Vedic religions structure which may be shown by the photograph appended as Annexure (3) to (7) with this reply.

**E. Ram Chabutra**

(1) That the revelation of the inner chabutra on the same place J-6, J-7, K-6, K-7 and after 7 feet beneath of the surface based on concrete stone placed again on a surface shows the existence of the divine shrine which was closed by seven layers of the concrete stone covering nine meter by nine meter of the inner and outer courtyard is an indication of existence of inner chabutra belonging to the religious faith of Nirmohi-Akhara.

(2) That the said chabutra has-projection towards east which is very much clear from the photograph appended as Annexure (8 to 15) with this reply.

**F. Existence of the foundation wall**

The western wall has many courses which is based upon decorated stones therefore the said wall which is shown clearly in the photograph appended as Annexure ( ) are not free standing wall and further on the northern side the said wall has been turning toward east as shown on the photograph appended as Annexure (16

to 26) therefore this wall cannot be said by the pff. As being the wall of Idgah.

**G. DIVINE SHRINE**

That how can plf explain the existence of the Shiv Argha which has all the indication of having a water chute toward north that is the recognized shape by the vedic Hindu sanatan cult and therefore the examples given by the ASI report are correct and cannot be assailed by the objection by the plaintiff on the flimsy ground. A close photograph is being appended as Annexure (27 to 29) will show natural water chute.

**H. PILLAR BASE**

The pillar base and the structure which are shown by figure 23 and 23a are Autocad and exactly reveals the excavation works, therefore all the pillar which are shown in the report are there and there dismantling was objected by the plaintiff, therefore now they cannot say that it is assemblage of brick-bat. The exact photograph is being appended as Annexure (30 to 33)

(2) The figurine, strong slab are still there, the photograph of figurine are appended as Annexure (3 to 7).

(4) That the applicant reserves it further right to put a reply as the inspection of the further register filed by ASI is yet to be done.

It is therefore prayed that the written reply may kindly be taken on the record.

Date  
21.11.03  
Lucknow

Applicant  
Nirmohi Akhara  
(Def. No. 3)

Through:-  
R.L. Varma  
Advocate

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

**O.O.S. NO. 4/89**

Sunni Central Board ...Plfl.  
Vs.  
Gopal Singh Visharad ...Def

**Annexure . A.**

**List of Expert, Historian Archaeologist  
on behalf of plff. And Def. 6/1 and 6/2 of O.O.S. 3/89**

1. Ms Supriya Varma : Reader History Punjab University, Archaeologist Punjab.
2. Ms Jaya Menon : Reader, History Baroda University.
3. Sri Abid Saheb : Assistant Prof. A.M.U. Archaeologist
4. Miss Banani : From Calcutta University Scholar.
5. Dr. Amol Rai : Asst. Director, Archaeology W.B. Govt. Calcutta.
6. Sri Utpandra Chtopadhyay : Senior Lecturer, Calcutta University.
7. Miss Nikhat Parveen : Scholar A.M.U. (from Bihar)
8. Mr. Dhakral : Rtd. Reader History Delhi
9. Mr. Nadeem Rizvi : A.M.U.
10. Mr. Jafri Saheb : Reader history, Jamiya, Delhi.
11. Mr. Utaullah : Scholar A.M.U.
12. Mr. Qaleem : Scholar A.M.U.
13. Mr. Aziz Faisal : Scholar A.M.U.
14. Mr. Asfaq Ali : Scholar A.M.U.
15. Mr. B. Mandal : Witness Examined by Plf.
16. Mr. Sita Ram : Witness Examined by Plf.
17. Mr. Suraj Bhan : Witness Examined by Plf.
18. Mrs. Shiri Ratnagar : Witness Examined by Plf.
19. Mr. Nayar : Scholar A.M.U.
20. Mr. Javed Akhtar : Scholar A.M.U.
21. Mr. Saleem Ahmad : Scholar A.M.U.
22. Mr. Vishnu Priya : Epigrapher Lec. Calcutta
23. Mr. Tushar Sarkar : Scholar Calcutta
24. Mr. Asok Dutt : Reader Calcutta University
25. Mr. Khaliq Khan : Artist drawing.

**ABBREVIATIONS USED IN THE FOLDER CONTAINING  
TRENCH PHOTOGRAPHS IN THE CD AND IN CONTACT  
PRINT**

<b>BRIK</b>	<b>Brick</b>
<b>BRK</b>	<b>Brick</b>
<b>BRKPAVE</b>	<b>Brick Pavement</b>
<b>DEBRI</b>	<b>Debris</b>
<b>DECO</b>	<b>Decorated</b>
<b>DSC</b>	<b>Duplicate Secondary Copies</b>
<b>EXC</b>	<b>Excavation</b>
<b>Ext</b>	<b>Extension</b>
<b>FL</b>	<b>Floor</b>
<b>GE</b>	<b>G2</b>
<b>INS</b>	<b>Inscription</b>
<b>LR</b>	<b>Layer</b>
<b>MOS</b>	<b>Mosque</b>
<b>NORT</b>	<b>North</b>
<b>NS</b>	<b>North-South</b>
<b>PB</b>	<b>Pillar Base</b>
<b>PLAT</b>	<b>Platform</b>
<b>RC</b>	<b>Ram Chabutra</b>
<b>SB</b>	<b>Sealed By</b>
<b>SE COR</b>	<b>Southeast Corner</b>
<b>SEC</b>	<b>Section</b>
<b>SOTH</b>	<b>South</b>
<b>SQ-CIR</b>	<b>Square-Circle</b>
<b>STR</b>	<b>Structure</b>
<b>TR</b>	<b>Trench</b>
<b>WAL</b>	<b>Wall</b>

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

**C.M. APPLICATION NO. 144 (O) OF 2003**

**IN RE:**

**O.O.S. NO. 4 OF 1989**

Sunni Central Board of Waqfs & others ..... Plaintiff's  
Vs.  
Gopal Singh Visharad (Now dead) & others ..... Defendants

**CONNECTED WITH**

O.O.S. No. 1 of 1989

O.O.S. No. 3 of 1989

O.O.S. No. 5 of 1989

OBJECTION OF THE PLAINTIFFS IN O.O.S. NO. 5 OF 1989  
(Connected with the leading Suit O.O.S. No. 4 of 1989) AND OF  
RAMESH CHANDRA TRIPATHI, THE DEFENDANT NO. 17 IN  
THIS LEADING SUIT O.O.S. NO. 4 OF 1989, AGAINST THE  
REPORT OF THE ARCHAEOLOGICAL SURVEY OF INDIA,  
FILED IN THE SUIT ON 22.08.2003.

---

The objectors above mentioned, most respectfully beg to submit their joint objections as under:-

1. That in this leading Suit connected with O.O.S. Nos 1 of 1989, 3 of 1989 and 5 of 1989, this Hon'ble Court, of its own, ordered the Archaeological Survey of India (for short A.S.I) to conduct Archaeological Excavation on the spot and submit its report, to facilitate the disposal of the issues of dispute between the parties to the suit, in compliance where of the A.S.I. has submitted it report on 22.08.2003.
2. That in its report (under objection) the A.S.I. has submitted the key plans (Fig. Nos. 3, 3A and 3B of Vol. 1 of its Report). However, the A.S.I. has failed to plot the property in dispute i.e. A, B, C, D, E, F in the aforementioned 3 figures of the KEY PLAN, which is very necessary for the effective and proper disposal of the issues of the dispute in the suits.
3. That the contour Map submitted by the A.S.I. in their Report,

is not full and complete in as much as it does not cover the contour Map of the Palaeo Channel of river Saryu and of Kuber Tila. In this case, the contour Map of the Palaeo-channel of river Saryu, is very essential to co-relate the position of various structural remains in relation in the flow of the river.

4. That in the text of its Report, the A.S.I. has not mentioned the angle of deviation of various structures, particularly of structures 16 and 17 (Walls) and also of the stone blocks of the Pillar bases. Although, they have been plotted in aforementioned figures Nos. 3, 3A and 3B and its mention is also found in Figure No. 8. This angle of deviation is essential in the matter.

Wherefore, it is most respectfully prayed that this Hon'ble Court be pleased to direct the A.S.I. to submit its Additional Report in the light of the aforementioned facts/submissions.

#### O B J E C T O R S

1. BHAGWAN SRI RAMALALA AND OTHERS  
Plaintiffs  
In O.O.S. No. 5 of 1989

Lucknow

Dated: 10.10.2003

Through the Counsel  
Sd/-  
(A.K. Pandey)  
Advocate

2. RAMESH CHANDRA TRIPATHI  
Defendant No. 17  
In O.O.S. No. 4 of 1989

Through the Counsel  
Sd/-  
(VIRESHWAR DWIVEDI)  
Advocate

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

**O.O.S. NO. 5 OF 1989**

**(R.S. NO. 236 OF 1989)**

**Bhagwan Sri Ram Virajman at Ayodhya & others      ..Plaintiffs**

**V e r s u s**

**Rajendra Singh & others      ..Defendants**

**STATEMENT OF O.P.W. 17  
DR. R. NAGASWAMY**

**(PART-I)**

**EXAMINATION IN CHIEF OF DR. R. NAGASWAMY  
ON AFFIDAVIT UNDER ORDER 18, RULE 4 CPC**

I, Dr. R. Nagaswamy aged about 76 years s/o Late Shri U.N. Ramchandran r/o 11, 22<sup>nd</sup> Cross street Besent Nagar, Chennai (Madras). The deponent do hereby take oath and state on oath as under:-

**16.** That the deponent retired from the post of Director of Archaeology Tamilnadu on 31.08.1988.

4. That the deponent underwent training in excavation and conservation from Archaeological Survey of India.

5. That the deponent worked as Director of Archaeology government of Tamilnadu continuously for a term of 22 years from 1966-88.

6. That during his service the deponent has conducted so many excavations and explorations.

7. That the deponent was appointed Vice Chancellor of Kanchipuram University of Madras in the end of February 1995 and served as such up to 1996.

16. That the deponent has conducted mainly following excavations:-

**Pancalamkuruchi 1968** The palace remains of 18<sup>th</sup> cen chieftain a

great freedom fighter.

**Korkai 1968-69** A two thousand year old Port of the Pandyas.

**Vasavasamudram 1969** A port that yielded Mediterranean amphora and Roman contact.

**Pallava medu 1970** 17<sup>th</sup> cent habitation settlement at Kanchipuram.

**Karur 1973-79** A two thousand year old capital of the Chera rulers of Tamilnad.

**Kodumanal 1979.** A megalithic site a great significance.

**Poluvampatti 1979-80** an early Settlement.

**Gangailondacholapuram 1980-82.** A medieval Chola palace and capital.

**Alagankulam 1986-87.** A two thousand year old Roman settlement which has now become a site of International importance.

6. That Archaeological Survey of India which is more than on hundred years old and has produced the most outstanding stalwards in the field of Archaeology is known through out 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 A.S.I. Has been doing this exercise admirably.

7. 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.

..... Though it is an Islamic country, and though the excavator is by an Mussalman they do not deny the existence of a Hindu temple lying buried but on the other hand 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.

35. That pillar bases are made up of some courses of brick bats and are either square or circular in formation; Calcrete 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 2<sup>nd</sup> floor.

36. That existence of circular shrine with pranal towards north proves existence of Hindu temple.

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 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 form the shrine is built to smaller dimension. Smaller dimension of subsideray shrines with just

minimum entrance space are seen in some of temples e.g. Mandasor, Rajsthan- Kumbharia Shantinath Temple relevant pages are photostat copies prepared from those books, are annexed with this affidavit as Annexure No. 4 and 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 artifacts 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.

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**Before Commissioner Sri H.S. Dubey, Additional District  
judge/Officer on Special Duty, High Court Lucknow**

O.O.S NO. 5 OF 1989  
( R.S. No. 236 OF 1989)

**19.08.2006**

**O.P.W.17 Dr. R. Nagaswami**

**Statement (Part-I)**

**Pages 60-61**

Q: The temple which was said to be built by you in 11<sup>th</sup> century originated from which floor?

A: It originated in all probability from the level from where 11<sup>th</sup> century inscribed slab was found immediately beneath the floor of wall 17. I can answer its floor number after going through ASI report.

My conclusion that this earlier temple structure was built in 11<sup>th</sup> century, is based on ASI report volume 1 and 2. This conclusion is based on plate no. 137 of ASI report volume 2 and page 152 chapter six relating to Architectural fragments and part of the same chapter at page 153 detailing the decorated bricks and also chapter eight dealing with inscription seal, sealing and coins, of the ASI report volume 1. Having seen plate no. 137 of the ASI report volume 2, the witness stated that this inscribed stone block belonged to earlier temple structure it was part of the structure.

**Pages 61-62**

A: This inscribed slab should have undoubtedly formed part of the wall of the earlier temple structure. By seeing this plate the period of slab can be inferred and i.e. this slab carries an inscription in 'Nagari script' which is dated with the help of palaeography by the ASI and as an epigraphic I agree with that dating. The date of inscription is 11<sup>th</sup> century. I want to say that the temple structure was built in all probability in 11<sup>th</sup> century and this

inscription was engraved on the wall of that structure at that time. ASI people has mentioned in its report as to in which layer and in what condition this stone block was found I accept their statement. I don't think that this stone block remained in its original position but structure seem to have under gone some renovation and rebuilding. In my opinion the inscribed stone remain in the same area and level. I have already said that the structure has gone some renovation and rebuilding and the wall have been redone it has been dislodged from its original position.

\*\*\*\*

**Before Commissioner Sri H.S. Dubey, Additional District  
judge/Officer on Special Duty, High Court Lucknow**

O.O.S NO. 5 OF 1989

( R.S. No. 236 OF 1989)

**21.08.2006**

**O.P.W.17 Dr. R. Nagaswami**

**Page-71**

For coming to conclusion that inscription of plate no. 137 belongs to 11<sup>th</sup> century, besides consulting the book of Shri Dhani I have also consulted the book Shivrama murti's book namely 'Indian epigraphy and south Indian scripts rest is based on my experience. The book referred to by me does not confine to South Indian scripts.

**Pages71-72**

.....The structure which was built in the 11<sup>th</sup> century at disputed site was repaired and renovated to proir to 16<sup>th</sup> century but it was not demolished. Whether the structure which built on the disputed site between 11<sup>th</sup> century to 16<sup>th</sup> century was demolished or not, will depend on the meaning of word demolition as to in which sense this word is being used.

Q: What meaning or meanings could be assigned to the word 'demolition' according to you?

A: According to me the word 'demolition' stands for destruction but I have to check-up the dictionary meaning with various shades of meaning.

The building which was built at the disputed site in 11<sup>th</sup> century is not one building but number of structures which were added during the second third phase of wall 16 and we do not know what restoration or renovation were carried out between 11<sup>th</sup> and 16<sup>th</sup> century.

**Page 73**

A: There has been continuos building activity in 11<sup>th</sup> century

when a big temple structure was erected which consisted of all the important parts of temple Architecture was found in North India like the base of a Temple with the 'Makar-Pranala' and Dwar-Shakha, Stone-Wall, Carved-Lintels and Shikhars with Aamalaka and so many other carved stone liked carved pillars with 'Ghat-Pallava' motif 'Kirti-Mukh' motif and 'Ganas' which indicate that a full fledge temple up to the 'Shikhar' was constructed and also enclosed by massive structure consisting of wall 17 and 16 in phases obviously to protect the main make temple structure which they also formed part and were built with in century i.e. 11<sup>th</sup> century.

#### **Page-74**

In addition in the debris adjacent to the disputed structure was found a black crisp schist stone pillar which shows that some part of Mandapa that was part of the earlier temple was pulled out and used in the disputed structure. All this suggest that the temple which included the enclosure wall was pulled down which will come under the definition of demolition. I have nothing to add in this regard. If any question is put to me I will answer it.

A part of the temple which will consist of 'pillared mandapa' has been pulled down. The enclosure walls of this structure was to protect this temple. I don't think that all the four enclosure wall were present around the temple structure when demolition took place in 16<sup>th</sup> century because some portion of the walls is not excavated during excavation at disputed site due to restriction. The area which was covered by make shift structure has not been excavated besides some other area which have slopes and other in accessible conditions.

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**Before Commissioner Sri H.S. Dubey, Additional District  
judge /Officer on Special Duty, High Court Lucknow, Lucknow**

O.O.S NO. 5 OF 1989  
( R.S. No. 236 OF 1989)

**22.08.2006**

**O.P.W.17 Dr. R. Nagaswami**

**Pages 81-83**

Learned cross examiner drew the attention of the witness towards his statement recorded on 18-8-2006 at page 39. The witness stated that during excavation at disputed site the remains of primary and secondary shrines which formed part of the whole Hindu temple complex, were found. Remains of one primary and remains of two secondary temples were found during the excavation. The remains of primary temple were found from number of floors but mainly above fourth floor while some have been found below fourth floor also. The remains of one secondary temple were found contemporary with layer five while the remains of other secondary temple were found in a the area called 'Ram Chabootra'. It was found in number of trenches and had several floors and continued to come up to contemporary modern floor level.

By primary temple, I mean the main 'Deity' to which the structure is dedicated to. The secondary temples are built in the complex dedicated to other 'Deities' but are related metaphysically to the 'Deity'. It is not necessarily that primary and secondary temples should be constructed at the same level and at the same time. Primary and secondary structure may precede to each other in time and level both. This is regarding temple and structure. At the disputed site primary and secondary temple structures are not in same level. Structurally some walls have been found even in 1<sup>st</sup> - 2<sup>nd</sup> century B.C. thus the primary temple structure was at a lower level

where as the secondary temple structure was at upper level . The primary temple structure can be ascribed to 1<sup>st</sup> – 2<sup>nd</sup> century B.C. where as the first secondary temple structure can be ascribed to ( circular shrine ) and assigned to 10<sup>th</sup> century and the second secondary structure ‘Ram-Chabootra’ (which is the secondary temple structures) can be ascribed in all probability to the time of ‘Akbar’. I would not say that ‘Ram-Chabootra’ is of most modern time but I would only say that this structure was raised in the time of ‘Emperor -Akbar’. A great full scale articulated temple structure resembling other north Indian temples was erected in all probability in the 11<sup>th</sup> century A.D. By ‘articulated temple structure’ I mean the base, the wall, the ceiling, the ‘Shikhars’, and ‘Amalaka’ confirming to the norms described, with several mouldings, niches, carved entrance frames and so on.

\*\*\*\*\*

**Before:-Commissioner Sri H.S. Dubey, Additional District  
judge/Officer on Special Duty High Court Lucknow.**

**O.O.S NO. 5 OF 1989  
( R.S. No. 236 OF 1989)**

**23.08.2006**

**O.P.W.17 Dr. R. Nagaswami**

**Page-90**

Learned cross examiner drew the attention of the witness towards figure 3A of the ASI report volume 1. The witness stated that walls 26 ,27, 25, 24, 23, 22 are the structures or relics belonging to that period i.e. 1<sup>st</sup> to 5<sup>th</sup> century A.D.

**Page-92**

Most important structure found during the period from 6<sup>th</sup> to 10<sup>th</sup> century which is mentioned in the report is a circular shrine. Besides this structure some walls running around this circular shrine were are also found that belong to this period.

Wall 19 a, 19b, 20, 21 probably 22 also relate to this period besides the circular structure. Circular structure has been marked as structure 5 in figure 3A of ASI report volume 1. The circular structure is assigned by the ASI to the 10<sup>th</sup> century. I accept this date.

**Page-94**

The first important find after the 10<sup>th</sup> century is the inscribed stone fragment found below wall 18A and 18B and above layer 5A. This inscription as given in plate no. 137 of the ASI report volume 2. Other structures which were found in the excavation pertaining to this period are wall 17 and wall 16 which are mentioned as massive structure. That suggest two successive destruction to a great temple of the north Indian variety that was built in the early part of the 11<sup>th</sup> century at that site. The fragments and carved door frames and lintel

and other slabs built under wall 16 that are associated indisputably with a classical Hindu temple of considerable size, that existed at that excavated site which suffered damage in all probability around 1030 C.E once and construction of a protective wall i.e. wall no. 17 and another damage that was suffered around 1080 A.D that called for another protective wall i.e. wall 16 built around to protect what remained us a temple are the significant structure that have come up from 11<sup>th</sup> to 15<sup>th</sup> century C.E.

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

**O.O.S. NO. 5 OF 1989**

**(R.S. NO. 236 OF 1989)**

**Bhagwan Sri Ram Virajman at Ayodhya & others ...Plaintiffs**

**V e r s u s**

**Rajendra Singh & others**

**...Defendants**

**STATEMENT OF O.P.W. 17  
DR. R. NAGASWAMY**

**(PART-II)**

**Before:-Commissioner Sri H.S. Dubey,Additional District  
judge/Officer on Special Duty High Court Lucknow.**

**O.O.S NO. 5 OF 1989**

**( R.S. No. 236 OF 1989)**

**25.08.2006**

**O.P.W.17 Dr. R. Nagaswami**

With reference to page 122 of ASI report volume 1 the witness stated that archaeological members mentioned from serial no. 1 to 286 ( page 122 to 152) have a description of what ever have been found in totality during course of excavation at the disputed site. The description in the list contain all the essential data which is further supplemented in the introductory part and if necessary will be further supplemented by further examination of the object concerned and I have seen the figures attached with this report. These figures also contain the scale. I considered that scales given there is correct. Place and depth of a particular thing can be located with the aid of these figures. I can't say from my memory as to the shape and size of the structure which existed between 1<sup>st</sup> to 5<sup>th</sup> century on the disputed site. One structure of 10<sup>th</sup> century is circular in shape and its external diameter is about 5 meter but I have to check up the report for other

details. There are some walls which obviously belong to the primary structure but the available walls do not give any shape. In that particular period there are many walls so I don't mean that this refers to only western wall. The number of walls which existed 6<sup>th</sup> to 10<sup>th</sup> century on the disputed site was about six. I can give its accurate number only by going through the report. The temples of northern India between 6<sup>th</sup> and 10<sup>th</sup> century well vary from simple to very big size and it is not possible to give the size of northern temple. Their number may be in hundreds. In my assessment the temple which existed at the disputed site between 6<sup>th</sup> and 10<sup>th</sup> century was of small or medium size. As the full relics are not available, it is not possible to guess the approximate size of this temple. The small medium size temples of above period were of about 10 to 20 meters in length if it relates to central temple but it could also include an enclosure which can not be assessed as they depend upon individual temple. The measurement of 10 to 20 meters as mentioned by me is length of the temple were as its width it depending upon the ground plan and the shape of Deity to which it is dedicated. In some temples the width may be larger than its depth. This could have been the size of the primary temple. 'Garbh-Grih' is included in the above measurement. We may have small front 'Mandapa' pillared or without pillar and small niches called 'Dev-Koshtas' and a very low 'Shikhar' which could be either a flat roof or a pyramidal 'Shikhar' with 'Shikhar' on top and surrounded by small secondary shrine or dedicatory shrine within it. 'Mandapa' is an extension of 'Grabha-Griha'. 'Jagmohan' is a term used most prominently used in 'Kalinga' region but in this part of India we generally call the front as 'Mandapa'. 'Mandapa' or 'Jagmohan' is part of the total structure and is used for both the deity and devotees. It is not necessary that 'GrabhaGrih' should always contain a 'Shikhar' but some time 'Mandapa' also contain 'Shikhar'. Even 'Grabhagriha' in some circumstance can be roof or without a roof or with the 'Shikhar' or integrating the 'Mandapa' also with the 'Grabhgrih'. 'Parikrma' was

provided in some temples in the main temple itself around the 'Grabhagriha' providing an outer wall which is integrated with the super structure as one unit or the 'Parikrama' may be going around the shrine on the enclosure. With in the enclosure and also out side the

enclosure 'Parikramas' are provided. Temples can face, depending on the manifestation and nature of the prayer any cordinal direction. The secondary temple consist of a number of 'Parivar' devtas which may be integrated with the main wall of the sanctum or embedded with the enclosure wall or they may be located in the enclosure between the main wall and the enclosure wall. They face different direction depending upon the manifestation. The secondary temple would be located either in the prescribed direction or in any open space available depending upon the prayer of the pattron ; for example some temples may face south some west or even north depending upon what the pattern wants to achieved such as conquest or wealth or knowledge or health. Secondary temple may be raised in front of the primary temple depending upon the nature of the secondary deity for example the shrines of 'Vahanas' (mount such as 'Garud' or 'Nandi') are located exactly in front of the main temple. By word 'koshtas' I mean a 'niche' on the wall in which the secondary deity may be installed in made up of any material including paintings.

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**Before :-Commissioner Sri H.S. Dubey, Additional District  
judge/Officer on Special Duty High Court Lucknow.**

**5-9-2006**

**O.P.W.17 Dr. R. Nagaswami**

**Page 146**

I do know about the 'Buddhist Stupas'. It is not possible that this circular structure will represent a 'Buddhist Stupa'. For the reason 'Buddhist Stupa' is a solid globular structure in which the relics of either Buddha or great Buddhist monks will be deposited inside and such Stupa will not have an entrance opening and no provision for draining the 'Abhisheka' water or liquid as found in the Hindu temple. There are hundreds of Hindu temple where a central deity is a 'Shiv-Linga' for which 'Abhiskhek' is performed daily a number of times which requires provision of 'Pranala' in the northern direction as found in this circular shrine. There is no doubt what so ever that this circular shrine is a Hindu temple and not a 'Buddhist Stupa'. No 'Linga' is found here but as I have said in my earlier statement that this site has been attacked by iconoclasts in the 11<sup>th</sup> century once around 1030 C.E and again around 1080 C.E the idols have suffered and disappeared. No icon have been left in the site except a mutilated sculpture called Divine Couple.

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**Pages 147-148**

In any structure the 'Pranala' need not necessarily be in the sanctum sanctorum. But in the Shiva temple it is a must and what is important that it should be oriented towards north and in most cases in the central part of northern direction in the 'Adhithan' part of the shrine. There is no doubt that the shrine originally was a circular shrine which has been disturbed due to latter constructions. Those structure were not raised over the above structure of circular shrine but cutting the edges of the circular shrines. The shape of circular

shrine was disturbed in 1030 or in 1080. It is not possible to say except to say some disturbance and attack has taken place in the 11<sup>th</sup> century. In my opinion the icons including 'Shiv-Linga' might have been desecrated around 1030 A.D when it was attacked by Syed Sadr Massad and Sultan Ibrahim in 1080 C.E. Syed Sadr Massad attacked in 1030 C.E where as Sultan Ibrahim in 1080 C.E. The attacked has been on the disputed site, it is difficult to say which part precisely was attacked at the time. It was a general attacked at both the times where some temple structure had been destroyed. I think that after the first attack in 1030 a full scale, classical Hindu temple with all articulated parts with carvings Pillars Entrance, Jam, Shikar was erected which suffered at 1080 attacked by Sultan Ibrahim.

Q: Is it correct to say that your above statement "I think that after the first attack.....by Sultan Ibrahi". Is in reply to my question for indicating the name of any other temple purported to be desecrated by the above persons in 11<sup>th</sup> century at Ayodhya?

A: I would call it the main temple.

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**Before:-Commissioner Sri H.S. Dubey, Additional District judge  
/Officer on Special Duty High Court Lucknow.**

**6-9-2006**

**O.P.W.17 Dr. R. Nagaswami**

**Pages 156-157**

Structure 4 consists of wall 16 and 17 and wall 18A, 18B and 18C with attached floors, floor 2 , floor 3, floor 3A and floor 4. Wall 16 is set to have been built in three phases the bottom one consisting of 10 courses of bricks and the upper one in 2 phases consisting of 6 courses of brick and floor 4 said to consist of red brick rammed floor. Wall 17 is set to be 1.86 meter in width. Wall 16 is of 1.7 meter width. Wall 16 runs to 50 meter and to east of these 2 walls are a number of pillar bases total number 50 all these constitute structure 4. Only these are the component of structure 4.

Q: Whether any thing more consisted structure 4 as per your own perception or as per ASI report?

A: As I have not visited the site and seen the structure my reply can not be based on my own perception but I can only say what is found in the report. I have nothing to add in the reply to the above question.

Whatever I have said about structure 4 constitute different part of the structures and the floors are attached to the walls and not found on the floor. Generally floors are laid after the walls are erected. In some instances structure can be even without floors. We lay steps to reach higher storey, the steps will be with out floor. The first step may be on a floor or even on a natural rocky surface or ordinary earth. I agree that any structure ultimately need a floor. The dimensions of the circular shrine is about 1.89 meter which is the diameter,( the diameter of the circle) with a rectangular projection 1.32 meter in length and 32.5 cm projected towards east. The inner square of the sanctum is about 60 cm. I am unable to say about the distance of circular shrine from southern part of wall 16. I am not

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even able to say about distance of circular shrine from any part of wall 16, because circular shrine is at a lower level and wall 16 at a higher level. It is correct to say that figure 3A (page 48A) is on scale. It is also correct to say that wall 16 and structure 5 have been shown in this figure. The circular structure is about 3 meter from wall 16. Structure 5 is in its eastern direction. The distance mentioned above is from southern end of wall 16. It is correct to say that structure 5 is below the floor of structure 4.

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**Before:-Commissioner Sri H.S. Dubey, Additional District judge  
/Officer on Special Duty High Court Lucknow.**

**7-9-2006**

**O.P.W.17 Dr. R. Nagaswami**

The reuse of Hindu temple architectural members in other temple is also prohibited by the architectural treatises but with reference to the same temple there use is not mentioned. There are no rules with reference to using members of a temple in the same temple although there is prohibition of using the members of one temple in another temple but there is no rule of using member of one temple in the same temple.

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**Page 170-171**

With reference to last sentence of last statement on 6<sup>th</sup> September 2006 the witness stated that the fragmentary 'Nagari' inscription found in trench J-3 located at the depth of 5.75 meter (plate no. 137) is the artefacts which indicates about the attack on 1030 C.E The other artefacts which relates to the 2<sup>nd</sup> attack in 1080 A.D is the carved entrance jam found beneath the foundation of wall 16 ( plate no. 25 and 26) These 2 artefacts which are indicative of the 2 attacks I have mentioned. At this stage the witness requested to see ASI's report volume 2. On being permitted to see this report after going through it the witness stated that in my opinion a number of stone slabs used as foundation, other than the carved entrance jam under wall 16, also belong to the Hindu temple which indicates the attack in around 1080 A.D its plate no. is 25. There are 8 stone pieces seen in this photograph the one adjoining the carved stone jam is also the carved stone slab lying up side down built into the foundation, it can be seen in the above plate no.25. Plate no. 50 illustrates the carved stone lintel which is related with the attack of 1080 and plate 51 also depicts the attack of 1080 A.D. Plate no. 52

is related with the same attack. These are the stone slabs which in my opinion are indicative of above mentioned two attacks in Ayodhya at the disputed site.

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**Before:-Commissioner Sri H.S. Dubey, Additional District  
Judge /Officer on Special Duty High Court Lucknow.**

**11-9-2006**

**O.P.W.17 Dr. R. Nagaswami**

**Pages 185-186**

Yesterday I have visited excavation site at Ayodhya but I have not visited the whole part of the excavation site I could see only what was visible on the upper part level. In some area 'Taurpolin' was removed and thus I could see that part also. There was no area which was not allowed to be seen by me but some of the trenches were too deep and dark so I could not see the depth of some of the trenches existing there. It is true that only two trenches J-3 and G-7 are very deep, rest of the trenches are not so deep. All of the trenches except J-3 and G-7 were seen by me yesterday. I have seen the trenches on all the 4 sides of make shift structure. Stones, carved stones and bricks used in walls 16 , 17 and 5 etc were also seen by me yesterday. I have seen circular shrine also. Now, I can easily reply about the location of the different trenches. I have also seen the floors visible in the different trenches. I have seen all the 4 floors of different trenches. After seeing the excavation site yesterday I hold the same view which I have expressed in my affidavit as well as in my earlier statement. I remained at the excavation site for 1 hour. All the persons who were there remained only for 1 hour because the site opened at 11 A.m. and was closed at 12 P.m. noon. In the present condition I should say that I am satisfied with this 1 hour visit. I was accompanied by Shri Ajay Pandey advocate, and also by Shri Madan Mohan Pandey Advocate. Mr. Triloki Nath Pandey was also present during this time with me. I saw some dignitaries and 1 Muslim gentleman and along with them was Mr. Verma Advocate.

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## **Page 190**

In para 10 of my affidavit, I have mentioned about 26 books but none of them relate to the excavation of any north Indian site. If the term archaeology is to be confined to excavation only then none of these books deals with the principles of archaeology. In para 11 of my affidavit I have given the list of the books edited but none of these books relate to excavation of any north- Indian site. None of these books relates to the principles of excavations. None of the articles mentioned in para 12 of my affidavit relates to any north Indian site of excavation. None of the lectures delivered by me and mentioned in para 13 of my affidavit relate to any north Indian site of excavation. some of the lectures like ‘Temples and festivals’, ‘Temples art and architectural and royal patrons and Shav-Pasupatas’ in art and lectures do have reference of north Indian temples. The lecture I gave at ‘Combodia’ in 2005 and National Khmer research institute of Combodia also referred to north Indian temples and art. These references relates to north Indian temples of ‘Gupta’ period to 12<sup>th</sup> – 13<sup>th</sup> century A.D. There was no reference of any temple of Ayodhya in these lectures.

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## **Pages 195-197**

Prof. H.D. Sankalia was my guide in Ph.D. but I value his book more ‘ Archaeology in India’ for it deals with the summary of all the excavations and the research. He was a great excavator. He is said to be the Doyen of Indian Archaeology. He was working in the Deccan college Puna under the University of Puna as a Professor in Archaeology. I have not heard the name of Prof. R.C. Gaur. Lothal is a Harappan site excavated by S.R. Rao who submitted his report published by ASI. This excavation was conducted some times around 1955 and 1962 but exact date I don’t remember at this stage. M.S. Naga Raj Rao was Director General of Archaeology. He has also published some reports. He was an archaeologist. I have heard the name of Dr. Z. D. Ansari of Deccan college of Puna. It is known

that Nagraj Rao and Dr. Ansari conducted excavation at 'Sangankallu'. There is a famous excavation conducted at a 'Atranji-Khera'. Dr Z.D. Ansari and Dr. N.K. Dhawlikar had conducted excavation at 'Kayatha'. Jagatpati Joshi was an archaeologist and Director General of ASI. He has also given excavation report regarding excavation at 'Bhagwan- Pura'. Dr. S.P. Deo is also a famous archaeologist, he also belongs to Deccan college of Puna. I have no idea whether he has given excavation report about 'Apegaon' excavation. I don't have any idea about the excavation at ' Tulza-Pur Gadhri' in Maharashtra. Similarly I don't have any idea about the excavation at 'Nageshwar' in ( Gujrat) in the gulf of 'Katch'. The M.S. University of Baroda also conducts excavations and they bring their Archaeological series and reports of excavations also. Excavation at 'Pauni' it is a well known site. In all these excavations referred to above there is a separate chapter dealing with animal bones.

At this stage learned cross examiner Shri Z. Jilani Advocate, counsel for Sunni Waqf board U.P. filed Photostat copies of 11 extracts of different reports (paper no. 326 C1/A to 326 C1/ ). These papers were taken on record subject to the order of Hon'ble court.

All the papers mentioned herein above were shown to the witness who, after going through these papers, stated that extracts of all these 11 reports contain chapters dealing with animal bones or animal remains. If the bones are found from any excavation site then they are collected separately and studied and report on them is included in the full excavation report of the respective sites. With reference to page 270, last para, lines 5 and 4 from bottom, of ASI report volume 1, the witness stated that there is mention of recovery of animals bones from various levels of different period but there is no separate chapter dealing with these bones in this report.

Q: Don't you think that this a serious and major omission in the ASI report?

A: In my opinion, this is an extraordinary case where an archaeological excavation is conducted under the orders of the Judiciary to solve a specific problem regarding the existence of structure/ temple beneath a disputed structure and carried out and report submitted within a very short period. In all probability the ASI concerned itself with the main problem, including some details of animal bones. It would have been useful to provide some more details about the animal bones in the report. In my opinion though in normal course of a full excavation a chapter on animal bone is essential but in this particular extraordinary case I am not able to assess why the ASI has omitted this chapter.

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**Before:-Commissioner Sri H.S.Dubey, Additional District Judge  
/Officer on Special Duty High Court Lucknow.**

**13-9-2006**

**O.P.W.17 Dr. R. Nagaswami**

**Pages 219-220**

Plate no. 25 of the above report was shown to the witness who, after seeing this, stated that this plate does show foundation of wall 17. Meaning thereby that foundation of wall 16 is not visible in this plate. Carved stone visible in this plate forms part of foundation of the wall 17. Whether brick courses visible in this plate form part of wall 16 or 17 can be answered by me only after going through the ASI's report volume 1. I do not agree with the suggestion that the foundation wall as visible in plate 25 is part of 'Eid-Gah' wall. I am unable to say from the photograph whether any floor is visible in this plate.

Q: Whether you are in a position to tell that the upper level i.e. surface of floor 4 was above the decorated stone visible in plate no. 25?

A: I would like to correct my statement on the wall number and being a technical report I may be allowed to see the ASI report, volume 1, before giving the answer to this question.

Learned cross examiner drew the attention of the witness towards the statement recorded on 22-8-2006 recorded on page 87 para 3 which reads "and intangible basis may be noticed..... in 'Hindustan' ". The witness after going through the above portion of statement stated that I have not studied 'Aine-Akbari' as such I am not in a position as to say where the said statement is mentioned in 'Aine-Akbari'. I have read about this statement in a gazetteer. I will give the reference of this gazetteer tomorrow. It is wrong to say that such statement is not there in 'Aine-Akbari'.

With reference to my statement recorded on page 147; " it was attack by Syed Salar Masuad and Sultan Ibrahim" I don't know

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whether Sultan Ibrahim and Sultan Ibrahim Lodi were the same person or they are two different persons. I don't know as to which dynasty, Sultan Ibrahim referred to by me, belong as the gazetteer that mentions Sultan Ibrahim and his attack does not give further details about his dynasty. Which is that gazetteer I don't remember at this stage. I will give its reference tomorrow.

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**Before:-Commissioner Sri H.S.Dubey, Additional District Judge  
/Officer on Special Duty High Court Lucknow.**

**14-9-2006**

**O.P.W.17 Dr. R. Nagaswami**

**Page 221**

The statement of Aine-Akbari referred to by me yesterday is published in the gazetteer of the territories under the government of East-India company by Edmand Thornton published in 1858. The invasion by Syed Salar Masood is published in gazetteer of Audh published in 1878. It is in the same gazetteer that the invasion by Sultann Ibrahim on Ayodhya is also mentioned.

I have read the following books which are:-

1.

Archaeological Survey of India (four report ) made during the year

1862-63-64 and 65) by Alexander Cunningham, C.S.I

2. India An Archaeological History by Dilip K. Chakrabarti
3. The Ancient And Medieval Architectural of India: A Study of Indo- Aryan Civilisation by E.B. Havell
4. Studies In Indian Iconography by P.K. Agarwal
5. Indian Architecture ( Buddhist and Hindu) by Percy Brown

The following books which I have not read are:-

1. Brahmi Script volume I and II by Ram Sharma
2. Studies In Indian Archaeology and Ancient India by Prof R. C. Gaur
3. An Encyclopaedia Of Indian Archaeology by A. Gosh
4. Archaeology Theory An Introduction by Mathew

Johnson

5. Gleanings of Indian Archaeology History and Culture  
Edited by Prof K.D. Bajpai, Prof Rajesh Jamindar and  
Dr. P.K. Trivedi

6. Tradition And Archaeology by Himanshu Prabha Jain  
and Jean Francois Salles

7. Aspects of Indian Archaeology by M.D.N Sahi

8. The Roots of Indian Art by S.P. Gupta

9. The History Of Architecture In India Edited by Vibha  
Tripathi

10. Archaeology And Interactive Discipline by S. Setter  
and Ravi Korisettar

11. New Frontiers of Archaeology Edited by S.R. Rao

12. Indian Archaeology Since Independence Edited by  
K.M. Shrimali

13. Architecture In Medieval India Edited by Monica  
Tandan

14. Historical Archaeology of India by M.A. Dhavilkar

15. Memories of Baber Emperor of India by F.G. Talbot

16. U.P. District Gazetteers Barabanki by Smt. E.B. Joshi

17. Ayodhya History, Archaeology and Tradition  
Edited by Prof . L. Gopal.

Although I have not read the following books but I have heard the name of the following books which are authored by the persons whose name are given against their book names are:-

1. Ancient India Bulletin Of The Archaeology Survey Of India  
by V. Gordon Childe, N.P. Chakravarti, Stuart Piggott and A.  
Ghose.

2. Ancient India Bulletin Of The Archaeology Survey Of India  
by M.S. Vats, Stuart Piggott and A. Ghose

3. An Encyclopaedia Of Indian Archaeology By A. Ghose

4. Selected Art Pieces Of Aligarh Archaeology Museum

(1988) by R. C. Gaur

5. India An Archaeological History by Dilip K. Chakrabarti

6. Indian Architecture Islamic Period by Percy Brown

7. Indian Archaeology A Review ( 1985-860 by Jagat Pati  
Joshi

8. Indian Architecture ( Buddhist and Hindu) by Percy Brown

9. Memories of Baber Emperor Of India by F.G. Talbot.

I know the name of following author but I do not know the  
names of the book written by them and they are:-

1. M.C. Joshi
2. S. Setter and Ravi Korisettar
3. S. R. Rao
4. K. M. Shrimali
5. M. K. Dhavalikar
6. Prof L. Gopal

Learned cross examiner drew the attention of the witness toward photocopy of pages from page no. 739 to 740 of the gazetteer of the Territories under the government of East-India Company by Edvard Throntan 1858( paper no. 107C1/10 107C1/11) filed in O.O.S No. 5/89 on 30-5-1992 the witness after going through these paper stated that this is the gazetteer about which I had stated in my above statement today. I have read this statement from gazetteer itself. This statement is under the heading 'Oude'. I read this gazetteer about 20 day's back. I did not check this statement from the book 'Aine-Akbari' itself as there was no time. I had absolutely no time because I had to give evidence in this case.

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**Before:-Commissioner Sri H.S.Dubey, Additional District Judge  
/Officer on Special Duty High Court Lucknow.**

**15-9-2006**

**O.P.W.17 Dr. R. Nagaswami**

**Page- 236**

Q: The so called temple which you claim to have been erected on the disputed site in 11<sup>th</sup> century A. D. was a classical temple or any other kind of temple?

A: The temple at Ayodhya which I have mentioned, built in 11<sup>th</sup> century A.D. at the Janma-Asthan, was undoubtedly a classical temple. There are two temples 1. Classical temple 2. Non classical temple i.e. that sacred space or any self existing symbols, plat-form, trees, water sources and even ordinary huts would fall under non classical temples.

The description given under the heading 'Purification insemination and levelling' of the site are applicable to only classical temple. And this description does not apply to other types of temples which are not classical. It is not the material that is purified in this process as mentioned on page 14 to 17 but it refers to purification of site impregnation and levelling of the site, of new construction.

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**Pages 238-241**

Q: My question is confined to the alleged kind of temple which you claim to have been erected on the disputed site in 11<sup>th</sup> century A .D. Kindly therefore reply my question in this reference?

A: The pillared structure in the disputed site in my opinion was attached to the enclosure wall which formed the western end. But about the pillar sizes I am unable to say.

I have seen only two pillars at the disputed site these pillars formed part of the disputed structure which was demolished in December 1992. The portions of pillars I saw were square in shape

at the bottom and octagonal with some carving usually found in temple. The dimension of pillar portion, I saw, was about 9X9 inches square. I have said in my statement that there were 14 pillars of this kind in the disputed structure.

Q: For a pillar of this dimension and height which were installed in the disputed structure. what should be the dimension of the pillar base?

A: It may be two and half feet square. If it is a stone a number of courses beneath it may be provided but if it is found on the stone platform, then no separate pillar base is required.

Having shown plate no. 31 of ASI report, volume II, the witness stated that I have not seen the spot which is visible in this plate. The other pillars which I have seen are similar to the one visible in the photograph of plate no. 31. The pillar bases which are visible in plate no. 37 of the above report are square in shape. I have seen these stone pillar bases on the spot. The dimension of these pillar bases is approximately 70 to 80 cm X 70-80 cm i.e. about two and a half feet. For installing a pillar on these pillar bases I don't think that any Iron dowel is required to hold it in position, it stands by its own weight and by the weight of its roofs. I do not think that the stone pillars were used in these type of pillar bases. The pillars that were used in these pillar bases might have been made of wood. Wooden pillars used on these pillar bases might have been of 9 X 9 inches. The height of the pillars depend up on the height of wall over which roof rests. Generally there are about 7 feet height pillars. The wooden pillar of 7 feet height may bear the load of tiled roof and not of a huge building super structure.

Q: Whether roof of the temple could be laid upon the pillars of 9 X 9 inches dimension and of about 7 feet height ?

A: It is possible if large number of pillars are used for the roof of a sloping style roof covered with tiles either metal or clay tiles, but in this case it was only part of the temple which had probably a tiles slope roof with not of much weight.

Having seen plate no. 35 of the above report the witness stated that the pillar bases of bottom side are also of the same dimension as pillar base visible in plate no. 37.

Q: Whether dimension of pillar base as shown in plate no. 36 is also the same as that of the pillar bases shown in plate no. 37 and 38?

A: The dimension nearly is the same.

In plate no. 36 a small piece of stone is visible, attached with the pillar base. It is part of the pillar base. The length of both these stone will be about 60 to 70 cm ( about 2 feet).

Q: What would be the approximate length of bigger stone out of these two stones?

A: About 45 to 50 cm.

The structure which might have existed on the pillars supported by the pillar bases visible in plates 35, 36 and 37 might have been light slopping structure and not a big one. The height of this structure might have been about 8 to 9 feet.

Q: Can you tell me whether any walls have also been found in the area in which pillar bases shown in plates 35, 36 and 37 existed?

A: In my opinion wall 16 could have been the wall at rear supporting the roof resting on the pillars existing on these pillar bases.

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**IN THE HON'BLE HIGH COURT, LUCKNOW BENCH  
LUCKNOW**

O.O.S NO.5 OF 1989  
( R. S. No.236 OF 1989)

**18-9-2006**

**O.P.W.17 Dr. R. Nagaswami**

**Pages 248-252**

The concept of pillar base is that on the alleged pillar base which is in the shape of platform, a pillar is to rest on. The base of the pillar whether to be erected on a platform that is floor or with solid foundation, will depend upon the load the erected pillar is likely to be or has to bear. Though it is difficult to mention about the length and breadth of the temple structure which was demolished in 1030 A.D., yet I can assess that it would have been of about 10ft. x10ft. dimension. As I said earlier it might have been of about 15ft. height. I don't think that the said earlier structure had any connection with either wall 16 or 17. The old temple structure was not on the pillars. The pillar bases referred to by the ASI in its report might be the pillar bases of mandapa's pillars but not that of sanctum tower. As I can say only four pillar bases found by the ASI could be underneath the said mandapa portion but not that of sanctum tower. Probably, the said 'mandapa' was located in the east of the sanctum tower. (The witness prays for and is hereby allowed to refer to the ASI's report, Volume 1 in order to answer the question about the size of the alleged mandapa of the earlier temple.) After going through the ASI report volume-1, the witness answered as follows :

Perhaps the size of the mandapa of the earlier temple was about 10ft.x10 ft. The roof of the said mandapa must be resting on the pillars. There would have been four pillars to bear that roof.

After going through the chart shown in figure 3-A of ASI

report, volume 1, the witness said that pillar bases no.26 and 27 were probably the pillar bases of the pillars of the said old mandapa. It is difficult for me to identify the other two pillar bases of the mandapa. The distance between the two pillar bases no.26 and 27 must have been of 10ft. only. It is correct to say that there is no other alleged pillar base within 10ft. radius of pillar bases no.26 and 27. It is correct that the pillar bases no.26 and 27 were in north-east of the structure-3. After consulting the map and report of ASI, the witness said that the old sanctum-sanctorum tower which was demolished in 1030 AD would have been located in north-east of structure-3 as shown in figure 3A (Page 48A) of the report. Structure-3 indicated in figure 3A is a big area covered by disputed structure constructed in 1528 AD. Structure-3 must not be the part of the old temple which was demolished in 1030 AD. Structure 3 is not part of the old temple which was demolished in 1030 AD. I cannot give the name or dynasty of the king who constructed the old temple having been demolished in 1030 AD. However, I can disclose a fragmentary inscription found in trench J-3 and it is to the effect "NG PAL". From this inscription, it is not decipherable as to what was the name of the king or dynasty of the constructor of the temple. In this case, it is not possible for me to refer the aforesaid inscription to the name of any dynasty or king. As a student of history, I cannot disclose as to who were the rulers in northern part of India of Ayodhya region connecting the aforesaid inscription because the word 'PAL' has been used for many northern Indian kings, dynasties and chieftains of all parts of India. The aforesaid inscription formed part of the wall of the earlier structure demolished partially in 1030 AD. The location from where the aforesaid inscription was recovered during excavation is not far away from the structure of the old temple. According to me, the place of trench J-3 from where the aforesaid inscription was recovered, certainly did not form part of the structure of the old temple. I say that the inscription was part of the old structure

because at the time of the old temple being demolished, its parts must have been scattered around the area. The aforesaid inscription was neither reused nor was found in debris rather it was found lying as such. According to me, that inscription was found in the section of a regular layer. If I am correct, it was perhaps layer 7. According to me, charts, pages no.37A and 37B of ASI report Volume 1, are tentatively prepared but they are not absolutely correct. As I can say layer 7 of J-3 cannot be assigned to Kushan period as shown in charts, pages no.37A and 37B. According to me, these two charts are not absolutely correct and even the ASI has referred to them as tentatively prepared. Similarly, it is not absolutely correct that layer 6, in part, may be assigned to Gupta period as shown in chart 37A of the ASI report. To ascertain periodization, these two charts may not be treated to be as the basis but we have to look to other parts of the report to come to the correct conclusion.

Q. On what basis, you have said that the layer in which the aforesaid inscription was found related to the 11<sup>th</sup> century period ?

A. According to page 204 chapter 8, the ASI report has stated that the aforesaid inscription can be assigned to 11<sup>th</sup> century AD. This opinion is based on palaeography and not on the layer.

The report on page 204 says that the stone slab was found embedded in a section of wall in trench J-3 and located at the depth of 5.75 metres.

Palaeography is the general guide to ascertain the periodization of history. It can, however, be plus or minus of about 30 to 50 years. The letters of 'NG PAL' may be of somewhere between 950 to 1050 AD. In this way, the variation may be upto 100 years. Layers are also generally considered to be a source of periodization. Now we have definite source of periodization such as Carbon-14 dating, thermo-luminescent dating and special scientific techniques are being evolved for periodization and even the scientific study would have minus plus of about 100 years variation.

**IN THE HON'BLE HIGH COURT, LUCKNOW BENCH  
LUCKNOW**

O.O.S NO. 5 OF 1989  
( R. S. No.236 OF 1989)

**19-09-2006**

**O.P.W.17 Dr. R. Nagaswami**

I have no information about the name who might have constructed the second temple structure said to have been demolished in 1080 A.D. There is no discussion or reference in the ASI report about the temple structure said to have been demolished in 1030 A.D. and again in 1080 A.D.

I have mentioned about the demolition of the first and second temple structure as disclosed above on the basis of fragmentary inscription assigned to 11<sup>th</sup> century by the A.S.I. and also accepted by me on palaeographical ground and the two levels of carbon 14 dating as mentioned earlier read with 'The Attack On Ayodhya' by Syed Salar Masood mentioned in the gazetteer. For 1030 A.D. demolition of first temple structure, the only archaeological evidence available according to me is the inscribed slab referred to above. Wall 16 is built over a good number of carved stones of a classical temple assigned by the ASI in the report on stylistic ground to 11<sup>th</sup> Century and I accept it and this is the solid evidence found in this excavation beneath the foundation of wall 16 and on the basis of stratigraphic situation of wall 16 and 17 I say that the second temple was demolished in 1080 A.D.

It is correct that the ASI in its report has given no.3 to the disputed structure. Circular shrine has been given no.5 by the ASI. According to me, wall 17 is earlier to wall 16. Wall 17 had no connection with the earlier structure which was said to have been demolished in 1030 AD. However, wall 16 and 17 both have connection with the second temple structure which was said to have

been demolished in 1080 AD. Both walls 16 and 17 belong to 11<sup>th</sup> century period but as stated earlier, wall 17 is earlier to wall 16. The ASI has in its report assigned the wall 17 of 11<sup>th</sup> century and wall 16 had different phases to 12<sup>th</sup> century. As per my knowledge, the ASI has assigned wall 16 of 12<sup>th</sup> century. But I defer with the view taken by the ASI and as per my opinion, wall 16 belongs to 11<sup>th</sup> century but there may be difference of 10 to 30 years as I have said earlier. Wall 16 was built after the attack of 1080 AD. in a hurried manner to protect the second temple existing there. Wall 16 might have been constructed some time around 1090 AD to 1100 AD. In respect of these periods given by me, there may be a difference of 10 to 30 years with the opinion given by the ASI. We have no evidence that the structure existing which was partially demolished in 1080 AD was restored or not. The size of the second structure which was demolished partially in 1080 AD may be about 15 to 20 sq. metres at the ground level and height would have been around 12 to 15 metres i.e. about 45 feet. The second temple structure which was partially demolished in 1080A.D. was a fully articulated structure with all the required parts of classical temple of northern India. The roof of the said temple was not resting on any pillar and it was therefore, obviously, resting on articulated walls. By articulated wall, I mean to say that the base will have a number of carved mouldings; walls which will have many carved pilasters, niches and sculptures. The entrance will have carved frames called 'panchshakhas' with beautiful creepers and other geometric designs with sculptures like Ganga and Yamuna at the entrance. The ornamental entrance lintel above and the ceiling will have a curved cornice, with a niches which is called 'Kapotaas' and the 'shikhara' above the sanctum sanctorum with a number of corner 'amalaka' too and on top there will be a full circular 'amalaka'. In short the articulated wall means the wall consisting of carved mouldings. The said structure must be built of carved stones. This structure must have been built sometime between 1030 to 1050 AD.

The said structure was a one floor structure meaning thereby there was no further floor above the ground floor. This structure consisted of 'garbh grah' and a short preceding mandapa. I cannot say as to whether the size of 'garbh grah' and mandapa was the same or different. The size disclosed by me of 15 to 20 metres was only in respect of 'garbh grah' and it does not include mandapa. The mandapa was situated in the eastern side of garbh grah. This mandapa could have been of about 3 to 4 in square metres projecting from garbh grah. Its height may be upto the level of lintel level and may be of 10 ft. height. This mandapa must have also been made of stones. The statement which I have made about the partial destruction of this structure mean that some part of the structure might have been demolished such as side projection or part of the shikhar etc. The rest of the part of the main structure remained intact and was standing upto shikhar level.

9 As you have said that this so called structure said to have been partially demolished in 1080 was not resting on pillars, can it be said that this so called structure of temple had no relationship with the so called pillar bases pointed out by the ASI in its report?

A. It is not correct to say that the pillar bases had no relationship with the temple structure which was partially demolished in 1080 AD. The pillar base found by the ASI in its report were part of the enclosure walls which supported the pillared arcade.

11. What do you mean by enclosure wall?

A. The enclosure wall means wall 16, which goes all around the temple standing partially demolished in 1080 AD. Wall 17 was also enclosure wall of that structure and it was also going all around the temple.

No foundation of these walls 16 and 17 were found on the northern, eastern and southern side of the disputed site because

there has been tremendous disturbances on all these three sides and also on the western side. The southern and northern side of walls 17 and 16 were not found standing. Wall 16 and 17 (enclosures walls all around) were not standing on any pillar bases.

Q. What kind of relationship these enclosure walls had with the so called pillar bases?

A. Pillar bases were supporting either a slopping roof or a flat roof and the end beams were resting on the wall 16.

Wall 16 was having roof all around supported by pillars. That means those roof were standing on pillar bases. The distance between the main temple structure and the structure of enclosure walls that is wall 16, was about 10 to 15 ft. all around.

(iv) What would have been the size i.e. width and length of the roof which you claimed to have been laid upon wall 16 at the one side and upon the pillars on the other side?

6. Length of the enclosure walls was found around little more than 50 metres on one side and width of the roof was of about 17 metres in 5 rows. Yes by row I mean that 5 pillars were standing in 17 metres. The distance between one pillar to other pillar base was about 3.5 metres.

The walls around and the roof thereon were in straight direction like wall 16 on the western side. Probably the roof that existed on pillars was also on straight direction on all the four sides. Voluntarily said that along with my affidavit I have given an illustration on pages 28/48 and 28/49 of my affidavit which gives an idea of the lay-out. The layout of temple which was partially demolished, as per my statement, in the year 1080 A.D., was more or less of the type as shown in illustration on page 28/48 of my affidavit. It is possible that while in illustration at page 28/48, no roof is shown on one side, the temple on the disputed site which was partially demolished in 1080A.D. had roof probably on all sides. The roof which was 17 meters wide all along the enclosure wall was

resting on five pillars in a row along with width, meaning thereby, the first pillar was at the distance of about 3.5 meters from the wall and the last pillar in the row was on the outer end of the roof. The distance of the main temple structure was about 10 to 15 feet from the last pillar of this roof. This roof structure was the enclosure around the main temple structure and was not part of main temple structure. In this way the distance from the main structure of the temple and wall 16 on western side was about 60 feet. Similarly on the northern side also the main structure of temple would have been 60 feet from the wall on that side.

I have an idea of the disputed structure on the basis of photographs of the structure that existed up to 1992. The western wall of the disputed structure which existed until 1992 was resting on wall no.16. I do not remember the width of the disputed structure east-west. However, I can tell after going through the report. According to the ASI report the said width of the disputed structure east-west was about 30 feet. Similarly outer enclosure of the structure on eastern side also was about 20-25 feet. In this way, the structure that existed earlier and which was partially demolished in 1080 A.D. started where the disputed structure and its outer enclosure came to an end. The structure which was partly demolished in 1080 A.D. continued to remain in existence thereafter. The same continued to remain till the construction of the disputed structure. The three domed construction which was made in 1528 A.D., had 14 pillars with carving and some decoration. The same formed part of some earlier temple structure.

Q. According to your statement, these carved 14 pillars found in the disputed structure could not have formed part of the so called temple which was partially demolished in 1080 A.D. and which had continued, according to you, upto 1528 A.D.

A. The 14 pillars that were found in the disputed structure could not have formed part of that central sanctum structure

which existed upto 1528 A.D. but they could have formed part of other mandap in the enclosures.

The enclosure walls around the temple structure on all sides, which was partially demolished in 1080 A.D., were constructed after 1080 A.D. This construction was made sometimes between 1090 A.D. to 1100 A.D. The width between the pillars of the said enclosure roof on all sides as stated by me as 3.5 meters was along the length also. According to my estimation, there would have been 17 rows of the pillars on one side of the enclosure wall. It means on one side enclosure roof had 85 pillars. In this way the total number of pillars, around the main structure, in the enclosure walls would have been 340.

In archaeology isometric view may be either a drawing on scale or a tentative drawing. In ASI's report Vol-1 figure 23 shows the isometric view of the disputed structure which was demolished in 1992. The portion indicated as floor 4A in the said isometric view has also been shown as part of said disputed structure. So is the position in regard to the portions marked as floor 2 and floor 3. As is shown in the said isometric view, floor 2 and floor 3 on the northern side, were out side the northern gate of the disputed structure. Figure 23A of the said ASI report is isometric view of the plan and not of the building. Figure 23 B of the said report shows the isometric view of the conjectural view of the pillars which might have existed on the excavated site. This conjectural view refers to the structure which came up after 1080 A.D. demolition, meaning thereby, the structure which was constructed between 1090 A.D. and 1100 A.D. This does not give the view that I have stated above because it is only a partial drawing. This map shows the western side of the structure described by me. This does not cover the temple structure that I mentioned which was partially demolished in 1080 A.D.. This does not help my view as mentioned above. It is difficult to say which of the pillar bases found by ASI

pertained to pillars about which I have stated above constructed between 1090A.D. to 1100 A.D. Although, I cannot give the exact number but the pillars found on the western side around wall 16 are related to the structure I mentioned earlier.

8. The ASI has not reported about any pillar base found towards west of wall 16?

A. Yes it is correct that ASI has not found any pillar base on the west of wall 16.

Most of the pillars bases to the east of the wall 16 belong to structure erected in 1090 A.D. The height of the roof resting on the enclosure walls was 8 to 9 feet including the bracket on the top of it. The said roof could be of tiles, as also of thin slabs of stone. Probably pillars were of woods and just possible that some of them might have been of stone. Wooden pillars can survive for about 500 years and we have example of wooden rafter which survive for about 2000 years. It is not possible to say whether all the wooden pillars which were installed in 1090A.D-1100 A.D. survived until 1528 A.D. or not. I can specify some of the pillars from the drawing given in Vol-1 which formed part of the structure of 1090 A.D. Pillar bases no. 2, 3, 4, 5, 6, 7,8, 9 10,11,12,13,14 15, 16, 17,25, 28, 29, 31, 32, 34, 35, 37, 38, 43, 44, 45, 47, 48 pertain to the roofed structure of the enclosure walls constructed in 1090A.D.-1100 A.D. I do not remember whether these pillar bases no. 1 to 8 and 13 and 14 were made of stone blocks or bricks. I cannot say what sort of pillar base was required in bases of wooden pillars. The distance between the pillars as given by me as 3.5 meters was only approximate and looking to the situation this distance between the pillars could vary also but it is not possible that distance could vary up to 5 or 5.50 meters. I am not able to say upto what maximum extent the distance between the pillars could vary. In case the base is small, more accurate measurement shall be maintained but where the base is bigger, minor adjustment will be made at the time of

erection of the pillar.

Q. Have you examined this aspect by keeping in view figure 3A that whether the pillars shown in this figure are in one alignment or not.

A. I have examined this aspect and have come to the conclusion that the alignment given does not pose any major problem. The pillars are in alignment within reasonable limits. Since figure 3A in ASI report is on scale, the distance between pillar bases can be accurately measured. However, I will not be able to measure this distance even if I am provided the scale because it is the specialisation of the surveyor and I am not a surveyor.

Q. My suggestion is that distance of so called pillar bases extends from 3 meters to 5.50 meters and even more and they cannot be said to be in one alignment?

A. The variation mentioned in the distance between pillar bases might be due to functional requirement as I have already mentioned earlier. Therefore, it is not correct to say that they are not in alignment.

Structure 5 (circular shrine) could not have formed part of roofed structure constructed in 1090-1100 A.D. Southern enclosure wall of the roofed structure constructed in 1090-1100 A.D. should have been further south of the circular shrine. It is not possible to say how far it was further south after the circular shrine.

8. According to your statement the so called temple structure partly demolished in 1080 A.D. might have started in the northern side around the place where the northern wall of the disputed structure existed upto 1992?

A. Yes.

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**Before :-Commissioner Sri H.S. Dubey, Additional District judge/Officer on Special Duty High Court Lucknow.**

**21-9-20006**

**O.P.W. 17 Dr. R. Nagaswami**

**Pages 296-298**

In chapter VII in the ASI's report no conclusion has been given about the existence or non-existence of any temple of 11<sup>th</sup> or 12<sup>th</sup> century. In chapter seven of the above report. No reference to demolition of any temple is also given. It is true that conclusion of this chapter is given on page 174 itself. I agree with this conclusion given on page 174.

I don't know about any of the two persons mentioned as authors of chapter VIII (eight) on page 204. I have not even heard about them. I have gone through the entire chapter eight of above report. I agree with all the observations made in this chapter except the reading of the 'Nagri' inscription, the last letter. I would prefer to see the original. It is not available for me therefore I accept what ever is written about it in this chapter. The authors of chapter eight have not given opinion about the existence or non existence of any alleged temple of 11<sup>th</sup> or 12<sup>th</sup> century. They have not given any opinion even about the demolition of any alleged temple of 11<sup>th</sup> or 12<sup>th</sup> century.

I don't know any of the authors of chapter IX, which are mentioned at page 219. I have not even heard their names. Most of the items mentioned in this chapter are glan beads and precious stones. Some of them are glazed wares. The conclusion of this chapter is given only on page 219 but there is a note on page 228 about this. The authors of this chapter also had not given any opinion about the existence or non existence of any alleged temple of 11<sup>th</sup> or 12<sup>th</sup> century A.D. or even about demolition of any such temple.

Out of the four authors of chapter V (five) mentioned on page 73 of the above report I know two of them namely B. R. Mani

and P. Venkatesan. B. R. Mani is well known in the field of archaeological excavation and P. Venkatesan, after serving as Superintending Archaeologist of temple survey in southern India, is working in Delhi as Director of Institute of Archaeology. P. Venkatesan according to me has worked on South Indian Temples and now he is in ASI's office in New-Delhi. I don't know whether P. Venkatesan has submitted any excavation report or not. I don't know whether P. Venkatesan has got specialisation in any branch of archaeology or not. I don't know about other two persons who are authors of this chapter. I have gone through this chapter in a very general way. In this chapter the authors have confined to dealing with the description of the potteries period wise. They have not given any opinion about existence or non existence of any alleged temple of 11<sup>th</sup> or 12<sup>th</sup> century A.D. They have not given any opinion about the demolition of any alleged Hindu temple of above period.

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**Before:-Commissioner Sri H.S.Dubey, Additional District Judge  
/Officer on Special Duty High Court Lucknow.**

**22-9-2006**

**O.P.W.17 Dr. R. Nagaswami**

**Page- 313**

I have not read about the said Sultan Ibrahim in any book of history but I have read about him only in one gazetteer. I think this gazetteer of 'Oudh' was written by Edward Thorinton. On page 171 of my statement ( last six lines ). I have referred about the establishment of his capital by Syed Salar Masood 10 miles away from Ayodhya. I have read about it in the gazetteer but I don't remember its reference in the gazetteer.

Q: From no historical text or source it appears that Syed Salar Masood had ever established any capital 10 or 20 miles away from Ayodhya or he had ever attacked on Ayodhya. What do you say about this?

A: I am confident that I did read about it, but I don't remember its reference at this stage.

Q: From no historical source or text it appears that any so called 'Sultan Ibrahim' had ever invaded Ayodhya much less around 1080 A.D. What do you have to say about this?

A: As the gazetteer has mentioned about the Sultan Ibrahim specifically and about his invasion of Ayodhya. I have taken it as a historical fact.

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**STATEMENT OF O.P.W. 18**  
**SRI ARUN KUMAR SHARMA**  
**(PART-III)**

**Before:-Commissioner Sri H.S.Dubey, Additional District  
Judge /Officer on Special Duty High Court Lucknow.**

**03-11-2006**

**O. P.W. 18 Arun Kumar Sharma**

**Pages 153-154**

A. Ghosh was Director General of ASI. He edited the 'Encyclopaedia of Indian Archaeology' after his retirement, on behalf of Indian council of Historical research. Prof. B B. Lal had also contributed some chapter in this encyclopaedia. This Encyclopaedia does not give any detail about habitational deposits at Ayodhya. This encyclopaedia was edited by A. Ghosh, Prof. B. B. Lal had not excavated at Ayodhya by the time. This encyclopaedia was published in 1989. I don't remember as to who contributed on Ayodhya. Dr. A. Ghosh was a very thorough edition and he was one of the best editor, ASI had ever produced. Prof. Ram Saran Sharma was also associated with Indian Council Of Historical Research (I.C.H.R). He worked on many projects on behalf of I.C.H.R. I have filed the extract of some of the books authored by Prof. R. S. Sharma. One extract is annexure no. 26 filed along with my affidavit. Prof. Sharma is very well reputed Historian and International scholar. I don't know whether Prof. Sharma had submitted any report to Govt. of India along with three other historians. I don't know whether this report was published as 'Ram Janam Bhumi - Baburi Masjid A historians report to the nation'. I know Prof. Suraj Bhan since the time when he was employed in ASI. I do not know Prof. D. N. Jha of Delhi University. I don't know Prof. Athar Ali of Aligarh University. I have heard the name of Shereen Ratnagar and meet her at the disputed site. I have heard the name of Prof. D. Mandal but I have never meat him. I have

heard about Prof. D. Mandal's book entitled as 'Ayodhya Archaeology after Demolition' but had not chance to go through the same.

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**Page 158-159**

The glazed wares found during the excavation by ASI at the disputed site at Ayodhya has also not been seen by me. I have seen only four photographs of glazed wares found by ASI which are given in the ASI report volume 2. I might have seen other photographs also while going through the ASI report, but I don't recollect.

**Before:-Commissioner Sri H. S. Dubey, Additional District Judge /Officer on Special Duty High Court Lucknow.**

**06-11-2006**

**O. P.W. 18 Arun Kumar Sharma**

**Pages 175-176**

I have not examined any site not book. I agree that on page 270 the ASI has confined glazed wares sherd's from the last phase of period VII whereas on page 108 no such phase of period VII has been given for the occurrence of glazed wares. I don't find any discrepancy in the above two observations of ASI as given in page 270 and page 108. I accept both of these observation to be correct as it is not the glazed ware alone that determine the periodization. I don't think that glazed wares are of any vital importance in determining the periods as they have to be taken in considerations along with other finds and Carbon-14 dating. As already stated earlier it is the technique of manufacture, colour etc. which will show as to what date they belong.

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**Before:-Commissioner Sri H.S.Dubey, Additional District  
Judge /Officer on Special Duty High Court Lucknow.**

**07-11-2006**

**O. P.W. 18 Arun Kumar Sharma**

**Page 191**

The references given in the lime-surkhi mortar in para 2 and 3 at page 50 of the ASI report volume 1 relate to the earliest level i.e. first phase of structural construction which means post Gupta level. Both these reference relate to the portion where Ram Chabootra's constructional phases have been found. The earliest phase of Ram Chabootra belongs to 9<sup>th</sup> 10<sup>th</sup> century A. D.

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**Before:-Commissioner Sri H.S.Dubey, Additional District  
Judge /Officer on Special Duty High Court Lucknow.**

**08-11-2006**

**O. P.W. 18 Arun Kumar Sharma**

**Pages 202-205**

Lothal report published by ASI in 1985 is the same report the cover page of which has been filed as paper no. 326C1/9. The site mentioned by me in para 8 (III) in my affidavit is the same site regarding which this report was published by ASI in 1985 and the copy of title page of which has been field as paper 326C1/9 and paper no. 326C1/11 to 326C1/25 is the copy of the report on animal remains published in the said excavation report of Lothal. I have read this part of the report. The procedure adopted by these authors is also a correct procedure for giving such reports on animal bones. The name of the persons which are mentioned on title page of Lothal report, paper no. 326C1/9, along with the names of Sri S. R. Rao, are the contributors of different specialised chapters in the aforesaid Lothal excavation report. Dr. B. B. Lal whose name is mentioned a contributor in the said Lothal report is not Prof. B. B. Lal who was Director General of ASI but this Dr. B. B. Lal was the

chief archaeological chemist of the ASI. I have no association with Atranjikhera excavation but I had taken part in Kalibangan excavation. The report on Kalibangan excavation so far as pre Harrapan levels are concerned has been recently published by ASI whereas the Harrapan part as per my knowledge is under preparation because I have been asked to submit my field report on human skeleton remains at Kalibangan which I have complied with. I participated in Kalibangan excavation from 1961 to 1969. The title page of which has been filed as paper no. 327-C1/1 is the same report which I have referred above as having been published. This relates to the period of excavation from 1960 to 1969. The chapter on animal remains in this report, copy of which has been filed as paper no. 327C1/2 to 327C1/17 was written by the experts from Zoological Survey Of India and authors names of that chapter have been mentioned on the title page of the report paper no. 327C1/1. In this chapter on animal remains they have described the identification of the bones. There is no other chapter on animal bones in this report of Kalibangan excavation. The name B.B. LaL which finds place on title page of 327C1/1 along with the names of Jagat Pati Joshi, B. K. Thapar and Madhubala, is the same B. B. Lal who was Director General Of ASI.

Out of the five excavation reports mentioned in paper no. 327C1 my contribution is only in the report of Surkotada excavation. Similarly out of the eleven excavation reports mentioned in paper 326C1/A and 326C1/B, my contribution is only in the report of Bhagwanpura excavations. In excavation report of Surkotada, copy of titled page of which has been filed as paper no. 327C1/34 my name finds place along with the names of Arun Kumar etc as contributors of the report. The portion of the report entitled as ‘ Animal bone remains’ filed as paper no. 327C1/37 to 327C1/57 has been contributed by me. This is my full report which was submitted to ASI regarding animal bones. This report was prepared by me on the basis of study of bones on excavation site as

well as in the laboratory.

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**Page 206**

Q: Is it correct to say that if there was no expert on bones in the ASI team of excavation at Ayodhya it was the duty of leader of the said team to get the bones recovered at Ayodhya examined by some experts and to include the report of such expert in the final report of excavation submitted to the Court ?

A: I fully agree that the bones should have been got examined by some expert on the subject who could have submitted his report if possible at the time of the filing of the final report or later when the examination is completed.

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

O.O.S NO. 5 OF 1989

(R. S. No. 236 / 1989)

**13-11- 2006**

**O. P.W 18 Arun Kumar Sharma**

**Page 239-240**

My statement that niche in wall no. 16 cannot be the niche of Idgarh because of the reason that the same is not in the centre of the wall, is only one ground for saying that wall 16 is not the wall of Idgarh. However, I have not mentioned any other ground in my affidavit supporting my contention that wall no. 16 is not the wall of Idgarh. Since I have not seen the disputed structure when it existed, I cannot say whether there were arches in the walls or not. In figure 1 of plate no. 3 on page 8/1 of paper No.120-C-1/69 (Indian Architecture – Islamic Period), there are arches in the gate shown in the said picture but in the said gate, no niches are visible. Similar is the position in figure 1 of plate no.6 on page 8/4 of the said paper. However, in figure of plate no.8 on page 8/6, in addition to the arches, a niche is also clearly visible in the bottom of the left side of the grave. It is wrong to suggest that there is no niche in plate 8 on page 8/6.

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

O.O.S NO. 5 OF 1989

(R. S. No. 236 / 1989)

**14-11- 2006**

**O. P.W 18 Arun Kumar Sharma**

**Pages 245-247**

‘Parnala’ is a term used for flow of water. Parnala is not used in all sorts of buildings for the exit of water from top of the roof. Parnala is used from inside the room of a temple generally from the garbhagrah i.e. Sanctum sanctorum. ‘Parnala’ is not used in all temple but used only in Shiva’s temple. ‘Parnala’ is Sanskrit word. I do not agree with the suggestion that ‘Parnala’ is used for exit of water from the roof top of all sorts of building. The circular shrine of Mansar as referred to in para 31 of my affidavit and depicted at page 27/167 of my affidavit, is similar to the circular shrine excavated at the site in question. Voluntarily said the variation between the two is that in case of Ayodhya excavation, the circular shrine is circular externally and square internally whereas that at Mansar, it has a circular shape internally and both are called circular shrine. The dimensions of the circular shrine of Mansar( page no.27/167), is internally 1.5 metres east-west and 1.5 metres north-south on the point of the circle. I have neither given these dimensions in my affidavit, nor they are mentioned in Annexure No.20 of my affidavit. It is incorrect to say that the dimension of shrine depicted at page 27/167 is much larger than 1.5 metres as stated above, by me. Scale lying in the shrine is clearly visible. That scale is 50 centimetres long. The entrance gate in the Mansar shrine is located on the top side of the photograph. The entrance is 50 centimetres in width. The extent height of Mansar shrine is 10 courses of bricks i.e. 80 centimetres. The estimated height of the roof of the said shrine is 2.50 metres. The square

structure in the centre of the circle on page 27/167 is Yoni-peeth. It is 55 X 55 centimetres in diameter. To the back side of the wall of the circular structure, there is space and the square structure is detached from all the side of the circular structure. The height of the square structure is 35 centimetres. The height of the square structure is 35 centimetres from base and the roof over the structure must be 2.15 centimetres. It is incorrect to say that in this photograph(page 27/167), Parnala on the square structure is not visible for taking water of the structure outside the circular shrine.

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### **Pages 252-253**

The ASI has not used the word 'demolished' anywhere in the report either in respect of a 'temple' or in respect of a 'wall'. I have mentioned the word 'demolition/demolished' in the first and last line of page 20 of my affidavit on the basis of evidences, I have seen at the excavation site during my visit. The said evidences are, that in the foundation of the wall of the disputed structure, architectural fragments, as for example, 'Makar Pranal' and bricks of the earlier structure, were used. 'Makar Pranal' shown in plate 23 of ASI's report Vol. II is the same 'Makar Pranal' which I have referred to in the second para on page 20 of my affidavit. The said 'Makar Pranal' is in the foundation wall of wall no. 15. Said again that the said 'Makar Pranal' is actually in wall no.5. This 'Makar Pranal' was not found above wall no.16. This 'Makar Pranal' in wall no. 5 was abutting wall no.16. Wall no. 5 was abutting wall no.16. Wall no.5 was not directly resting on wall no.16. My statement to the effect on page 20 that wall no. 5 was directly resting over wall no. 16 is not correct in respect of one trench but it is correct in respect of the entire remaining length of the wall where I have stated that it was resting over wall no.16. I have not stated in my affidavit as to from where the 'Makar Pranal' of plate no. 23 came originally.

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**Page 254**

This is true that the Central Advisory Board of Archaeology of which I am a member is the highest Advisory Body for Archaeology. The last meeting of the said Board was held on 2<sup>nd</sup> August, 2006. I have received a notice for the meeting. Along with a notice I have received the minutes of the earlier meeting. It is wrong to say that a copy of the minutes of the Standing Committee held on 20/21.10.2005 was also enclosed alongwith the notice received by me. I had received minutes of the earlier meeting of Central Advisory Board of Archaeology only.

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**Pages 255-259**

I am not a member of the said Standing Committee. The names of the members of the said Standing Committee are given in the Minutes dated 20/21.10.2005 at page 18. In the chart annexed to the said minutes of the Standing Committee as Annexure No.1, the details of the projects recommended/not recommended for the seasons 2005-2006 are given in the form of chart. It is correct to say that my project which was recommended by ASI is mentioned at Sl.No.35. At Sl. No.92 and 93 of this chart, there are proposals submitted by Dr. S. P. Gupta which were not recommended. Dr. S. P. Gupta is the same person who has written a book on Ayodhya and is the President of Indian Archaeology Society. The proposal at Sl. No. 94 was submitted by the same Indian Archaeological Society through Dr. S. P. Gupta. Alongwith me, Prof. Shiree Moosvi, Prof. Suraj Bhan, Prof. D. Mandal and Sri Sitaram Rai are also the members of the Central Advisory Board. All these four persons have appeared in this case as witnesses. Director General, ASI is the final licensing authority for the purpose of granting licence for excavation anywhere in India and he has a power to grant the licence, even if it is not recommended by the Standing Committee of the Central Advisory Board of Archaeology. The Central Advisory Board consists of eminent archaeologists, historians and scientists, apart from other

important persons including Members of Parliament.

By 'photographs' used in last line of paragraph 14 of my affidavit, I mean photographs contained in volume II of the ASI's report and not any other photographs said to have been submitted by the ASI in this Court. The 'other connected records' mentioned in para 14 refers to Video which was displayed in this Court and no other record. I have not seen the 'antiquity register' or any other register or the drawings prepared during or after excavation except the two volumes of the report. The critical examination of the excavated structures, layers and deposits as referred in para 13 of my affidavit refers to my examination on the site on 6<sup>th</sup> and 7<sup>th</sup> August, 2003 before the report was submitted. I cannot give the number/s of the structures which were examined during those two days. I cannot say, as I do not remember, the total number of structures found by ASI in the excavation. I can only say that more than 15 structures were examined by me at the site. Ram Chabutara, circular shrine, wall nos. 5, 16, 17, 18, 19-A and 19-B are among those structures which I had examined during the aforesaid visit. I had examined these structures from the surface of the excavation site as I was not allowed to enter into the trenches. I examined them with my naked eyes without use of any instrument. Apart from structures, I had examined the deposits in the layers, etc., By 'deposits', I mean pits and dumps. I have not seen any glazed wares, polished wares, bones or any antiquity recovered from the excavation and therefore they do not come in the word 'deposits' used by me in para 13 of my affidavit.

My statement in para 15 of my affidavit is based entirely on the two volumes of the ASI report and not based on any other documents, including site note books and antiquity register. This is wrong to say that it is not evident from the report that the excavation was carried out following the scientific norms and also that the antiquity register and the day site note books were maintained properly and in accordance with the settled archaeological norms. This is correct to

say that the site note books during excavation have to be prepared every day for the work done on that day. The antiquities found during excavation are sent to the antiquity section where they are recorded in the antiquity register. I cannot say whether there was any antiquity section during excavation at Ayodhya. I do not know that the antiquity register was prepared during excavation at the site.

Q. If you do not know, as to how the antiquity register was prepared and in what manner the site note books were prepared and maintained, then on what basis you can say that the excavation was carried out and report was given in conformity with the archaeological principles and norms and the report is a most scientific report.

A. I have made this statement on the basis of the end results of the excavation which have come out in the form of two volumes of the report by ASI.

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

O.O.S NO. 5 OF 1989

(R. S. No. 236 / 1989)

**15-11-2006**

**O. P.W. 18 Arun Kumar Sharma**

**Pages 261-262**

Q. When you have not checked and examined either the antiquity register or the site note books, then on what basis you have said in your affidavit that the finds were recorded and interpreted strictly in accordance with the settled archaeological norms and on what basis you say that site note books have been duly recorded ?

A. In archaeology, like any other scientific profession, there is a professional ethics and the first lesson is strict honesty and aloofness from any distortion or conjecture. The findings have to be stated as they are found. So the question of having any doubt on the excavator does not arise so far as antiquity registers, site note books etc. are concerned. The entire report is always written on the basis of these primary records. Since I was satisfied with the statements given in the ASI's report, Volume 1 and drawings and photographs in Volume 2, I did not find it necessary to go through the voluminous antiquity records, site note books etc. Moreover, in the site note books, the recordings are made by each individual site supervisors and at the time of writing the report, all have to sit together for their respective chapters and come to a final conclusion in spite of the fact that recording in one site note book may slightly vary with the other site notebooks.

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**Page 262**

Q. Whether these so called pillar bases were meant for stone pillars or wooden pillars?

A. As far as I can surmise, these were meant for stone pillars.

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**Pages 264-266**

I have not measured the distance between the pillar bases at the site in question but I measured the distances by scale in the drawings of the ASI's report. I measured it in the drawing of the figure no.3A (Volume 1 of the ASI's report), so far as I remember. Again said, I think, it is figure no.3 and not 3A.

On seeing the figure no.3 of the Volume 1 of the ASI's report, I can say that the number of the pillar bases are not mentioned in it but the trenches are certainly there. I have not measured their distances with reference to their number but I measured them with reference to their location in the trenches. In this figure, the distance between any set of two pillar bases is not approximately 5 metres. I don't agree with the suggestion that the distance between pillar bases no.48 and 49 is 5 metres as per ASI's report in figure no.3A( page 48A).

Q. Is it not correct to say that the distance of the pillar bases could be measured from this figure 3A on the basis of pillar base numbers?

A. Yes, they can be measured.

The distance between pillar no. 48 and 49 is approximately 4 metres. The distance between 47 and 48 is approximately 2 metres. The distance of pillar bases no.29 and 30 is about 4 and a half metres obliquely. The pillar base no.32 and 35 are in straight alignment of pillar base no.29. The distance between pillar base no.29 to 32 is slightly more than 2 metres. The distance between pillar bases no.32 and 35 is approximately the same as above. The distance between pillar bases no.22 and 25 is approximately 3 metres. It is wrong to suggest that the distance between pillar base no.22 and 25 is about 4 metres. The distance between pillar base no.15 and 22 is slightly more than 4 metres.

The pillar bases nos.2, 10, 15, 22 and 25 are in oblique alignment. The pillar bases no.11, 12, 13 and 14 are in alignment with pillar base no.10 on western side. The distance between pillar base no.11 and 12 is slightly more than one metre. The distance between

pillar bases no.12 and 13 is the same i.e. one metre. The distance between pillar bases no.10 and 11 is little less than two metres. The pillar bases nos.15 and 16 are in straight alignment from west to east. The pillar bases nos.18 and 19 are in alignment from west to east. There is no pillar base towards the east of pillar base no.25. This is correct that there is no pillar base in between pillar bases no. 25 and 26. The distance between pillar bases no.25 to 26 is approximately 6.5 metres.

15. Kindly point out 17 pillar bases in north south orientation and 5 pillar bases in east west orientation in alignment with each other in figure 3A and in figure 3 of the ASI's report as you have mentioned in para 26 of your affidavit.

A. The pillar bases in 17 rows north to south starts from pillar base no.2,7, 10, 15, 22, 25, 28, 31, 34,40, 44, 47 and the remaining five in the un-excavated area. From the figure 3A, one can notice 12 pillar bases from western side in first row. The remaining five must be in the unexcavated area.

16. Kindly point out 17 pillar bases in north south orientation and 5 pillar bases in east west orientation in alignment with each other in figure 3A and in figure 3 of the ASI's report as you have mentioned in para 26 of your affidavit.

A. The pillar bases in 17 rows north to south starts from pillar base no.2,7, 10, 15, 22, 25, 28, 31, 34,40, 44, 47 and the remaining five in the un-excavated area. From the figure 3A, one can notice 12 pillar bases from western side in first row. The remaining five must be in the un-excavated area.

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**Pages 269-270**

7. On what basis you have said in your para 17 of your affidavit that the Director of Ayodhya Excavation has made an analytical, comparative and critical assessment and has reached to the final conclusion in consultation with team members,

when no such mention is there in the ASI report?

- A. The very fact that different chapters in the ASI report have been contributed by the team mates of the excavation-team clearly shows that there was consultation, analytical study, etc. amongst themselves after which the Director of the Team reached some conclusion which is recorded in chapter X of the A.S.I. report Volume I. Yes. The Director, who is also a contributor of some of the chapters, alongwith his team mates must have analytically, comparatively and critically made assessment of the different chapters and results thereupon alongwith his team-mates.
- Q. The Director of the team at the time of submission of ASI report was Mr. Hari Manji and he has not contributed any chapter in the report alongwith any team member?
- A. By Director of the team, I mean, the person, i.e. Dr. B. R. Mani who was for the longest period as Director of the team.
- Q. Do you mean to suggest that the last chapter, i.e. Chapter X about conclusion was written by Dr. B.R. Mani as Director?
- A. The conclusion part is sum-total of the results of the different chapters and it is not to be written by one individual. It is drafted jointly by all the contributors. Since Sri Hari Manji was the Director of the Team at the time of writing the report, therefore, he must have made consultation with the members of the team and thereafter on analytical, comparative and critical assessment, he must have reached to the conclusion.

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**STATEMENT OF O.P.W. 19 (SHRI RAKESH DATTA  
TRIVEDI)**

**Before:- Commissioner Sri H.S. Dubey, Additional District  
judge /Officer on Special Duty, High Court, Lucknow**

O.O.S NO. 5 OF 1989

( R.S. No. 236 OF 1989)

Bhagwan Sri Ram Virajman at Shri Ram Janam Bhumi &  
Others-----Plaintiffs

Versus

Rajendra Singh and Others -----Defendants

( Commissioner appointed vide order dated 20.09.2006 of  
Hon'ble Special Full Bench of Allahabad High Court Lucknow  
Bench Lucknow passed in O.O.S. No. 5 /89 ( R.S. No.236/1989)  
Bhagwan Sri Ram Virajman at Shri Ram Janam Bhumi & Others  
Versus Rajendra Singh and Others

**03.10.2006**

**O.P.W 19 R. D. TRIVEDI**

**Page Nos. 9-10**

I had not visited excavation site at Ayodhya during the course of excavation. Recently on 24<sup>th</sup> of September 2006 I have visited the disputed site for a brief while. At this time most of the trenches were covered / filled with sand bags. I never visited Ayodhya prior to 24<sup>th</sup> September 2006. My parents and ancestors belong to Barabanki District U. P. My ancestors were resident of village Mardapur. Tahsil Haidergarh District Barabanki. I have been at several places during my tenure of service but presently I am settled in Delhi. I have never been posted in U.P. during my service. I joined my service National Museum in 1962 and retired in the year 1993 from ASI. My service

in National Museum Delhi was not governed by ASI at present both are separate organisation. When I was selected in ASI, I was relieved from National Museum. Initially I joined in ASI as Deputy Superintendent Archaeologist. From 1958 to 1962 I worked as custodian in educational museum Etawa and state Museum Lucknow. By means of my affidavit of examination-in –chief, in nut shell I want to convey that as per the excavation report submitted by ASI there were structures under the disputed structure and several fragmentary sculptural and architectural remains have been encountered underneath. The structures which were found below disputed structure during excavation were Hindu structure. The remains of the sculptural and architectural fragments which were found below disputed structure were indicative to temple association.

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**Page 11-12**

Q: Whether the title of the book as given by you indicates that there has been a Pratihara period in Indian history and that pertain to central India ?

A: ‘Pratihara’ period indicates the time bracket of the imperial ‘Pratiharas’ dateable form 8<sup>th</sup> to 10<sup>th</sup> centuries A.D. and central India means the location of the temples of that region belonging to that time bracket. ‘Pratiharas’ were a ruling dynasty. Whole of India was not under their rule. It was only limited mostly in northern India. Uttar Pradesh as known today was under the rules of ‘Pratiharas’. During their heydays Pratiharas ruled from parts of Himanchal Pradesh to Narmada in the south and from parts of Gujrat to parts of Bihar in the east. ‘Pratihara’ is a dynasties name of kings. They ruled from 8<sup>th</sup> to 10<sup>th</sup> century A.D. meaning there by they rule for about 300 years. They took over from some smaller King ruling from Ujjan and Kanauj in northern India. Pratihara surrendered rule from Chandelas, Paramaras, Kchchhapaghat etc. Prior to Prtihara’s Kanauj was being ruled by ‘Ayudha’ dynasty. To be sure in this respect I have to refer to

my book. I don't remember the who was ruling Ujjan prior to Pratihara.

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### **Pages 13-14**

I can mention the names of some Pratihara rulers such as Vatsaraj, Nagbhat, Bhoj, Mahendra Pal etc. I don't know whether people belonging to Pratihara dynasty are living these days in India or not. I don't know that whether the successors of Pratihara dynasty are living in Uttar Pradesh or not. So far study of Ancient Indian History was concerned in my course it pertains from the earliest period to 12<sup>th</sup> century A. D. By earliest period I mean from Palaeolithic period onwards. Palaeolithic period includes stone age. Rule of Pratihara dynasty does fall with in the course of Ancient History studied by me. I have also read Archaeology. Study of this subject was part of my M. A. degree. I have got practical knowledge of archaeology during my service period. I have not done any excavation. I have not written any excavation report. I have not scrutinised and reviewed any excavation report. I know Sri B .B. Lal and I have not worked under him. I don't think Sri B. B. Lal was holding any post in ASI in 1974, when I joined the service in ASI. Temples of Pratihara period have got significance. It is a transition period in architecture from Post-Gupta (7<sup>th</sup> century) to late Medieval (11<sup>th</sup> –12<sup>th</sup> century) temple architecture. Temples raised during Partihara period in northern India are know as Pratihara temples. Temples in India have been noticed in 4<sup>th</sup> –5<sup>th</sup> and 6<sup>th</sup> century A.D. Generally the temples of this period are known as Gupta temples. Temples in 1<sup>st</sup> 2<sup>nd</sup> and 3<sup>rd</sup> century have also been noticed in India but at very few places. No dynastic name is assigned for the temples of 1<sup>st</sup> to 3<sup>rd</sup> century A .D. Pratihara temples have got some distinguishing characteristic of their own. Temples have been noticed in other part of India also during period of 7<sup>th</sup> to 12<sup>th</sup> century A .D. They were known by the names of dynasty / regions in which they were constructed.

**Before:- Commissioner Sri H.S. Dubey, Additional District judge /Officer on Special Duty, High Court, Lucknow**

( Commissioner appointed vide order dated 20.09.2006 of Hon'ble Special Full Bench of Allahabad High Court Lucknow Bench Lucknow passed in O.O.S. No. 5 / 89 ( R. S. No. 236/ 1989) Bhagwan Sri Ram Virajman at Shri Ram Janam Bhumi & Others Versus Rajendra Singh and Others.

**04.10.2006**

**O.P.W 19 R. D. TRIVEDI**

**Pages 22-23**

My specialisation in History is regarding Pratihara period but I don't remember the whole details and date of the rulers of this dynasty.

Pratihara temple style is part of Nagar style.

Q: Do you mean to say that as regards the style of temples, Nagar style of temple is a generic term and Pratihara style is a species of the same confine to central India ?

A: The term Nagar style includes the temples styles which developed in northern part of India right from Gujrat in the west to Bengal in the east including even certain parts of Deccan and south. The Pratihara style belongs to the region which was ruled by Pratihara kings in northern and central part of India during 8<sup>th</sup> to 10<sup>th</sup> century A. D.

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**Pages 26-27**

The Grabhagriha is the sanctum sanctorum where deity is installed whereas the Mandapa portion was meant for the assembly of worshipers and religious activists. The main Shikhar is over the Grabhagriha but Mandapa also has a top at a lower level in various forms. The top of Mandapa has also a Shikhara. The Shikhara at the

top of Grabhgriha is at a higher level than the Shikhara of a Mandapa. Said voluntarily flat roofed temples were also constructed in early period. For instance in 5<sup>th</sup> , 6<sup>th</sup> century A. D. i.e. temples without Shikhars were also constructed. Shikharas can not be called domes. I am conversant with the word 'Gumbad' of Urdu language. There is no similarity in Gumbad and Shikaras as regards its architectural formations. One is pointed and pyramidal where as other is round and bulbous. In very late medieval period some Shikharas were of round shape. I don't remember even a single Shikara of round shape. I might have read somewhere about these types of Shikaras but I don't remember the reference at this time.

No temple of Pratihara style has a dome as super structure meaning there by in Pratihara temples no Gumbad type Shikhar is found.

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**Before:-Commissioner Sri H.S. Dubey,Additional District  
judge/Officer on Special Duty, High Court, Lucknow**

(Commissioner appointed vide order dated 20.09.2006 of Hon'ble Special Full Bench of Allahabad High Court Lucknow Bench Lucknow passed in O.O.S. No. 5/89 ( R. S. No. 236/1989) Bhagwan Sri Ram Virajman at Sri Ram Janam Bhumi & Others Versus Rajendra Singh and Others.

**05.10.2006**

**O.P.W 19 R. D. TRIVEDI**

**Page 35**

Lata Vallari or Lata-Valli or Kalpa-Valli or Patra-Lata are the terms to denote the foliage pattern with an undulating stem. These terms come under Indian Art and are found in Shilpa text connected with decoration of temples. 'Shilpa' means engraving on stone and in broader sense includes all activity connected with sculpturing and construction work. Patra lata or Lata vallari has got significance with relation to Hindu temples and denote the idea of prosperity. They have been followed in Hindu temples as well as in palaces and later on in other buildings also. I have seen the Mosques. Such decorations are found in Mosques but the pattern and style are different. The pattern of these decoration in Hindu temples and palaces is the same and it differs when used in the Mosque if not taken from the remains of a Hindu temple. In Mosques if it is not taken from a Hindu temple it is more stylised and loose the pristine (earlier) nature. The stylisation does not mean that the decoration becomes more attractive but it looses the naturalistic treatment found in the earlier period. I can't say how other persons having no expertise in this field would notice the difference between these decorations found in Mosques and used in other places.

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**Page 36-37**

The other details such as Amalaka pattern and Mala designs are also visible to some of the pillars. By the term Purna ghata Pallava or Ghata Pallava is meant a pitcher overflowing with foliage motif containing water. Pitcher is also generally used to keep water. Pitchers are made up of earth or metals. Importance of water is common to every body. Foliage motif means the leaf and floral patterns coming out of Ghata and that makes the term Ghata Pallava. Foliage motif are the words of English language whereas the word Pallava is of Sanskrit language which means leaves with stem. Pallava means leaves with stem. Foliage motif are two words. By the word foliage I mean Pallav and motif means pattern or design. I don't think there is any other nearest word in English for the word foliage. Floral means pertaining to flower, motif means pattern. Flower and Pallav are general terms applicable to any flower and leaf. The defaced statue indicated by me in the left side of pillar (paper no. 7/3) is not decipherable as it is not clear. By the term diamond pattern is meant a rectangular decoration found generally in the temples. Amalaka pattern is the constricted Amalaka found on the pillars. Mala design is garland motif. Diamond pattern, Amalaka, Mala design floral motif and Ghata Pallava are symbolic religious motifs found in the temples. These things are decorative objects or not depends on their placement. These things can be found in other buildings also.

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**Before:-Commissioner Sri H.S. Dubey ,Additional District  
judge/Officer on Special Duty, High Court, Lucknow**

(Commissioner appointed vide order dated 20.09.2006 of Hon'ble Special Full Bench of Allahabad High Court Lucknow Bench Lucknow passed in O.O.S. No. 5/89 ( R. S. No. 236/1989) Bhagwan Sri Ram Virajman at Sri Ram Janam Bhumi & Others Versus Rajendra Singh and Others.

**06.10.2006**

**O.P.W 19 R. D. TRIVEDI**

**Pages 39-41**

The words door jambs is an English word and in Sanskrit it is called as Dwara-Shakha. Door-jambs are the supporting columns of lintel of the door way. Door jambs are in both sides and stand in vertical position and lintel is resting on them in horizontal position above them. Thus the door- jambs, lintel (uttarang) and door sill ( Udumbar). Door jambs, lintel and door sill comprise the door frame. Kapotpali, Kapot or Kapotika are the terms used for cornice slightly projected out in the scheme of the temple construction. Shaft means part of a pillar. Octagonal is the shape on the ground plan of a column or any other construction. In Sanskrit it is called 'Ashtashra' meaning eight-sided. These are the common component of a building but they attain sanctity when used in context with a temple. I don't know whether above components is used in Gurudwaras and Churches are given any sanctity by their followers. Above architectural members can be found in other buildings as well but the technical terms given in Shilpa text as Dwarashaka, Uttrang and Udumbar are not applicable to them. The other buildings will include religious buildings also. Madhyalata is the central shoot rising upwards in the middle of the Shikhara of the temple. Karna Amalaka is the constricted Amalaka placed on the corner portion (Karna) of the Shikhara to denote the storey of the Shikhara. Griva portion is the

neck portion of the Shikhara below the top Amalaka of the Shikhar. Griva is a Sanskrit word. Indian Arts include the art which developed in India but it is commonly used in connection with the arts which originated in India. The architecture, sculpture, icons/ images , bronzes and paintings are studied in Indian Arts. This has no concern with any particular religion. It is true that statues may be found in the palaces. Besides Indian Arts I have expertise in Iconography also. Iconography is the study of images and their development through the ages. This is generally artistic study. Iconography is not related to any religion. There are large number of Gods and Goddesses which are worshiped by the followers of the Hindu religion. The one broad division is that the Gods are male deities and the Goddesses are the female deities. Some times there are composite forms also as in the case of 'Ardha-Narishvara'. I have never counted the number of Goddess ( devis ). I can distinguish one Goddess from the other if their images are placed before me. I have never tried to count the number of Goddesses. I am not aware whether roughly there are ten thousand Goddesses. I have never considered the problem of counting of different Goddess which I can distinguish.

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**Before:-Commissioner Sri H.S. Dubey ,Additional District  
judge/Officer on Special Duty, High Court, Lucknow**

(Commissioner appointed vide order dated 20.09.2006 of Hon'ble Special Full Bench of Allahabad High Court Lucknow Bench Lucknow passed in O.O.S. No. 5/89 ( R. S. No. 236/1989) Bhagwan Sri Ram Virajman at Sri Ram Janam Bhumi & Others Versus Rajendra Singh and Others.

**09.10.2006**

**O.P.W 19 R. D. TRIVEDI**

**Page 55**

Q. Whether you notice any contradiction in this para and para 2 of ASI report at page 271. Is here at page 37 the ASI has disagreed the result of C<sup>14</sup> test and at page 271 has relied upon the same. What do you say in this regard?

Ans. As I have emphasised repeatedly that I have not done any excavation or written a report on that and I am not an expert of C<sup>14</sup> dating so I am not in a position to reply this question, better the same may be asked with excavation experts. My field is limited to architecture and iconography as given in my affidavit.

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**Before:-Commissioner Sri H.S. Dubey ,Additional District  
judge/Officer on Special Duty, High Court, Lucknow**

(Commissioner appointed vide order dated 20.09.2006 of Hon'ble Special Full Bench of Allahabad High Court Lucknow Bench Lucknow passed in O.O.S. No. 5/89 ( R. S. No. 236/1989) Bhagwan Sri Ram Virajman at Sri Ram Janam Bhumi & Others Versus Rajendra Singh and Others.

**10.10.2006**

**O.P.W. 19 R. D. TRIVEDI**

**Pages 60-61**

Q: If you notice a pillared base structure in your saying of Mandapa shaped without any Garbhgriha there how will you determine it to be either a Mandapa pertaining to temple or a baithaka, varanda, cow-shade, pathshala or a madrasa ?

A: A Mandapa is associated with the Garbhgriha of a temple and if the Garbhgriha is not visible it may not be associated with a particular temple. If the construction of a Mandapa as a scheme of pillars which is indicative of a religious structure it may be associated with a temple.

The scheme is meant here to show the arrangement of pillars. I don't remember whether there is any prescribed scheme in Shilpa-text for a pillared Mandapa. As far as I know the usage of such scheme is not prohibited for other purpose.

Q: Are you of the view that in India all the Mosque or majority of Mosques has been raised by demolishing the Hindu temples ?

A: Some of the Mosques have been raised by demolishing Hindu temples. I can't say about all.

I am not aware of any other Mosque in Ayodhya except the disputed structure which was built after demolishing a temple. The disputed structure was raised in 1528 A. D. The disputed structure, which was raised in 1528 A. D, was a Mosque.

Learned cross examiner drew the attention of the witness towards para 12 of his affidavit. The circular shrine mentioned in this para was constructed on the floor dateable to 9 –10<sup>th</sup> century A. D. I don't remember the floor number at which this circular shrine was noticed during excavation. I don't remember whether ASI people have mentioned any floor on which this circular shrine was situated.

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**Pages 62-63**

Q: Whether your perception that disputed structure was raised after demolishing a temple is based on ASI report only or it is based on some other material ?

A: My perception is mainly based on the report of excavation conducted by the ASI.

Q: Kindly indicate the page and para where the ASI in its report has said that disputed structure was raised after demolishing a temple. ?

A: On being permitted by the commissioner the witness after going through the report (vol-I ) stated that on page 272 of this report suggests the remains of pillared Mandapa, architectural and sculptural fragments of a Hindu temple just below the wall of the disputed structure suggests the existence of a temple below the disputed structure. Which implies that the earlier remains of a temple were reused after their demolition.

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**Pages 64-65**

Q: Kindly indicate the sentence or the phrase as indicated by you at page 272 of the ASI report which say about the demolition of the structure ?

A: The content of last sentence on page 272 indicates that all architectural fragments and other remains used below the disputed

structure were reused under it. They can be reutilized after demolition of the earlier structure. This part reads as “now viewing in totality ..... in the temples of north India”.

Q: Can you indicate the particular phraseology by which you infer the demolition of earlier structure is stated?

A: The architectural members and their fragments utilised can be obtained only after demolishing the temple. Though the word demolition is not specifically given here.

Q: Do you find any difference in demolishing a structure by human agencies and raising another structure over the same and disappearance /demolition of structure by other causes ?

A: When a structure is demolished by human agencies its members are mostly fragmentary in nature and their utilisation is not in their proper places. So in the present case the suggestion is towards the demolition of earlier structures just below the disputed structure. If the destruction is by the natural forces the object remain scattered mostly in their original forms. I feel that in the present case the demolition was effected by human agencies to raise the disputed structure. The earlier structure was demolished prior to 1528 A. D. to raise the disputed structure.

It is not possible to give the exact time gap between the demolition of earlier structure and construction of the disputed structure in 1528 A. D. This time gap may be soon before the construction of the disputed structure or a few years before raising the disputed structure.

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### **Pages 66-67**

I don't find any phraseology at page 272 where it is mentioned that the earlier structure was demolished by human agencies.

According to me circular shrine can be dated in 9<sup>th</sup> –10<sup>th</sup> century A. D. I have dated this structure on the basis of analogy given in the ASI

report and also on my information that I have gathered by seeing circular temples of that period. The plan and formation of the circular shrine is comparable to other contemporary temples. I remember one temple known as Gargaja-Mahadev temple at Indor Guna District ( Madhya Pradesh ) which seem to me earlier than the circular temple in question. I don't remember any other temple of this kind existing prior to 9<sup>th</sup> century A. D. in India. I don't remember instantly whether circular shrines were raised in India after 9<sup>th</sup> –10<sup>th</sup> century A. D. I did not remember two days earlier also in this regard. I don't remember whether I knew this fact 2 years back or not.

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**Page 69**

Q: May I know what is the basis of the dating of said temples by you ?

A: The temple has been dated in comparison with the other temples of central India and their architectural similarities and same can be seen in my book already referred to.

The temples whose help has been taken in dating Gargaja-Mahdeva temple are architecturally dated in my book. The temples with whom I have compared Gargaja Mahadev temple are 1. Teli ka mandir in Gwalior fort 2. Mahadev temple at Amrol. The names of other temples I don't remember at this point of time. This can be seen in my book.

Q: Were these two temples indicated by you above circular in shape comparable to Gargaja Mahdev temple ?

A: The architectural motifs are the basis of dating the Gargaja Mahadev temple and not their circular shape.

These two temples, according to me, can be dated to about 800 A. D. The basis of dating of these two temples is architectural motif and in one case the palaeography of inscription found therein.

**Before:-Commissioner Sri H.S. Dubey ,Additional District judge/Officer on Special Duty, High Court, Lucknow**

(Commissioner appointed vide order dated 20.09.2006 of Hon'ble Special Full Bench of Allahabad High Court Lucknow Bench Lucknow passed in O.O.S. No. 5/89 ( R. S. No. 236/1989) Bhagwan Sri Ram Virajman at Sri Ram Janam Bhumi & Others Versus Rajendra Singh and Others.)

**11.10.2006**

**O.P.W 19 - R. D. TRIVEDI**

**Page 72-74**

The later two temples have also the Garbhagriha and Antarala preserved. 'Antarala' may be translated as Ante-chamber in front of the Garbhagriha. This Antarala is the integral part of Hindu temple often situated within the door way of the temple and very closely associated with the Garbhagriha. First thing is Garbhagriha in front of which is there after Antarala then other parts such as Mandapa etc. in a temple in north India. Antarala closely joins Garbhagriha and often is not demarcated separately.

Q: If one says that Mandapa should adjoin Garbhagriha as per set norms of Hindu temple, would it be incorrect ?

A: Between Garbhagriha and Mandapa there is generally a narrow Antarala.

There are a prescribed norms for the plan of a Hindu temple which is generally followed but sometimes the deviations are also made / found. The prescribed norms are generally followed in the construction of north Indian temples Existence of an Antarala is between Garbhagriha and Mandapa. I don't remember the size of above three temples. I don't remember the size and dimension of Gargaja Mahadev temple. I don't remember the size of circular shrine found during excavation. This circular shrine as far as I remember is found on the right side below the massive pillared structure. In Teli

ka Mandir there is a small inscription engraved on the wall itself which also helps in dating this temple. The language of this inscription is Sanskrit and it is in the praise of the Goddess Durga. It's script is Brahmi. I have taken the help of epigraphists in the ASI in dating this inscription. I know little bit of palaeography but I am not an expert of that. I have already said that I have taken the help of epigraphists in dating the inscription. These epigraphists have helped me in reading and dating the same on palaeographic ground.

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**Page-74**

.....I don't claim my self to be a palaeographer. Palaeography is a part of epigraphy.

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**Pages 75-76**

Q: If photographs of certain inscription or writings are placed before you, you will date the same on the palaeographic basis ?

A: As I have already repeatedly stated that I am not an epigraphist so I may not be able to read or date the inscription with certainty without the help of any other epigraphists.

I don't remember the names and number of the epigraphists of ASI department whose assistance had been taken by me in dating the inscription of Teli ka Mandir.

Q: Have you taken into account historical aspect also in dating such inscription?

A: I have taken into account the history of architectural development also in dating the temple.

This dating is not only based on the epigraphical evidence but the architectural development and motif of the region have also been taken into account in dating the temple of Teli ka Mandir.

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**Before:- Commissioner Sri H. S. Dubey, Additional District judge/Officer on Special Duty, High Court, Lucknow**

(Commissioner appointed vide order dated 20.09.2006 of Hon'ble Special Full Bench of Allahabad High Court Lucknow Bench Lucknow passed in O.O.S. No. 5/89 ( R. S. No. 236/1989) Bhagwan Sri Ram Virajman at Sri Ram Janam Bhumi & Others Versus Rajendra Singh and Others.)

**13.10.2006**

**O.P.W 19 - R. D. TRIVEDI**

**Pages 91-93**

Q: What is meant by Kirti Mukh ?

A: 'Kirti-Mukh' is representation of a stylised facial form.

It is not confined to any particular person. Apart from human beings and animals it does not represent any other object as far as I know.

Q: Do you notice three arched shaped design on the wall of this court no. 19 ?

( Sri Ajay Kumar Pandey raised the objection to the above question and stated that the witness has come to state on a particular subject. In a cross examination only those question can be asked which are related to the objects and photographs relating to disputed site. Similarly questions can be asked showing photographs of other temples and it remains. If no photographs is available on record with regard to the question put to the witness therefore such question should not be permitted to be asked.)

( Learned cross examiner submitted that my learned friend presupposes the existence of a temple below the disputed structure. However to my mind the question to be probed is whether the structure found below the disputed structure pertains to Temple, Eid-

gah, Kanati-Masjid or any other building of common use and as such this question is most relevant )

A: Yes, I noticed semicircular arch shaped design over the wooden decoration. These are mere decoration here.

In the semicircular arches there is not a pilaster but on the sides there are wooden pilaster. I don't see any lintel in this decorative pattern. These pilaster are not supporting any lintel of a door way so they can not be called door jambs. In common parlance the common people make such decorations in there houses.

Yesterday I had stated about plate no. 23. Pranala is an outlet of water.

Q: Whether pranala is essential architectural member of the building ?

A: Yes.

Q: Is it correct to say that the people to their thinking and capacity fix pranalas in their building, even plain and decorated in different manners ?

A: Yes.

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### **Page 97**

Q: Is there any such reference which excludes the possibility of such objects being used in other building also, apart from Hindu temples?

A: I am not aware of any reference to that effect.

Q: Whether you have come across with any such literary reference which exclude the possibility of using the object visible in plate no. 82 and 83 in the buildings other than the Hindu temples ?

A: I have not come across with any reference of these motifs being prohibited for being used in the building other than temple.

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**Page 99**

Q: Can you indicate regarding the objects mentioned in page 153 to 163 (from serial no. 1 to 175) regarding their association with the structure of Hindu temple ?

A: I am not an expert of bricks so I am not in a position to give any opinion on them except on the bricks which have some carved motifs on them and are illustrated in the photographs of the report of ASI for which I have stated earlier.

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**Page 100**

Q: On the basis of description of these objects finding place on these pages can you indicate whether any of these had got any association with Hindu temple?

A: I am not an expert of glazed tiles so I am not in a position to give an opinion on these glazed tile fragments authentically.

At page 173 of the above report 9 stucco objects are listed. On all these objects I am not in a position to give my opinion. Only on the basis of description given against these objects. Some of these objects have been given in the photographic illustration of ASI report volume II on which I have already given my opinion. In absences of photographs of other objects I am not in a position give to my opinion authentically as to whether these objects are associated with any Hindu temple structure or not.

On page 174 to page 203 serial no. 1 to 131 terracotta figurines are listed I have given my opinion regarding some of these objects illustrated in the report, the photographs of which are given in ASI report volume II. So far as other objects are concerned they can also be identified on the basis of description but in general I am not in a position to give my opinion as to whether these other objects are

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related to any religious temple structure or not.

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

O.O.S NO. 5 OF 1989

( R. S. No. 236 / 1989)

**16.10.2006**

**O.P.W 19 - R. D. TRIVEDI**

**Pages 103-104**

The building material of a collapsed temple can be reused in construction of an another temple. With the demolition of a temple, the religious sanctity of a fragment gets displaced but with its reuse in construction of another temple, the religious significance is again sanctified. It is immaterial whether such fragment is reused in foundation or at any other place of a temple, as far as I know. I have not seen any Buddhist temples. Of course, I have read about Buddhist temples. I don't think that any fragment recovered at the site in dispute during excavation belongs to a Buddhist temple. As far as I know there is no difference between the architectural features of a Buddhist and a Hindu temple and fragment members of a Buddhist and Hindu temple. As a matter of fact, it is the subject i.e. the idol etc. which distinguishes a Buddhist temple from a Hindu temple. On the basis of the other features like a circular shrine having been discovered at the site in dispute, I can say that the fragmented architectural members found at the site in dispute were associated with Hindu temple. Circular shrine is not the only specific feature indicating about a Hindu temple but there are other fragments of 11<sup>th</sup> and 12<sup>th</sup> Century which indicate about the existence of the temple. The presence of inscriptional evidence found at the site also indicates that a temple of Vishnu Hari was constructed there in the 12<sup>th</sup> Century A.D. All the 450 fragmentary architectural pieces cannot be associated with any particular temple. They may belong to

time bracket of 11-12<sup>th</sup> Century A.D.

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### **Pages 104-105**

.....Since I am not an excavator, I cannot say as to what was the level/floor of the pillared Mandapa. I have already said that the pillared Mandapa was below the floor of the disputed structure. I am not aware of the details of the floors and levels or the stratigraphy, therefore, I cannot answer with authority that the depression of the Garudadwaja was more or less at the same floor at which the surface of the disputed structure was found.

The pillared mandapa is datable to 11-12<sup>th</sup> Century A.D and since I am not an expert of stratigraphy, I cannot answer with accuracy about the date of construction of Garudadwaja's depression. On the basis of the ASI's report and its findings, as also the existence of the evidence of Vishnu Hari temple inscription, I have dated the said construction of a Hindu temple to be of 11-12<sup>th</sup> Century A.D. It is not amazing to date a structure at the same floor while plead ignorance about another structure of the same floor. In fact, I would repeat again that I am not an expert of stratigraphy. It is incorrect to say that I am deliberately giving an imaginary reply. I don't remember that as to whether ASI team has in its report dated this depression of Garudadhwaja or not.

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### **Pages 106-107**

I have not thoroughly studied the report of the ASI, though I have cursorily gone through it. Since my expertise are in iconography and temple architecture, I have specifically studied sculptures connected with Hindu temple and also noticed the report from the same point of view. Chapter VI of the report(Volume I) deals with the architectural fragments. Although other chapters do not deal with the field of my specialisation, yet I have cursorily gone

through it. Alongwith the report, I have seen cursorily some of the designs/figures sketched by the ASI team.

### **Pages 108-113**

The disputed structure was constructed in 1528 during the regime of Babar. I don't think that ASI has specifically said in its report that the disputed structure was constructed after the demolition of any Hindu temple. But some of the remains found in the foundation of the disputed structure suggest that the disputed structure was constructed after pulling down some Hindu structures. Except the ASI's report, I don't have any independent information about a Hindu structure having been pulled down before the construction of the disputed structure. Although, in the ASI's report, there is no specific indication about the demolition of a Hindu structure/temple, yet there are several remains of architectural members which suggests the pulling down of a Hindu temple before the construction of the disputed structure. In the ASI's report, there are specific findings in the summary which suggests that a Hindu structure/temple pre existed and was demolished before the construction of the said mosque.

According to me the last sentence of summary of ASI's report in Vol 1, at page 272 is suggestive of the fact that there existed temple prior to the construction of the disputed structure.

Q. Is it correct to say that in the aforesaid last sentence at page 272 starting from the word "now view in totality", there is nothing which may suggest or indicate that any temple or Hindu structure existed there at the site in dispute in or around 1528 A.D. before the construction of Babri Masjid.

A. "The mutilated sculpture of divine couple and carved architectural members including foliage patterns, amalaka, kapotapali doorjamb with semi-circular pilaster, broken octagonal shaft of black schist pillar, lotus motif, circular shrine having pranala (waterchute)

in the north 50 pillars base in association of the huge structure, are indicative of remains which are distinctive features found associated with the temples of north India”

This portion of the summary in the end of the ASI’s report at page 272 indicates that there was a temple below the disputed structure as has been concluded by ASI.

21. Is it correct to say that the last lines of the aforesaid sentence of the ASI’s report providing that the material referred therein was “ indicative of remains which are distinctive features found associated with the temple of north India”, do not suggest either existence of any such temple in or around 1528 A.D. or so called demolition of any such temple during that period.

A. Some of the pieces like pranala (waterchute) has been found laid in the foundation of the disputed structure. Similarly other pieces have been also found below the disputed structure at various places and these things suggest that the earlier structure might have been pulled down earlier to the construction of the disputed structure though there is no specific time mentioned in the report.

This is true that in this portion of the ASI’s report there is nothing which is indicative of the fact that there existed temple in or around 1528 A.D. or the same was demolished also around that period before the construction of the disputed structure. Instantly I am not aware of any other portion of ASI’s report in which there could be any indication regarding the existence or demolition of any temple prior to the construction of the disputed structure. My statement in paras 10 and 11 of my affidavit is not solely based on what is mentioned in the ASI’s report at page 272 as referred to above but on other portions of the said report too, such as chapter 4 which deals about the structure.

The word pillared mandapa like structure” mentioned in para

10 of my affidavit has been derived from the discussions in the ASI's report under the heading 'the massive structure below the disputed structure' from page 54 to page 56 of ASI's report Vol-1. Although I have not read chapter 4 of ASI's report in detail but I have gone through the said chapter cursorily.

(v) Have you studied in detail about the said "50 exposed pillar bases" as mentioned in para 2 of the ASI's report at page 54 under the heading "the massive structure below the disputed structure".

8. I have studied that 50 pillar bases were exposed of various shapes and sizes. 12 of them fully exposed, 35 partially exposed and 3 found in the Section of excavation. Thus, I have studied about the pillar bases cursorily.

14. Have you based your findings and inferences given in paragraphs 10 and 11 of your affidavit only on such cursory study of the so called pillar bases as given on pages 54 to 56 of the ASI's report Vol-1.

17. Yes. My finding in para 10 and 11 of my affidavit is based on cursory study of the aforesaid portion of ASI's report.

The words used in para 10 of my affidavit, namely, "pillared mandapa-like structure" have been conceived by me from the facts mentioned in the ASI's report at page 55, last para, regarding existence of the pillar bases and their alignment. My this opinion is based only on the basis of 50 exposed pillar bases and not on the basis of 17 rows of 5 pillars as mentioned on page 55. Although I am not an engineer but I have seen pillar bases of about 1 square meter or 1.5 meter square roughly to support the pillars to bear the load of huge structure. This is true that the ASI has used the word massive structure for a structure of the dimension of 50 meters x 30 meters. The structure of this size can be called a huge structure also. I cannot

say what height would have been of the structure which might have existed prior to the construction of disputed structure at the disputed site. On the basis of the information available in the ASI report I can say that it was 'Nagar' type of temple which is generally found in the northern India on the disputed site before the construction of the disputed structure.

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

O.O.S NO. 5 OF 1989  
( R. S. No. 236 / 1989)

**17.10.2006**

**O.P.W 19 - R. D. TRIVEDI**

**Pages 114-115**

The pillared Mandapa which might have existed at the site in dispute would have been an elaborate Mandapa, that is developed one, having a large number of pillars. There would have been 50 or more number of pillars in that Mandapa. In the temples of Pratihara periods, I have not found a Mandapa with such a large number of pillars as found at the disputed site. Mandapa is always associated with the Garbhagrah of a temple and such garbhagrah is the main part of the temple where the main deity is installed. The garbhagrah of the temple at the site in dispute would have been at the centre place of such temple.

The Mandapa of the temple was in east, north and south of the said Garbhagrah.

**Pages 115-122**

.....By now I have not formed any opinion about the estimated size of the garbhagrah of the temple which might have existed at the disputed site prior to 1528 A.D. Said again, "the said garbhagrah would have been 15 x 15 metres in area, although I am not sure about it." Whatever inferences I have drawn, are based on ASI report. Since the details of pillar bases are furnished in the ASI's report including drawings, I have been able to disclose about the size of the Mandapa but such details being lacking about garbhagrah I am not able to disclose the size of the said garbhagrah. In my estimation in figure 3A the existence of pillar bases no.PB-2, PB-7, PB-10, PB-15, PB- 22, PB-25, PB-28, PB-31, PB-37, PB-43 and PB-47 being in one

line and alignment reflect the length of the Mandapa which might have existed at the site in dispute. The garbhagrah would have located towards west of the aforesaid alignment starting from pillar base 2 coming down at pillar base 47. There is a possibility of said garbhagrah extending to some extent towards the east of the said alignment. It is correct that the said garbhagrah would not have extended beyond pillar base no.26 in the east. I am not sure about the exact location of the garbhagrah viz-a-viz the Mandapa. Whatever I have disclosed above, is all based on my inferences. There would have been no possibility of the garbhagrah of the earlier temple having located beyond the western wall no.16. I have not come across about the existence of wall or pillar base of the garbhagrah in the ASI report. With reference to the Aamalak recovered from the site in question, I cannot disclose either the height or the size of the temple. Even with reference to the number of architectural fragments and sculptures referred in the ASI report, I am not in a position to form any idea and disclose about the size of the garbhagrah or the temple. I was able to assess the size of Mandapa with the help of the number of pillar bases and the remains of some pillars. It is wrong to say that the remains of the pillars which I have noticed from the report of the ASI form part of the structure constructed in the year 1528 i.e. the mosque. The existence of the remains of such pillars on the surface of the disputed site might indicate that the pillars were reused in construction of the mosque although they seem to have belonged to an earlier Hindu temple. The pillars visible in plates nos.82 and 83 of ASI report, Volume –II, are the same pillars which were recovered at the site in dispute. The pillars visible in plate no.31 was also a pillar found at the surface of the floor of the disputed structure from the site in question. I have not stated about the existence of ‘garbhagrah’ on the basis of the above referred pillars but I have inferred about the existence of Mandapa on the basis of these pillars. In para 10 of my affidavit, I have mentioned about the existence of remains of a massive structure underneath—which I

mean a pillared Mandapa. By massive structure, I mean Mandapa and not a temple which has not been found. Mandapas are associated with a temple though garbhagrah has not been excavated. Mandapa cannot exist without a temple and it is a part of temple. Since Mandapa is a part of temple, by massive structure I mean a part of temple. I have inferred, as said in my affidavit that a part of temple existed in the shape of massive structure at the site in dispute. Massive structure, as referred in para 10 of my affidavit, comprised of pillar bases and wall nos.16 and 17. All the 50 exposed pillar bases formed part of this massive structure.

The description of massive structure below the disputed structure has been given in para 2 on page 54 by the A.S.I. in its report, Volume 1 and in para 10 of my affidavit, I have referred to the same massive structure. The said massive structure comprised of 50 meter long wall (wall 16) in the west and 50 exposed pillar bases to its east. It is correct that A.S.I. has nowhere stated in its report that wall 17 formed part of the massive structure. Since wall 16 rested on wall 17, I inferred that wall 17 too was the part of the massive structure. It is my feeling that wall 17 served as foundation of wall 16. I understand that wall 17 was about hundred years older to wall 16. So the two walls are not contemporary. The construction of wall 16 is datable to about twelfth century. I agree with the opinion of the A.S.I. mentioned in para 2 at page 41 of its report Volume 1 that massive wall no.16 might have been constructed in sub-period (A), which starts from the end of the 12<sup>th</sup> century A.D. It is possible that the entire massive structure which existed earlier was constructed towards the end of the twelfth century A.D.

Q. Whether it is possible that the sub-period (A) might have extended upto beginning of 13<sup>th</sup> Century A.D.?

A. The extent of sub-period (a) can go upto the beginning of 13<sup>th</sup> century. I would add further that the possibility maybe on both sides and this period can go upto 1150 A.D. also.

I do not exactly remember who was the ruler of Ayodhya

towards the end of 12<sup>th</sup> century but certainly he belonged to the Gahadhwali dynasty. Now I recall he may be Jai Chandra. Jai Chandra was defeated by Mohd. Ghouri sometime around 1191. I cannot certify that the rule of Gahadhwali dynasty came to an end with the defeat of Jai Chandra. Also, I do not remember that Jai Chandra was the last ruler of Gahadhwali dynasty. I do not know as to who was the ruler of Ayodhya region after Jai Chandra's fall. Govind Chandra was the ruler, who got the massive structure beneath the disputed structure, constructed. Although I cannot give exact period of the rule of Govind Chandra, yet I can endeavour to say that he ruled from 1115 A.D. or so to 1160 A.D. or so. There is likelihood of the Vishu Hari Temple being the same massive structure found beneath the disputed structure referred in the ASI's report.

Generally speaking all the pillar bases will be on the same floor. The 50 pillar bases found during excavation of the disputed site should also be on the same floor. I have not examined from this point of view whether all the 50 pillar bases are on the same floor or not? I am not able to recollect whether ASI in its report has anywhere given the floors of 50 pillar bases referred to in the report and found during excavation. I know there are some appendix in the reports. Since I have not gone through the said appendix filed by the ASI in its report, therefore, I cannot say that all the details are there regarding pillar bases in the said appendix. Voluntarily said that since I am an expert of temple architecture and Iconography, therefore, I studied report thoroughly only from that point of view and I have not studied the report in regard to other fields connected with the excavation and therefore, I cannot answer regarding excavation, stratigraphy and placement of the flooring etc.

Q: You have specifically mentioned and stated about pillar bases said to have been found during excavation, so kindly let us know whether pillar bases do not concern with the excavation?

A: Since pillar bases referred to in the ASI's report formed part of temple architecture and therefore, I had studied about them in

general.

Q. When you had based your findings on the said pillar bases whether you were not supposed to examine the details about the same as given in the ASI report ?

A. I think, I am not supposed to examine in details of the whole process of excavation how these pillar bases were found.

I have not read the details given on pages from 56 to 67 in regard to pillar bases referred to in the report of the ASI Volume 1. This is true that pillar base no 13 on page 59 is shown to be resting on floor 4 but I have not examined its correctness, therefore, I cannot certify that said pillar base was actually resting on floor 4 or not. I have not examined pillar bases referred to in the ASI report from that point of view as on which floor they were resting.

Q. Is it correct to say that you have not carefully gone through the report regarding the details of pillar bases as given in Chapter 4?

A. I have earlier said that I have gone through the report cursorily but I have assured myself that there were 50 pillar bases in number.

I have not examined the details of pillar bases but only on narration of the ASI report, I found that there were 50 pillar bases.

Q. Will it be correct to say that your statement on page 51 that you had carefully gone through both the volumes of the ASI report appear to be contradicted by your statement given today.

A. It is not contradictory at all because I have gone through the report cursorily and not thoroughly in all respects. I have used the word carefully and cursorily in the same sense.

Q. Do you subscribe to the view that pillar bases resting on floor 2 cannot form part of the structure in which pillar bases are resting on floor 4 and both these kinds of pillar bases could not be said to have been constructed at one and the same period?

A. I am not in a position to answer this question as I am not an expert of excavation process and their analysis as given by the excavators.

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

O.O.S NO. 5 OF 1989  
(R. S. No. 236 / 1989)

**18.10.2006**

**O. P.W 19 - R. D. TRIVEDI**

**Pages 124-125**

I have not studied any book pertaining to the rule of Gahadwala dynasty. I know about Rama Shanker Tripathi who has written history of Kannauj. I have not heard about Roma Niyogi who has authored a book 'The history of Gahadwala dynasty'. I don't know that Thakur Prasad Verma who is an historian is one of the plaintiffs of this suit in which I am appearing as witness. However, I know Mr. S. P. Gupta, who is an archaeologist. I can read and write Hindi easily. I have not read the book 'Ayodhya ka Itihas Evam Puratatva' (Ext. No. OOS 5-3, shown to the witness) authored by Thakur Prasad Verma and Swaraj Prakash Gupta. I have not even heard about this book. I have heard about the book of Hans Bakker on Ayodhya (Paper No.120 C-1/2) but I have not read it. I have perused one article written by Prof. K.V. Ramesh in which there is a reference to Vishnu Hari temple of Ayodhya.

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**Pages 126-132**

It is correct to say that Vishnu Hari temple was not got constructed by Govind Chandra himself. However, his name occurs in the inscription as overlord of the region. My earlier statement at page 119 where I have stated that the temple was got constructed by Govind Chandra is still correct because the credit of the construction goes to overlord as acknowledged in the inscription. I don't agree with Hans Bakker's given view at pages no.256 to 260 with (Book Paper No.120 C-1/2) of his Book regarding Vishnu Hari temple being

located at the Ghat of ChakkraTirth at Ayodhya. I agree that the duration of Govind Chandra's rule has been rightly given between 1114 to 1154 in this book at paper no.289 C-1/198 (Exhibit OOS 5-3). I have not heard that Salaar Masood had ever made any strike or assault at Ayodhya. The earlier structure, of which wall no.17 formed part, was constructed about 100 years prior to the massive structure of the temple.

I do not remember that wall no.17 had any association with any other structure found by the A.S.I. at the disputed site. I have no idea about the nature of the structure which might have existed alongwith the wall no.17. Perhaps, a smaller temple existed prior to the construction of wall no. 16 which was associated with wall no.17. I do not know whether the temple associated with wall no. 17 was demolished or it collapsed on its own. I have no idea about the size of the said temple of wall 17. Also I have no idea about the deity which might have been installed in the temple of wall 17. I think four pillar bases were associated with the temple of wall 17. I cannot point out with exactitude the serial numbers with their location of the said four pillar bases, I simply read it somewhere in A.S.I. report. It is my own inference that the structure associated with wall 17 was a temple, although it is not so mentioned anywhere in the A.S.I.'s report. The said four pillars associated with the structure of wall 17 might form part of the Mandapa.

Q. When you are not aware of the location of those four alleged pillar bases said to be associated with wall 17, how could you say that they might have been part of some Mandapa?

A. Generally the pillars are made to support a Mandapa.

I have not seen any Mosque having pillars to support roof of the Mosque. With reference to figure 2, plate XX of the book titled as 'Indian Architecture' (Islamic Period) by Percy Brown (Paper No.120 C-1/69), I can say that the pillars visible in it are not the original pillars of the structure of Mosque, rather these pillars are of a temple and they have been reused to support the roof of the Mosque. This

Mosque in figure 2 might have been constructed in 1205 A.D. This “Adhai Deen ka Jhopara Mosque” is still in existence. Said voluntarily that this Mosque was built hurriedly during the time of Qutubuddin Aibak. The estimated height of these pillars is about 30 feet. In this figure of Adhai Deen ka Jhopara the left most pillar is visible with its pillar base. Maybe that the length and width of the said pillar base would have been 2 feet x 2 feet. They are stone pillars. The pillar base is also made of the stone. Each pillar has three different pillars, that is one upon another. The lintels visible in the roof of the mosque shown in figure 2, supported by the pillar capital, do have carvings and decoration. I cannot give a nomenclature of the said lintels’ carving because it is not very clear.

In plate No. XXIV, figure 2, of the same book very heavy and small pillars are visible to support the high arches below the roof of the Mosque.

- Q. Whether the roof of the Adhina Mosque situated in Panduva, referred to above, is or is not resting on the pillars?
- A. The roof of the Mosque is resting on high arches which in turn are resting on heavy and short pillars.

All the pillars of each row appear to be of one and the same dimensions of Adhina Mosque . The pillar base of the pillars on right side may be 3 feet x 3 feet in dimension and the pillar base of the left row would have been 2 feet x 2 feet.

All the pillars shown in figure 2 of plate XX on page 24/4 as also all the pillars of plate XXIV on page 24/8 are on same floor. In figure 2 of Plate VI on page 8/4 of this book, all the pillars are in straight line as also the roof, with carving and decoration, are in the same line and on the same floor. On the basis of motif decoration in the pillars and the ceilings carved in lotus pattern show that these pillars and the ceilings were of Hindu temple which were re-utilised in the Mosque. I cannot say for re-use of the pillars and the ceiling they were brought from somewhere else or they were re-used after demolition of the temple at the same site. I am sure that there existed

a temple at the site over the base of which a Mosque was constructed which is known as “Adhai Din ka Jhopara”. The gate shown in figure 1 of plate VI on page 8/4 is an addition and it was constructed for the mosque. The carvings shown in the said figure 1 of plate VI on page 8/4 are not similar to those of the pillars and ceiling of figure 2 of the said pillars. Although it is not very clear to me but it appears that in figure 1 something is written in Arabic calligraphy over the arch as well as the rectangular decoration surrounding it. In figure 2 of plate VI on page 8/5, there are two panels having a stylised foliage decoration and below the same in two panels, there is Arabic calligraphy. The upper two panels showing stylised foliage decoration seem to be of temple design of about 1200 A.D. or of period slightly later. I cannot say definitely whether the said two panels bearing temple carving were got prepared soon before the construction of the said Qutub Mosque or they were reused after being brought from somewhere else. I cannot assign any particular dynastic nomenclature to the said foliage patterns. The design of Arabic calligraphy in the lower two panels in the figure belong to the period around 1200 A.D. I may have seen the Qutub Mosque but I cannot actually recollect the area in which the said panels are located in the said Mosque. In figure 2 of plate XXV on page 28/1 there are lintels having carvings and decorations over the double arches. On the top there is a monogram like decoration but the same has no resemblance with any temple design or carving. In this photograph, the other designs or carvings also do not have any resemblance with carvings in Hindu temples. Figure 1 of plate XXXIV and of plate XXXV on pages 40/2 and 40/3 show the building of the same mosque and their roofs are resting on pillars. The height of the pillars in both the figures could be around 20 feet. The pillars in both the photographs are on the same floor. The pillar bases of the pillars of the two figures could be of maximum sizes in 3 feet by 3 feet.

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

O.O.S NO. 5 OF 1989

(R. S. No. 236 / 1989)

**19.10.2006**

**O. P.W 19 - R. D. TRIVEDI**

**Pages 133-134**

In Sultanate period, in the beginning, kings and rulers utilised the pillars from Hindu temples to be used in the Mosques. Later on, they may have started making their own pillars, of which I am not aware. In Mughal period they started making/building their own pillars. Generally the Mughal rulers have not used any temple or religious buildings pillars and if any pillars have been sparingly used by the Mughal ruler, I am not aware about the same. I think that the base and capital of the pillars visible in Plate XXXIV figure 1 and Plate XXXV figure 1 of the book (paper no. 120/C-1/69) are indicative of the fact that these pillars were of some Hindu temples and reused in this Mosque.

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**Page 140**

Witness having seen the photograph of Jami Masjid Mandu of plate 42 on page 44/2, figure no.1, and 2 answered that the roof of this building is not resting on pillars but it is resting on the arches which are resting on lower side on heavy pillars. There is no difference in formation of arches and pillars in figure no.1 and 2 of plate no.42. I am not in a position to say from the photograph whether the pillars of the said building are original or have been reused.

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

O.O.S NO. 5 OF 1989  
(R. S. No. 236 / 1989)

**15.11.2006**

**O. P.W 19 - R. D. TRIVEDI**

**Pages 144-146**

I know the locus and level from where some of the architectural and sculptural remains, as referred to in para 13 of my affidavit, were found during excavation. The 'Makar Pranala' has been found at the top of wall no. 16 which served as the foundation of the disputed structure. As far as I remember, pieces carved with Patra-Lata or Kalpa-valli Motif were also found in wall no. 16. Only one stone piece carved with Patra-Lata or Kalpa-valli Motif has been seen by me in photograph. Pillar bases encased by orthostats and bhadra-ka-type have been found at floor No.3. I do not remember the trench number of such pillar base wherein it was found. Lower part of an octagonal pillar carved with foliage pattern has also been found from floor no.3. Piece carved with alternating padma and ratna (lotus and diamond) motifs was found reused in wall no. 16. These articles belonged to the temple structure of 11<sup>th</sup> century constructed on the site in dispute. I cannot say as to who got the said temple constructed in 11<sup>th</sup> century. The said temple might have remained for about a century or so. I cannot say whether the said temple was demolished by anyone or it fell down on its own. My impression regarding the construction of temple in 11<sup>th</sup> century and its existence for about a century at the disputed site is based on the ASI report and not any other evidences. At the moment, I cannot answer by looking the report cursorily about the existence of temple on the disputed site in 11<sup>th</sup> century where finds place in the report. However, if I go through it carefully, I can answer this.

9. Whether you have examined about the locus and level, etc. of the architectural and sculptural remains mentioned in para 13 of your affidavit from the ASI report or not?

18. Whatever I have seen and understood by going through the ASI Report, I have stated in my affidavit and above statement.

As far as I remember, the wall which served as a foundation wall of the disputed structure was numbered as wall no. 16 by ASI in its report, however, I do not remember what number was given by the ASI to the wall above wall no.16. Wall No. 16 served as the foundation wall of the disputed structure which was demolished in 1992.

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

O.O.S NO. 5 OF 1989  
( R. S. No. 236 /1989 )

**16.11.2006**

**O. P.W. 19 - R. D. TRIVEDI**

**Pages 147-148**

The wall no.16 on the top of which Makar Pranala was found, was constructed in the 12<sup>th</sup> Century. The Makar Pranala visible in plate no.23 of ASI's report Volume 2 is the same Pranala which was found in wall no.16. In plate 25, a part of the foundation of wall no.16 is visible. As far as I remember, the stone portion, three courses of stone slabs, are of wall no.17 which also serves as foundation of wall no.16. Upon those slabs, the brick part, which has 16 or 17 courses, is wall no.16. In plate no.25, Makar Pranala is not visible. The other portion of wall no.16 at the top of which Makar Pranala was found is not visible in this plate. The plate no.25 is of different trench. Since I visited the site of excavation only for few hours and found most of the trenches filled up with bags, I cannot tell the location of individual trench. On the day of my visit, I did not find the label of trenches affixed at the top of that. However, I tried to locate the trenches from the figures given in the ASI's report. The trench E-8 and D-7 are adjacent to each other. Makar Pranala was found in trench D-7 and this wall 16 as depicted in plate 25 was found in trench E-8. The wall no.16 as visible in plate 25, must have been found on the western side of trench E-8. The Makar Pranala was found on the eastern side of wall no.16. The stone slab bearing Patralata or Kalpavalli motif is visible in plate no.25 in the second course of the stone blocks from the bottom. I have stated about this very Patralata or Kalpavalli motif in para 1 of my statement at page no.144. In plate 26 also, the close up of this very Patralata is visible.

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**Page 149**

It is correct to say that such Patralata or kalpavalli motif is never used in the foundation of the temple. The Patralata or Kalpavalli motif visible in plates nos.25 and 26 both is not at its original place rather it was reused in this position of the plate.

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**Page 151**

There is no size prescribed for the stone of a Patralata motif to be used in door jamb, lintels or Adhithan of a temple. The size of such a stone having motif will depend upon the availability of the size of stone and the space where to be used and also as per the requirement of the constructor.

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**Page 152**

My aforesaid statement is correct. The object belongs to 11<sup>th</sup> Century but it was reused in the foundation of 12<sup>th</sup> Century temple. This stone bearing motif could have been used in door jamb or in the lintel in 11<sup>th</sup> century temple. I think the stone bearing motif which is visible in plate no.51 is fixed in the same foundation wall in which patralata motif stone is visible in plate no.25. The three stone courses visible in plate no.25 are not visible in plate no.51. It is incorrect to say that the wall visible in plate no.51 being found in trench D-7 and the wall which can be sighted in plate no.25 and found in E-8 cannot be the same wall. I can add that the same wall goes across both the trenches.

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**Pages 153-154**

The brickbat structure visible in plate no.51, on which the scale is lying, according to me, is part of the wall no.17 but I am not sure as I have not seen the site. I cannot differentiate between the structure of wall no.16 and 17 from my study of the ASI report. I have given my statement before this court in respect of wall no.16

and 17 and about the carved stones, on the basis of my study of the ASI report and general impression gathered out of the ASI report. Statement in para 10 of my affidavit is based on my studying the ASI report and the impression drawn from the facts recorded therein. I have gone through both the volumes of ASI report cursorily but I have gone thoroughly through the report in respect of architectural fragments and other temple remains and finds in regard to the temple recovered during excavation. I have gone through Chapter 6 thoroughly only in respect of Architectural fragments found in the excavation and not in respect of stratification part of the excavation. I have gone thoroughly through chapter 6 of ASI report Volume 1.

My statement recorded in page 51 that I have gone through both the volumes of Reports carefully is to this extent contrary that I have gone through the report thoroughly only in respect of chapter 6 regarding architectural fragments and other temple materials and that the other part of the report gone through by me cursorily.

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**Page 155**

This is correct to say that I have not verified and examined authenticity of this part of the ASI report which is from page 54 to 56 on the basis of other portions of ASI Report but relying on this part of the report I have recorded my statement in para 10 of the affidavit. Voluntarily said that no doubt I had gone through the second Volume of the ASI report also which contains photographic plates of the excavated site and finds in regard to my statements. My statement in para 10 is based on the study of ASI report in chapter IV from page 48 to 72 and Chapter VI from page 121 to 173 and the plates in volume II of the ASI report. I do not know whether ASI has specifically stated in its report about existence of the extensive pillared mandap like structure as has been stated by me in last part of para 10 of my affidavit or not but the said impression has been drawn by me on study of chapters IV and VI of the ASI Report Volume I

and the plates in Volume II. The temples of Northern India as referred to by me in last line of my statement in para 10 refers to the temples of Northern India from 9<sup>th</sup> to 12<sup>th</sup> century.

Q. Whether your statement in para 10 of the affidavit is based on the comparison of the architectural remains found at Ayodhya with the architectural remains of any other temple of 9<sup>th</sup> or 10<sup>th</sup> century of Northern India.

A. Yes. I have compared with the Gargaja Mahadeo temple, Indor, District Guna in Madhya Pradesh and Teli ka Mandir in Gwalior Fort of 9<sup>th</sup> century A. D.

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**Page 157**

Only circular shrine found during excavation was compared by me with the temples of 9<sup>th</sup> century referred to above. I have read about the circular shrine in the ASI report but I cannot say whether there is any reference of the same in chapter VI of the report. The comparison of circular shrine was comparison of only structure and not of architectural fragments or of Architectural remains.

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**Before:-Commissioner Sri H.S. Dubey, Additional District Judge /Officer on Special Duty High Court Lucknow.**

**18-11-2006**

**O. P.W. 19 R. D. TRIVEDI**

**Pages 166-167**

The pillar bases which are mentioned in para 10 and 11 in my affidavit are 50 in numbers. I have not seen the photographs of all these 50 pillar bases. I don't remember the number of the photographs of the pillar bases which I have seen in the ASI report volume II. Apart from these photographs given in volume II of the ASI report I have not seen any other photographs of these pillar bases.

The number of photographs of pillar bases which I have seen are 15 in number. They are plate nos. 9, 10, 35 to 39 and 41 to 48 which are given in ASI's report volume II. Apart from these plates I have not seen any other photograph in respect of pillar bases. My observation about pillar bases made in para 10 and 11 of my affidavit are based on the study of these plates only. I can not tell the pillar base numbers on the basis of the photographs of these pillar bases shown in plate no. 9, 10, 35 to 39 and 41 to 48.

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**Before:-Commissioner Sri H.S.Dubey, Additional District Judge /Officer on Special Duty High Court Lucknow.**

**20-11-2006**

**O. P.W. 19 R. D. TRIVEDI**

**Page 174**

Q: In making your observations on the basis of alleged existence of 50 pillar bases, which description of so called pillar base no. 32 i.e. given in figure no. 3A or on page no. 63 of the report, has been relied upon you ?

A: I have not ascertained the position of the pillar bases from the chart of the pillar bases given in the report.

Q: With out ascertaining the locus of the alleged 50 pillar bases how you have arrived at the conclusion, given in paras 10 and 11 of your affidavit, that these alleged pillar bases indicated the existence of an alleged extensive Mandapa like structure ?

A: It is given in the report that 50 pillar bases have been found in the excavation and I have relied on that information to give in my affidavit's para 11.

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**Page 179**

Plate no. 38 shows 'orthostats' on all the four sides of the pillar base stone. These 'orthostats' are also stone blocks. The meaning of 'orthostats' is 'side support'. This side support may consist of one piece or number of pieces of solid stone materials like stone pieces. This pillar base is square in shape and is of one stone block which is also square in shape.

I have stated on 18-11-2006, on page 167-168 that "In plate no. 37 ..... the scale is lying". My this statement is correct.

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**Before:-Commissioner Sri H.S.Dubey, Additional District Judge /Officer on Special Duty High Court Lucknow.**

**21-11-2006**

**O. P.W. 19 R. D. TRIVEDI**

**Page 188**

Q: Will it be correct to say that most of the pillar bases numbers 1, 2, 3, 4, 5, 6, 7, 8, 13 and 14 are visible in the said plate no. 9 and 10 ?

A: Some of them may be visible but I can't say whether all the pillar bases mentioned in the question are visible in plate no. 9 and 10 or not as the trench numbers are not given in the plate and I am not familiar with the excavated site.

Q: Whether the pillar bases visible in plate no. 9 and 10 appear to be contemporary with the floor of Mughal or post Mughal period or the same were attached to the so called floor of 12<sup>th</sup> century ?

A: The pillar bases referred to in question are associated with the floor of 12<sup>th</sup> century as far as I understand.

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**Page 189**

Q: Whether all the pillar bases visible in plate no. 10 are located/found on the same floor and whether the said floor/floors on which the said pillar bases were found is floor 1 or floor 2 ?

A: I can not say specifically in this regard.

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**Before:-Commissioner Sri H.S.Dubey, Additional District  
Judge /Officer on Special Duty High Court Lucknow.**

**22-11-2006**

**O. P.W. 19 R. D. TRIVEDI**

**Page 198**

Q: Claiming yourself to be an archaeologist and appearing as an expert witness in this case, are you not supposed to be well acquainted with the basic norms and procedures of excavation ?

A: I am not supposed to be aware of all the procedures of excavation as I have appeared as witness in this case as an expert of temple architecture and iconography.

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**Page 204**

At this stage Sri Z. Jilani Advocate, learned counsel for Sunni Central Waqfs Board filed copy of the Title page, foreward and of pages from 89 to 100, 177 to 181, 196, 215 to 217, 220, 232, 233, 235 to 237, 239 to 243, 252, 257, 259, 268, 269, 275, 276, 278, 285 to 287, 305 to 307, 311, 314, 316, and 334 of the Book Entitled as “Temples of the Pratihara Period In Central India” by R. D. Trivedi ( paper no. 334C1/1 to 334C1/52).

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**Before:-Commissioner Sri H.S.Dubey, Additional District Judge /Officer on Special Duty High Court Lucknow.**

**23-11-2006**

**O. P.W. 19 R. D. TRIVEDI**

**Page 211**

Having been shown figure 10 (page 60-A) of the ASI report volume-I. The witness stated that as I have not consulted this Figure no. 10 (page 60-A) I am unable to state any thing about it. Having been shown figures 8, 9, 11, 12 ,13 ,14 ,15, 16 (page nos. 58A, 59A, 62A, 66A, 66B, 68A, 68B, 69A) the witness stated that since I have not consulted these Figures therefore I am unable to state any thing about them.

Q: Are you aware of the fact that there are several discrepancies about the details of the so called pillar bases given on pages 56 to 67 of the ASI report as well as in the details given/shown in figures 8 to 14 and 16 referred to above ?

A: I don't know about the discrepancies as I have not consulted the above Figures.

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**Page 218**

The labels of floor 2, 3 and 4 are visible to me in plate no. 19. Other labels of floors or layers are not legible in this plate.

In plate no. 20 the labels of floor, structures and pit are legible. I don't remember whether, I have seen any figure or drawing in ASI's report regarding Ram Chabootra.

Q: Have you studied and examined figures 4(page 51B), 5(page52A), 6(page52B) and 7(page53A) of the ASI's report volume-I ?

A: I have not studied and examined the above figures.

Q: Do you remember as to whether you have studied and examined the details given in figures 19, 20 and 22 given on pages 39A, 39B and 38A of the ASI report ?

A: Having seen figures 19, 20 and 22 ( pages 39A, 39B and 38A ) the witness stated that I have not studied and examined these figures.

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**Page 219**

Q: Are you aware of the locus, levels and layers from where the objects/items mentioned in para 14 of your affidavit were allegedly recovered ?

A: Yes, I am aware of the locus and level of most of the objects given in para 14 of my affidavit but I am not aware of the actual locus of the objects found in the debris.

Q: Which of these objects referred in para 14 of your affidavit were found in the debris ?

A: I think they are the pieces of broken Amalaka, Stone slab, carved with Srivatsa Mark and Brick carved with Ardhratna design and rope design as given in para 14 of my affidavit. But the association of most of these objects is related to the structures prior to the disputed structure as they were found from the debris of disputed structure.

Q: Whether this debris of the disputed structure was found above the surface/floor of Babri Mosque demolished on 06-12-1992 ?

A: Yes, these above objects were found from the debris of the disputed structure, which had fallen down on 06-12-1992.

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**Before:-Commissioner Sri H.S.Dubey, Additional District Judge /Officer on Special Duty High Court Lucknow.**

**24-11-2006**

**O. P.W. 19 R. D. TRIVEDI**

**Pages 224-226**

On paper no. 335C1/20, (page 300) in plate no. 153, reference of a niche is given. This niche is situated on the left side of the doorway of the temple. On paper no. 334C1/22, (page 216) in plate no. 32, a niche has been depicted in a Shiva temple at Dang, (Bhind) Madhya Pradesh. This temple belongs to about 800 A. D. This niche is at the height of about 1.5m above the ground. On two sides of this niche are pilasters. The height of this niche is about 1m. 'Kapili' niche is a niche which is located in the Kapili part of the temple. 'Kapili' is Sanskrit word used in architectural terms. On paper no. 334C1/16, (page 178) I have given the meaning of 'Kapili' as wall portion of the 'Antaral' on both the sides of a temple which is correct. On paper no. 334C1/23, (page 217) in plate no. 33, Karna-nicheh as been shown which mean the niche located on the 'Karna-portion' of a temple. Karna-portion of the temple is a corner portion. The height of this niche from the ground floor is about 1.5m. On paper no. 334C1/24, (page no. 220) in plate no. 37, Bhadra-niche has been shown, which mean the niche located on the Bhadra-portion of a temple. Bhadra-portion is the central portion of a temple. On page 334C1/ 15 (page no.177) the meaning of Bhadra is given as Central projection of a wall, which is correct. In paper no. 334C1/24, (page no. 220) the tentative height of the niche from ground floor is about 1m. In paper no. 334C1/25, (page no.232 ) in plate no. 54, the Karna-niche of a different temple is visible. It is about 1.5m from the ground floor. On paper no. 334C1/28 (page no. 236) in plate no. 60, there are several niches of smaller size in the lower part, whereas there is a big niche in the upper part. The niche in the upper part would be about 3.5meters from ground level. In paper no. 334C1/38 (page no. 268) in

plate 110, Adhishthan-niche is visible. It may be at the height of about 50cm from the ground level. On paper no. 334C1/39 (page no. 269) in plate no. 112, is a Bhadra-niche at a height of about 2m from the ground level. In all the aforesaid above paper nos. 334C1/22, 23, 24, 25, 28, 29, 30, 38 and 39 all the niches have idols installed therein except the upper niche of paper no. 334C1/28, plate no. 60.

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**Page 229-230**

Q: Is there any difference between 'Mandapa' and 'Mukha-Mandapa' ?

A: Where there are two Mandapas in a temple the front one is called Mukha-Mandapa which gives entry of Mandapa.

Q: Whether 'Mukh-Mandapa' and 'Mandapa' are generally based on four pillars each ?

A: It depends on the size of 'Mandapa'.

Q: What may be the biggest size of Mandapa and what may be the smallest size of Mandapa ?

A: I am not able to answer this question as I have no measurement of the Mandapas available with me.

Q: In para 11 of your affidavit you have used the terms 'Mandapa' and 'Big Mandapa'. Did you have no idea about their estimated size while using these terms in your affidavit?

A: The earlier question was about the size of the biggest Mandapa and the smallest Mandapa for which I have no statistics with me. But in connection with my affidavit, para 11, I have to state that a Mandapa having indication of 50 pillars and extending in an area of about 50 to 60meters by 30meters can be said to be a big Mandapa.

Q: You have replied in respect of Big Mandapa kindly reply in respect of that Mandapa also which is not called big Mandapa or which may call a small Mandapa ?

A: The small Mandapa may be resting on four pillars only.

Q: What will be the tentative size / dimension of an entire

temple, the Mandaps of which comprises of 50 pillars or more, in an area of about 50-60meter ?

A: I am not able to guess.

Q: You have already stated that apart from Mandapa the temple has Garbhgriha and other parts also. Kindly, therefore, let us know the estimated size of the Garbhgriha of a temple, the Mandapa of which comprises of about 50 pillars?

A: The situation of a Garbhgriha in relation to the pillared Mandapa at the disputed site has already been discussed in my earlier statements in detail and it is stated again that the situation of the Garbhgriha was below the central part of the disputed structure which has not been excavated. Further the size of a Garbhgriha depends on the type of temple because in Shilpa texts various types of temples have been discussed.

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

O.O.S NO. 5 OF 1989  
( R. S. No. 236 /1989)

**04-12-2006**

**O.P.W. 19 R. D. TRIVEDI**

**Pages 233-235**

The three photographs, as referred in para 17 of the affidavit and contained on pages 7/9, 7/12 and 7/13 of Annexures 3 and 4 of the affidavit, are the photographs of Uma Maheshwar but the photographs are of different sculptures and not of one and therefore, they may have some slight variation in them. Uma Maheswar means Parvati and Shiva. In such sculptures of Uma Maheswar, the special feature is that they are seated in Alingan Mudra and their respective vehicles, namely, the lion and bull respectively are shown below their seat. In sculptures of Uma Maheswar, the special feature, so far as the face is concerned, in the image of Shiva, Jatabhar is shown over his head while the head of Uma is shown with a coiffure. In such types of sculptures, one hand of Shiva is around the bosom of Uma and the other hands may have either weapon such as trishul or trident and touching the chin of Uma. In the Uma Maheswhar sculptures, the legs of Uma and Maheswar both may be dangling down and resting on their mounts. So far as waist part is concerned, Shiva may be wearing Yagnopavita and girdle and Uma also may wear girdle. In para 17, 'which' refers to the three photographs in Annexures 3 and 4 referred to above.

Q. What similarities are there in the photographs as shown in plate 235 of ASI Report, Volume II and on pages 7/9, 7/12 and 7/13 of your affidavit?

A. The photograph shown in plate no.235 of Volume II of ASI Report captioned as 'divine couple' is badly damaged. Its upper part is not preserved, but the waist portion of both the figures seems to be in 'Alingan Mudra'. The Yagnopavita and girdle portion of the figure

has Yagnopavita and the remnant of girdle, which is generally called as Mekhla in the left figure. The leg of female figure on the right side is dangling below and seems to be resting on the mount. The remains of tail of mount, lion, is also visible on the right side which indicate it to be the mount of Uma. Rest of the features as given in the photograph are not visible in the sculpture as it is badly damaged.

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**In The High Court of Judicature at Allahabad (Lucknow Bench)  
Lucknow.**

**O.O.S. No. 4 of 1989**

Sunni Central Board of Waqfs and others ..... Plaintiffs

Vs.

Gopal Singh Visharad (now dead) and others ..... Defendants

**Statement of D.W. 20/5**  
**Jayanti Prasad Srivastava**  
**(Part-one)**

**Affidavit of Jayanti Prasad Srivastav under order 18 Rule 4 CPC**

I, Jayanti Prasad Srivastav, aged about 74 yrs, s/o Late Yadunath Singh, r/o B-117 F3 Bharat Apartment Shalimar Garden Ex-2 Sahibabad, District Ghaziabad, do hereby solemnly affirm and state on oath as under:-

1. That the deponent has retired as Superintending Archaeologist, Archaeological Survey of India, Government of India, excavation Branch II, Purana Quila New Delhi on 31.7.1991.

6. That the deponent also explored mounds and brick temples of Gharwal Period in village Nasirabad, Tehsil Misrikh, District Sitapur U.P.

22.A. That the excavation at disputed site was carried out by the Archaeological Survey of India from 12<sup>th</sup> March 2003 to 7<sup>th</sup> August 2003.

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

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 persons.

29. That a large number of pillar bases had been found during excavations which indicates the existence of an extensive pillered mandap like structure.

30. That the evidence of pillar bases, circular or squarish are available in 50 places in different trenches from North to South and East to West in particular portion of the area, forming a sort of big rectangle, it is undoubtedly a very great evidence of Archaeological activity thus it can not be brushed aside lightly and casually. An evidence coming from the womb of the earth has got its own worth and relevance in Archaeological digging. The pillar bases found were neither created nor manufactured by the A.S.I. Creation or manufacture of walls, pillars and pillar bases is impossible. The pillar bases were found in presence of parties, their counsel, their nominees and observers appointed by this Hon'ble Court and never

any oral objection was raised by any of them in respect of creation of pillar bases.

31. That a big stone 'Pranal' of crocodile shape with carving was found in the South West corner beyond the disputed structure during digging along with other carved stone Panels in the upper layers which definitely belong to some temple structure. A stone sculpture noted as divine couple in the antiquity seems to be the representation of Lord Shiva and Goddess Parvati.

32. That the presence of bones in the debris of the demolished temple can not be a reason for absence of the temple.

33. That Archaeological evidence of a massive structure just below the disputed structure is in itself an evidence of the continuity in structural phases from the 10<sup>th</sup> century onwards up to the construction of the disputed structure along with the yield of stone and decorated bricks as well as mutilated sculpture of divine couple and carved architectural members, including foliage patterns, amalaka, kapothpali, door jams with semi circular pilaster, broken octagonal shaft of black schist pillar, lotus motif, circular shrine, having a pranal in the North, fifty pillar basis in association of huge structure are indicative of the remains of a temple.

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

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

O.O.S.NO. 4 OF 1989  
(R.S.NO. 12 OF 1961)

The Sunni Central Board of waqfs, U.P. & others-----Plaintiffs

V E R S U S

Gopal Singh Visharad and other -----Defendants

**Dated 15.01.2007**

**D.W. 20/5 Jayanti Prasad Srivastava**

**Page 15-16**

In no part of India human activities can be found older than that i.e. two lacs years. I cannot say exactly about the other parts of the world, in Europe and Africa there are some places where human activity goes around two lacs years.

My contribution in the excavation at Adamgarh was to the extent of digging of 14 trenches and preparation of day to day field note book. This is known as site note books also. The site note book and the field note book are one and the same. Day to day register is different. I had prepared the field note book of the concerned trenches excavated by me and not day to day register. Day to day register was prepared but it was not done by me. It was prepared by my other colleagues on the basis of all the field note books prepared by the Trench Supervisor present on the site. The field note book is prepared simultaneously at the time of excavation. If there are more than one trenches being excavated at the same time, the separate field note books in respect of the work are prepared after the day's work is over. The day to day register is prepared on the basis of the findings recorded in the note books.

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

O.O.S.NO. 4 OF 1989  
(R.S.NO. 12 OF 1961)

The Sunni Central Board of waqfs, U.P. & others .....Plaintiffs

V E R S U S

Gopal Singh Visharad and other -----Defendants

**Dated 16.01.2007**

**D.W. 20/5 Jayanti Prasad Srivastava**

**Page 25-26**

The temple of Gahardwal period in Village Nasirabad was existing at that time. It is still existing. This was an archaeological work in the sense of exploration on the ground survey. The exploration which was done by me was brought to the notice of the Director, Archaeology and Museum, Lucknow. Thereafter, the Director of the State Archaeology got it protected. Archaeology includes the living structures to be brought to the notice of the Government and the scholars working on them. The temples in Nasirabad, Tehsil Mishrik, District Sitapur were made of carved bricks in North Indian Shikhar style of temples. In North India the Shikhar style temples are the only patterns of temples.

**Page 29**

However, I have noticed flowered designs in such Islamic buildings. I know what is Lata Vallari. I do not remember whether I saw Lata Vallari in Islamic buildings.

**Page 31**

Prior to 1992, I had not gone to Ayodhya. I had not seen the disputed structure. I visited Ayodhya for the first time in 2002. But at that time also, I neither visited the disputed complex or the Ram Janam Bhumi. The disputed structure was a three domed structure. It was known as Babri Masjid.

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

O.O.S.NO. 4 OF 1989  
(R.S.NO. 12 OF 1961)

The Sunni Central Board of waqfs, U.P. & others

.....Plaintiffs

V E R S U S

Gopal Singh Visharad and other

-----Defendants

**Dated 17.01.2007 D.W. 20/5 Jayanti Prasad Srivastava**

**Page 36-37**

Besides these temples, I had visited one or two more temples there. There is a Gurudwara also in Ayodhya. I had not visited the said Gurudwara. During that period, I had visited Ranopali temple where the inscription of 2<sup>nd</sup> Century B.C. is found. Certain Ghats on river Saryu were also visited by me. In Ayodhya during that period, I did not visit any important religious place of Muslims. Ayodhya is an important place of Hindus, Muslims, Jains. I have heard that Ayodhya is called Khurd Makka also. Khurd Makka means mini Makka. Important Jain Mandir is also in Ayodhya. I have read that Ayodhya is an important place for Buddhist also. I cannot say that besides the disputed mosque, how many mosques are there in Ayodhya. I could not notice any other mosque in Ayodhya.

**Page-39**

Conclusion in an excavation report is arrived from the finds, as reported in various chapters contributed by the team members. Before arriving at the conclusion, all the members of the team sit together and discuss about various items included in the report and then a conclusion is drawn. This is normal practice in almost all excavations adopted in the matter of all excavations.

**Page-41**

Stratification means determination of layers and it is done by studying finds found in different layers. In case any find has been wrongly identified then period determined on the basis of the said find will be wrong. For identification of the find one has to be expert in history and culture and the different types of finds. It is possible that a particular type of pottery was prevalent in different periods of four centuries.

**Page-42**

Layers are determined on the basis of colour of the soil, composition of the soil and contents of the soil. When an excavation is started on the above mentioned basis, layers are marked. Afterwards, if the finds are considered to be of the same nature, they are decided to be of the same period and those layers are bracketed and if there is a change, the period also changes afterwards but if the layers are not marked, it is very difficult to separate items afterwards.

**Page-43**

Every activity including the above i.e. filtering of soil and mixing of the water is recorded in field note-book by the trench supervisor. I did not notice mixing of the soil with water during excavation at Ayodhya but I had seen the soil being sieved in pottery yard.

Stupas do not have any particular size. They may be small, medium and big in size. The Stupas are circular and solid structures in hemispheric form in elevation. Sanchi Stupa according to me is the biggest I have seen. I do not exactly remember size of said Stupa. It may be roughly 100 Ft. in diameter on the base and 25 to 30 feet in height. The smallest Stupa, according to me, could be of 10 feet diameter. Pauni Stupas are also big Stupas. I do not remember at

present whether I had found any relic in a Stupa at Pauni.

**Page-45**

My statement in Paragraph 30 of my affidavit regarding existence of pillar bases is based on ASI report. It is based also on my personal noticing. All the 50 pillar bases were on floor three. The purpose of pillar bases was to have a mandapa like structure based on pillars over the said pillar bases. Pillars were also found during excavation over which roof of the mandapa could be placed surmounted by bracket and beam to make a roof during excavation in the central part at Ayodhya while removing debris during my presence, I have seen a pillar.

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**Before:-Commissioner Sri H.S.Dubey, Additional District Judge /Officer on Special Duty High Court Lucknow.**

**18.01.2007**

**D.W. 20/5 Jayanti Prasad Srivastava**

**Page 47-48**

I am not very much conversant with Epigraphy and Palaeography. Epigraphy and Palaeography are same thing. In Palaeography on the basis of the forms of letters, its period is determined. Palaeography means writings on stone and Epigraphy means study of inscriptions. Calligraphy is in the same category dealing with writings from right to left pertaining to Arabic and Parsian languages in different styles. Age of a document can be determined broadly on the basis of Palaeography.

I have heard about chart of Concordance in relation to Stratigraphy to co-relate the finds with one each other in different trenches. According to me the object of chart of concordance is only to co-relate the findings in different trenches of the site. In the excavation conducted by me charts of concordance were prepared. It has got very much relevance on the finds of different layers.

**Page-50-51**

It is not possible to decipher as to who has contributed this chapter. Since the name of persons contributing in different chapters are given in list of contents and here no name is mentioned against chapter X it could be the contribution of the Director of excavation of the site themselves. The Directors of this excavation were Sri Hari Manjhi and Sri B. R. Mani.

According to me chapter 10 could be authored by them jointly being the Co-Directors. It is my feeling. How could I know as to who authored this chapter when it is not mentioned in the report itself. After all this was within the purview of the directors and I was not supposed to know about it unless the report come out.

Colour, contents and composition of the soil are three distinctive features of a layer. By colour, I mean the colour of the soil of the layer. By content, I mean whatever is there in the soil of the layer and composition of the soil comes next to colour to mark a layer. For instance if the soil is loose it will be different from the compact soil and contents will come on the next stage. Loose, solid and compact are the three main components of a layer. For instance, generally, layer 1 may consists of humus if and is not very deep then the other layer 2 starts on the basis of loose or compact nature of the soil and so on so-forth, up to the natural soil at the bottom of a trench.

**Page-55**

In my opinion it should have been mentioned as to who authored chapter X of the ASI's report volume-I but if other names of contributors have been given and in this particular chapter names are not given then naturally it goes to the concerned Directors whose name are given in the beginning of the report, they are the leaders of the excavation team.

**Page-59**

Garuda is never installed at the ground floor, it is installed in the front of Vishnu temple in of the lintel centre. If the temple is dedicated to Vishnu at the entrance gate in the centre of entrance over door jambs lintel Garuda will be depicted as the 'Vahan' of Vishnu.

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**Before:-Commissioner Sri H.S.Dubey, Additional District Judge /Officer on Special Duty High Court Lucknow.**

**19-01-2007**

**D.W. 20/5 Jayanti Prasad Srivastava**

**Pages 61-64**

On the basis of pillar bases I have mentioned about the existence of an extensive pillared Mandapa like structure in para 29 of my affidavit. On the basis of large number of pillar bases I have inferred about an extensive pillared Mandapa. All number of pillar bases in their existence north-south and east-west covering a vast area measuring about 160 feet X 90 feet or so. As per plan coming out from the excavation it was a rectangular structure. Its length was from north-south 160 feet and its width was approximately 90 feet in east-west direction. In my estimation this pillared structure could have been a very big hall consisting of about 84 or 88 pillars, traditionally known in Ayodhya. By 'Traditionally known' I mean to say that as known in the local tradition about this temple having 84 or odd pillars. Out of which 50 have been exposed on plan during this excavation. Regarding height of the pillared hall, I have not heard any thing but the height of temple is traditionally known of 5 storied building. I have heard in Ayodhya people saying so. I have heard in Ayodhya about both the above things i.e. existence of pillared hall and 5 storeyed temple. Main temple is said to be of i.e. 5 storeys. It was beyond the pillared hall. This 5 storeyed temple would have been facing towards the east direction. This temple might have been in the western side of the pillared hall. The size of this 5 storeyed temple would have been enormous. By seeing the size of the height of these pillars I infer that the temple would have been of about 45 feet in height approximately in the 'Punch-tala-Prasada form' of the temple architecture in the north Indian Shikhar style. My opinion about the temple being of 5 storeys is based on the local sayings, where as north Indian Shikhar style of this temple is based on the available

temples of that period at different places. I did not hear any thing from the people of Ayodhya about the height of the aforesaid temple except their saying that this temple was of 5 story and was of very good height. I have not heard any thing about the 5 storied height behind the pillared structure as stated above. In my estimation the size of the 5 storied temple would have been of 10feet X 10feet surrounded by a wall of 5feet width with an entrance in the east. This assessment is based on the distance between the different pillar bases to be approximately of 10feet. I heard about above facts during my stay at Ayodhya when excavation at disputed site was going on. I did not think as an archaeologist that this pillared hall could be any thing else except the big hall of the temple. Sayings can also be relied upon as one of the other two factors by an archaeologist records, remains and traditions (local sayings). Said voluntarily that there is an old saying of a famous writer Goetse, historian duty is to separate truth from the false certain from uncertain and to deduce doubtful from that which can not be believed. Thus while studying history, traditions may also be utilised as a source of information to a particular position in any part of the area where work is to be done. Traditions should be comparatively studied and on getting their conformation on the basis of some tangible evidence if any, they can be believed as a source other wise they can be rejected. Tradition need not have any time limit. Even a quite recent tradition can be relied upon if comparatively it is found to be correct. Traditions may be compared on the basis of available facts of a particular period at a particular place.

Q: As regards the tradition which you heard at Ayodhya in the year 2003 that at the disputed site there existed a 5 storied grand temple. You will compare this aspect by which thing and in what manner. Kindly indicate ?

A: There are published references of big temples having 3 to 5 to 7 storeys as the case may be called 'Dwi-tal-prasada', 'Tri-tal-

prasada', 'Punch-tal-prasads' and Sapta-tal-prasada' etc.

By such sayings and finding their reference in various books I inferred that there could be a 5 storied grand temple at the disputed site.

### **Page-66-67**

Local saying that there existed a grand temple at the disputed site was verified by me on the basis of tangible evidence i.e. the pillar bases exposed during the excavation from north to south and east to west at regular distance in alignment and in a symmetrical order. I do not consider the exposed pillar bases as the "so called exposed pillar bases" they are real pillar bases in-situ, which have been brought out on plan during the excavation. This is an evidence to conjure up a picture of the temple which could have existed there having a multicolumned big hall and entrance chamber as seen in the published works of temple architecture of that period at different places.

Q: Whether you compared the tradition/local saying about the existence of a grand temple at the disputed site by any other tangible evidence apart from the so called pillar bases ?

A: Such instances are available in the Indian history. Wherein temple Mandapa has been used after demolition for the construction of the mosques at Delhi, Ajmer and Dhar etc. I think I have replied the above question.

By the word conjure, I mean conjectural picture which could be based on the available evidence and it is very much in the practice in archaeological diggings. I have derived my inference regarding existence of temple at disputed site on the basis of the temples of 11<sup>th</sup> – 12<sup>th</sup> century A. D. Meaning thereby a temple was built in disputed site in 11<sup>th</sup> – 12<sup>th</sup> century which was demolished and a mosque was erected over it for which epigraphical and literary evidence is also

available as already explained above. During excavation, different floors have been noticed at disputed site. The temple mentioned by me above existed at floor 3. This temple was built by a Gahadwal ruler of Kannauj some where around 1130 A. D.

**Page-68**

The inscription of Mir Baqi installed in the disputed structure as epigraphical evidence and reference of Goswami Tulsi Das's book as literary evidence since the record, remains and traditions were there to prove the fact. Besides the above two evidences about the demolition of temple by Mir Baqi, I have not gone through any other evidence.

**Page-70**

I may be incorrect in saying that there is mention of demolition of temple by Mir Baqi in the above inscription. It is wrong to suggest that there is no mention of the demolition of temple and construction of mosque over it in the literature of Goswami Tulsi Das.

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**Before:-Commissioner Sri H.S.Dubey, Additional District Judge /Officer on Special Duty High Court Lucknow.**

**31-01-2007      D.W. 20/5 Jayanti Prasad Srivastava**

**Page-74**

In para 29 of the affidavit I have stated on the basis of large number of pillar bases that there could be an extensive pillared Mandapa like structure.

Q: Is it correct to say that now you have made an improvement and you state these alleged pillar bases to be a temple base ?

A: "I have always mentioned that the pillared halls were found in front of the Shrine" so there is no question of improvement in my statement. Volunteered and stated that I have already explained the position of the Vishnu temple at the site giving its probable dimensions to the west of the pillared hall.

**Page-75**

As per my assessment there could be one very big pillared hall from north to south which could be divided into three parts. Besides this big pillared hall there was no other hall but that big pillared hall could be divided into three parts viz. the central hall and the side two halls, Parahva mandapas in the north and south.

**Page-76**

In figure 3-A ( page 48-A) of the ASI report volume-I all the 50 pillar bases are visible. In the northern portion there are 24 pillar bases which have been numbered as pillar base no. 1 to 24 in figure 3-A these were in the northern hall. Three pillar bases numbered as 25, 26 and 27 have been shown as exposed in the above figure might have been in the central hall. In the southern portion from pillar base no. 28 to 50 a shown in figure no. 3-A might have been these two pillar bases which have been stated to be in antarala could be in trench D-4. Other two pillar bases stated at entrance gate of 'Mukh-Mandapa' could be in trench no. H-4 somewhere.

**Page-78**

A: The pillar bases, makar-pranala and figure of Shiva and Parvati riding on the mount of Nandi (bull), the evidence of Pushkarni (small pond) are some of these things which are indicative of a Shrine like edifice in that area.....

A: This Makar-pranala was itself an indication of some Shiva temple at the site.

### **Page-79**

A: I have explained the position that such pranalas are associated with the Shiviate shrines and that some such shrine must have been existed there near about, which is know demolished furthur in the earlier phase in that very area a circular small Sheviate shrine was excavated. Thus my position stands vindicated that in this part of whole complex some Shivaite shrines must have been there which is now demolished.

### **Page-80-81**

Q: What is your assessment whether by word 'near-by' you mean that some Shivite shrine was in the vicinity of the Makar-pranala where it has been noticed during the excavation or it was indicated by you associated with an alleged earlier circular shrine?

A: Since it was a part of demolished complex the evidence in hand is an indicative of some Shivite shrine which must have existed there near the place where Makar-pranala is found as some sort of subsidiary shrine of the Vishnu temple complex. I don't feel that this Makar-pranala was associated with the circular shrine found during course of excavation at the lower level.

The term 'Pushkarni' used in my above statement denotes a small pond. Pond is associated with the Shivite temple in the vicinity somewhere near about. These small ponds are not necessarily part of the Shiva shrine but are found near Shiva temple as one of the so many associated portions.

Q: Could a 'Pushkarni' be conceived without a Shiva temple ?

A: Yes, there could also be a 'Pushkarni' or water reservoir even without that.

There should be a small water reservoir or Kund to collect water near a Shiva temple which comes out of the outlet. Meaning thereby this water reserved oil is used for storing water coming out from Shiva shrine after being offered by the devotees by Jal-Abhishek. The water to be offered is to be taken from the Puskarni or the well situated near about and the offered water falls in some small 'Kund'. The water which comes from outlet after being offered by the devotees is stored in a small 'Kund' (storage enclosure).

Q: You mean to say that there are required two reservoir wires near by Shiva temple, one to take water to be offered at the Lingum and the other for storage of the same offered water ?

A: Yes, they are quite separate items.

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**Before:-Commissioner Sri H.S.Dubey, Additional District Judge /Officer on Special Duty, High Court Lucknow.**

**01-02-2007      D.W. 20/5 Jayanti Prasad Srivastava**

**Page-82**

Subsidiary shrine is a part of the temple complex dedicated to a particular deity. This subsidiary shrine is expected to be on the same floor where the main shrine is there. I have been a student of History.

**Page-86**

This period ranges from 600 A. D. to about 650 A. D. Rajput period is from 800 A. D to 1200 A. D. roughly. Sultanate period from 1205 to 1525 A. D. and Mughal period (with Sher Shah's interluding period) from 1525 to 1707 A. D. within this period the period of Sher Shah's period is included which is of about 15 years. Late Mughal/ British period starts from 1707 A.D to 1947 A. D. and Modern period broadly speaking from 1947 to present day.

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**Before:-Commissioner Sri H.S.Dubey, Additional District Judge /Officer on Special Duty, High Court Lucknow.**

**02-02-2007**

**D.W. 20/5 Jayanti Prasad Srivastava**

**Page 98**

Learned cross examiner drew the attention of the witness towards the chart given at page 37-A of the ASI report volume-I, the witness stated that on the basis of the chart the duration of N.B.P.W is about 400 years ranging from 7-6<sup>th</sup> century B. C. to 2<sup>nd</sup> century B. C. The duration of 'Medieval period' was about 650 years ranging from 1200 A. D to 1857 A. D. As per this chart the duration of 'Early Medieval Sultanate' period was of about 400 years ranging from 800 A. D to 1200 A. D approximately. The duration of 'Post-Gupta-Rajput' period can not be stated simply on the basis of the chart given at page 37-A, unless descriptive part of the report is seen. The duration of 'Gupata', 'Kushan' and 'Shunga' period also can not be given on the basis of this chart unless descriptive portion of the report is seen for this purpose.

**Page 105**

Day to day register was shown to the witness who after going through first part of this register stated that at page no. 84, there is mention of taking of a Charcoal sample taken from trench no. E-8 (layer no. 6) at the depth of 1.98 meters in the presence of the parties and their nominees. I think this was one of the samples taken by the ASI at the time of excavation and sent to Director, B.S.I.P. Lucknow. It is not ascertainable whether this sample is mentioned at page no. 273 of the ASI's report volume-I or not. The sample which is mentioned in page no. 84, of the day to day register (part-I) is not mentioned at page no. 273, of the above report (appendix-I). In page no. 114 of the day to day register (part-I) Factum of floor samples A and B were collected from trench no. E-8. (Floor no. 3) at a depth of 1.15 meters sample B was to be sent for analysis whereas sample A was just sealed. Is recorded this sample also finds no mention in

appendix- 1 of the ASI report volume-I at page 273 but there must be some record of the same with ASI.

**Before:-Commissioner Sri H.S.Dubey, Additional District Judge /Officer on Special Duty, High Court Lucknow.**

05-02-2007

D.W. 20/5 Jayanti Prasad Srivastava

**Page 107**

At page 273 of the ASI's report (appendix-1) results of 7 samples have been given. These are samples no. 2, 3, 4-B, 5-B, 1-B, 1-A and 6-B . Report regarding samples no.1, 4, 5, 6 and 6-A is not given in this appendix. I am not in a position to say any thing about it as only A.S.I people can say its reason for not mentioning the results of the aforesaid samples. Carbon dating is done on the basis of charcoal samples found during excavation.

**Page-108-109**

This omission could be either because of the non receipt of the result from the respective laboratories up to the time of writing of this report, or not being sent by the A.S.I to the laboratories because of their some short coming as per requirements of the laboratories.

.....

For the reason this is a temple complex and temple architectural members have been found in this excavation so this could be a pillared hall in front of religious shrines only.

Q: Is it correct to say that religious shrine includes the place of worship of all religious sects ?

A: Religious sect could be Vaishnav, Shaiva or Shakt in front of which this pillared grand hall had been there. Here religious shrines mean temples of the above mentioned sects and not of Buddhist or Jain or any other sects.

**Page-114**

I know the 'Mosque', and 'Jama-Masjid' and 'Eidgah'. I do not know about 'Qanati-Masjid' but it could be a temporary Mosque prepared out of 'Qanat' which means a long cloth folding curtain with small Bamboo poles stitched therein at some regular intervals

for the camp purposes where tents are pitched and tent Colonies are erected temporary. I have heard about a Mosque having no roof but I have not come across the same. I have seen 'Eidgah' from a distance. Usually there is no roof in the 'Eidgah' building. 'Eidgah' are generally built out-side the inhabited area having a long north-south wall in the west. In 'Eidgah' only two prayers (Namaz) are held in a year namely 'Edu-fitr' and 'Edu-Zuha'. Due to large space required for such a Mass prayer 'Eidgah' is away from the thickly populated area of the village or town. If the population of an area increases in such a situation 'Eidgah' is shifted to an isolated area, which is not thickly populated. I don't know about any existing 'Eidgah' in Ayodhya. I don't remember whether I have seen 'Saket Degree-College' during my stay at Ayodhya (Faizabad). As such I am unable to state whether there is any 'Eidgah' near 'Saket Degree-College'. I don't recollect whether in any digging prior to this excavation at Ayodhya, 'Gold' was found or not however it is said that 'Gold' comes out of the dust of river bed in Ayodhya. I have heard that the site in dispute has been throne to floods from west and south and that Ayodhya had undergone some great flood in the past. Commonly it could be called as 'Khand-pralaya' and not 'Maha-pralaya' because they are two different terms having definite meanings in the Ancient Indian tradition. I have used word 'Great-flood' for 'Maha-pralaya', for 'Khand-pralaya' it could be 'small flood'. It is said that Ayodhya came under a huge flood when the whole of the city was drowned under its waters but it could not be the part of 'Maha-pralaya' or 'Khand-pralaya'. In huge flood the whole city came under water and must not have been totally vanished but must have been mostly destroyed.

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**Before:-Commissioner Sri H.S.Dubey, Additional District Judge /Officer on Special Duty, High Court Lucknow.**

**06-02-2007**

**D.W. 20/5 Jayanti Prasad Srivastava**

**Page 122**

Thus the total number of temples were three. 'Vishnu' temple being the central temple and main temple, whereas the other two temples 'Shiva' temple in south and 'Durga' temple in north were subsidiary temples having a common big pillared hall and a common entrance in the east with the 'Garuda-stambh' in the east as stated earlier. All the aforesaid three temples were raised at the same period. These temples were existing over floor three. These three temples existed till their destruction i.e. up to 1528 A. D. These three temple were built in the early part of the 12<sup>th</sup> century A. D. i.e. somewhere near about 1130 A. D. during the time of 'Govind Dev' a 'Gahadwal' ruler of a Kanauj.

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**Before:-Commissioner Sri H.S.Dubey, Additional District Judge /Officer on Special Duty, High Court Lucknow.**

07-02-2007

D.W. 20/5 Jayanti Prasad Srivastava

**Page 130**

I feel when the main temple of 'Sri Ram Lala' was existing in the centre, there had been two other sub-shrines of 'Lord Shiva' in the south and 'Durga devi' in the north. Although there is no mention of above mentioned two subsidiary shrines in the ASI report but on the basis of finds I have drawn my own conclusions in this regard about these two shrines also. Regarding the shrine of 'Shiva', the stone decorated crocodile mouthed pranala (chute) was found during the excavation and the sculpture of 'Shiva-Parvati' was also found although it was in a very damaged position. Regarding 'Devi' temple the terracotta figurine of mother Goddess was found.

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**Before:-Commissioner Sri H.S.Dubey, Additional District  
Judge /Officer on Special Duty, High Court Lucknow.**

**08-02-2007**

**D.W. 20/5 Jayanti Prasad Srivastava**

**Page 136**

A.S.I has numbered the floors also found during excavation. The pillared structure was at floor no. 3 and the three temples indicated by me were also on this very floor. The A.S.I. has indicated about all the floors, some being made of 'cement', some of 'mud' and some of 'lime-surkhi'.

**Page 137**

At serial no. 46, in column no. 4, at number 2, floors 1 and 2 are mentioned and their common depth from surface is given as 140 c. m. Separate depth of these two floors has not been given. Similarly of what material these floors were made of is not mentioned. From this entry it is apparent that floor 1 and 2 were within the depth of 140 c. m. from the surface. The expectation is that floor no. 1 must have been at upper level whereas floor 2, at the lower level and the maximum depth of floor 2, must be 140 c. m. and not beyond that.

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**Before:-Commissioner Sri H.S.Dubey, Additional District Judge /Officer on Special Duty, High Court Lucknow.**

**09-02-2007**

**D.W. 20/5 Jayanti Prasad Srivastava**

**Page 154-156**

During excavation I had seen three pillars out of which two pillar were in fore court where as the third one was brought out from the debris of the central part. These pillars could be from among the pillars used at the site as some of them had been used in the disputed structure. The height of the pillar found from the central portion in debris was 165 cm. It was square in the base. The base of this pillar could be about 30 to 35 cm. The pillars of same shape and size or even of more height could be there in the disputed structure itself as also reported and mentioned by R. Nath in his book, more over the district gazetteer of Faizabad mention a pillar being of 7 feet height along with a photograph although the place of its existence is not mentioned therein. I do feel that these pillars could have been used in the pillared hall which I have indicated in my earlier statement to be raised at floor 3. These pillars could be used as load bearing pillars also.

Q: Whether a pillared hall alleged to have been raised in 1130 A. D. is their any certainty that it must have existed for 400 years unless demolished ?

A: During the course of 400 years it could also fall down due to natural reasons and some additions and alteration could also be there covering that period about more than 16 generations.

Q: You have already stated that the area of disputed site has been flood prone and the area also being situated by the side of the river. Whether the pillared hall indicated by you could also be collapsed in course of time by the water of Siryu river flooded over the area ?

( Sri Ved Prkash Advocate, raised the objection that the question is presumptive and such a case has neither been pleaded nor any word

has been put in the objections filed against the ASI's report, as such the question should not be permitted to be asked)

( Km. Ranjana Agnihotri Advocate, raised the objection to the above question that the in addition to the above objection I have to add that question is full of imagination and fantasy and totally is irrelevant such question should not be permitted to be asked )

A: Yes, this could be so before the construction of that massive wall which was there for the protection of the flood against this complex from the western side due to river but after that the possibility of the flood in the pillared hall area got reduced. This massive wall has been numbered as wall 16, by the A.S.I.

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**Before:-Commissioner Sri H.S.Dubey, Additional District Judge /Officer on Special Duty, High Court Lucknow.**

**12-02-2007**

**D.W. 20/5 Jayanti Prasad Srivastava**

**Page 159**

This note is not with me here in Lucknow. At page 55 of A.S.I. report volume-I, it is mentioned that 17 rows of pillar bases were constructed along the north-south running wall ( wall 16). They were quite in line with wall 16, which was in the west. The distance of the pillar base in each row from the said wall ranges from 3.60 to 3.86 meter. 17 rows of pillar bases have been mentioned as they have emerged from the excavation on plan. This on local tradition fact has not been mentioned here in page 55, by the A.S.I. people on the basis of information gathered from local citizens of Ayodhya. 'By plan I mean plan of the excavated trenches'. This plan is attached with the A.S.I. report as figure 3A ( page 48-A). I have referred here in above about this very plan. In my opinion grand pillared hall existed over these pillars. The roof of this hall must have been grand but also in consonance with the architecture of the central shrine in the north Indian 'Shikhar style' against the 'Mehrab style'. This could be having a north Indian pattern, Shikhar like, single storied hall, having pillars, brackets and beams. The Shikhar surmounted by 'finials'(kalghi) and four openings in the Shikhar. 'Finials' or 'kalgihi' is used at the top of the shrines. 'Finials' are used at the top of Mosques also.

**Page-160-63**

'Pillar bases' is the structure on which the pillars were standing. It is true that walls stand on their foundation. It is not true that pillars also stand on their foundation but they stand on pillar bases. Pillars have got no foundation they stand on pillar bases which had foundation of 3, 4 or 5 courses as the case may be, over which the pillars stood. Pillar stood with the half of 'mortise holes',

‘tenons’, ‘clamps’ and ‘grooves’, dowels etc. At the bottom there should be masonry pillar base. There should be a floor. Within the floor the foundation of the different pillar bases would be there, over which the pillars are made to stand. For pillar purposes foundation and pillar bases is the same thing. There is no distinction in saying ‘foundation of a pillar’ or ‘pillar base’ both are the same. Pillar bases are of masonry work sometimes with calcrete stones also over them. Calcrete stones mean pieces of stones fitted in the centre of the pillar bases to give strength to the base, over which the stone pillars are made to stand. Same system will be applicable to masonry pillars, also as against stone pillars as mentioned herein above. Sometimes ‘wooden’ or ‘iron’ pillars are used, they also require base in the same manner for the support as stated above. In some cases stone blocks could be required for pillar bases but they should be in proportion to the masonry pillar base. There could be plaster over the pillar bases. As regards essentials of a pillar base nothing more is required for the same. I am conversant with the term ‘orthostate’, it is one of the component. It is one of the special component of the pillar base. An ‘orthostate’ should always be there in a pillar base for giving strength to the pillar. A pillar base could be with out an ‘orthostate’ also with the help of plaster. A pillar base for a stone pillar could be of ‘mud-mortar’ also. I have come across the ‘mortise hole’. Said voluntarily they are collected and store in a tin-shade near disputed site. During excavation they were collected by the A.S.I. people and stored in two ‘tin-shades’ which lie out-side the excavated area in the south and west part of the mound. I don’t recollect the size of ‘mortise-holes’. I can not tell by memory their exact number, but the specimens of mortise-holes are there.

On being permitted by the commissioner, the witness perused the report and thereafter stated that there are about 80 mortise-holes, grooves in the collection of architectural members stored in the tin-shade at the excavated site as given from 131 to 152. These holes are reported at serial no. 1, 3,7 at page 131, at serial no. 9, 13, 15, 17, 18,

23 and 24 on page no. 132, at serial no. 29, 34 and 36 on page 133. All the holes given at page no. 131 and 132 are from the surface whereas those reported on page 133, the member given at serial no. 36 is from a depth of 25-30 cm. All other architectural members given on this page are from surface. Similarly on page 134, at serial no. 42 and 43 from a depth of 35 cm. On page 135, at serial no. 44 at a depth of 35 cm. serial no. 50 from the surface, serial no 54. at a depth of 35 cm. On page 136, serial no. 62, is from surface, Serial no. 64 is from the depth of 30 cm. Serial no. 67, depth at 40 cm. and serial no. 69 is again from surface. On page 137, at serial no. 71, it is from surface. 72 is the from depth of 30cm. Item 77 is also from surface and serial no. 84, is from the surface. On page 138, at serial no. 87, from the depth of 65 cm, 93 from surface, 94 also from surface 95 the depth is 145 cm, and 104 is from surface, on page 139 at serial numbers 110 from surface, serial no. 111 also from surface, serial 113 from surface and 119 from debris above floor 1. On page 140, serial number 121 is from debris above floor 1, 122 also from debris above floor 1, and 124 from debris above floor 1.

Q: Whether the architectural members mentioned by you as above ranging from pages 131 to 140 do been any special significance specially belonging to Temple or Mosque ?

A: Since the details pertain to the pillared hall in front of the holy shrine they could have belonged to a Hindu shrine. They can not pertain to a Mosque which is out of context at this place.

### **Page 167**

On page no. 24, at serial no. 29, in trench no. E-9, a pillar base was found at a depth of .60 meter. At serial no. 30 to 32, on page 24 and serial no. 33, 34 there is no mention of any pillar base having been found in trenches no. ZF-1, F-2, F-3, F-4 and F-5.....

.....On page 26, at serial no. 37 in trench no. F-9 a pillar base is found at a depth of .50 meter. At serial no. 38 it is mentioned that in trench no. ZG-1 a pillar base at the depth of .50 meter was found. At serial no. 39, it is mentioned that in trench G-2, two pillar bases were

found at a depth of 2.20 meter.

.....On page no. 28, at serial no. 46, in trench no. G-9, a pillar base at the depth of .20 meter was found. At serial no. 47, in trench no. ZH-1, a pillar base at the depth of .55 meter was found. At serial no. 48, two pillar bases were found respectively at the depth of 1.50 and 0.70 meter. On page no. 29, there is no mention of any pillar base at serial no. 49 to 51. At serial no. 52, in trench no. H-5, a pillar base is found at a depth of .82 meter. On pages 30 to 36, at serial numbers 53 to 82, there is no mention of any pillar base having been noticed in the trenches mentioned against these serial numbers.

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**Before:-Commissioner Sri H.S.Dubey, Additional District Judge /Officer on Special Duty, High Court Lucknow.**

**13-02-2007**

**D.W. 20/5 Jayanti Prasad Srivastava**

**Page 175**

In Muslim buildings also inverted lotus is seen on the top of the dome. Depiction of lotus is also common for other occasions in other buildings also. Same thing is applicable for flower designs also. 'Vase and foliage design' is not common in all buildings. Vase means 'Ghat'. 'Pallava' mean foliage pattern it is a common theme. It is considered to be auspicious and is generally found on the religious structures. In nut shell 'Ghata' means 'pitcher' or 'vessel' to store water and leaves coming out of it or 'pallava'. 'Ghata' does not include 'Surahi' but other earthen pots such as 'Gagar', 'Matka', 'Matki', 'Jhajhar' are included within the definition of 'Ghat'. 'Gamala' does not come under the category of a 'Ghata'. Importance of water is equally same for all the human beings rather living beings and this is why it is taken to be auspicious. 'Ghat' is desired to be full of water ( Purna-kalash). Design of 'Ghata' is seen in all types of buildings in various forms and even in stylised forms.

Sculptured motifs means any item or figure pertaining to human or animal or floral designs depicted or engraved on the stone.

'Gana' means attendant of Lord Shiva. 'Ganas' are invariably males whereas female attendance of 'Parvati' are called 'Yoginis'.

**Page 177**

Wall 5 of disputed structure existed over wall 16. Wall 5 was the western wall of the disputed structure. Wall 16 was below wall 5 and was built prior to wall 5. Wall 5 partially rested on wall 16 and partially on its own foundation built over the wall 16 after demolition of the structures associated with the wall 16. Wall 16 was built around 1130 A. D. when pillared hall was erected in front of the shrines. There is another wall just below wall 16, which has been

numbered as wall 17 in the A.S.I. report running north-south rather obliquely parallel and one above the other. Wall 16 was built just over wall 17 in the obliquely parallel form being one above the other. Wall 17 was built sometimes in 10 – 11<sup>th</sup> century A. D. After construction of wall 17, the structures standing below floor 3, towards east of wall 17, got protected from the flood and to further strengthen it, wall 16 was constructed.

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**Before:-Commissioner Sri H.S.Dubey, Additional District Judge /Officer on Special Duty, High Court Lucknow.**

**14-02-2007**

**D.W. 20/5 Jayanti Prasad Srivastava**

**Page 186**

The distinguishing feature of the Ram-chabutra complex as noticed during excavation where peculiar type of floor levels was made out of the material dug from the area which was in the north side of the Ram-chabutra which in this excavation has been marked as trenches J-3, J-4, J-5 and J-6. I have read this fact somewhere in the report submitted by the A.S.I. regarding bringing of earth from the area which existed in the north of Ram-chabutra in order to maintain the different levels of Ram-chabutra. This act of bringing earth from adjoining area of Ram-chabutra might have been done during Mughal or late Mughal period, meaning thereby sometimes in 1602 to 1605 A. D during the last phase of Akbar's rule when Ram-Siya coin was introduced. Prior to that this area of Ram-chabutra might have been two or three meters lower than the present level situated in the area beyond the disputed structure in that direction.

**Page 189**

Q: Whether 'Amalaka' is the design of the fruit 'Amala' halved horizontally ?

A: The design of 'Amalaka' is having crevices in the circular form of an 'Amala' fruit. The top 'Amalaka' called 'Shirsh-Amalaka' is having a full 'Amalaka' and the Karna-'Amalaka' found on the 'Shikhar' part of the temple at the corner is in-part and not in-full denoting sculptured crevices. 'Amala' is considered an auspicious fruit of 'Durga devi'. There is no prohibition of use of fruit 'Amala' by the believers of other faith.

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**In The High Court of Judicature at Allahabad (Lucknow Bench)  
Lucknow.**

**O.O.S. No. 4 of 1989**

The Sunni Central Board of Waqfs and others .....Plaintiffs

Vs.

Gopal Singh Visharad (now dead) and others ..... Defendants

**Statement of D.W. 20/5  
Jayanti Prasad Srivastava  
(Part-Two)**

**Before:-Commissioner Sri H.S.Dubey, Additional District  
Judge /Officer on Special Duty, High Court Lucknow.**

15-02-2007

D.W. 20/5 Jayanti Prasad Srivastava

Pages 191-192

I have stated that glazed ware, glazed tiles and glazed potteries indicate Muslim civilization. Said voluntarily, however glazed tradition is a very old tradition as glazed wares started from 'China' and went up to 'Egypt' via 'Middle-east' and again it came to 'India' after the arrival of Mohd. Ghori. In between, glazed ware has been met with in 'Kushan' period also in the Indian sites. Sporadically it was also used in Kushan period. There is a difference of technique of glazing or making glazed wares from Ancient times to Medieval times. During excavation at disputed site glazed wares, glazed tiles and glazed potteries were found in different trenches and in different layers. There may be difference with regard to technique and manufacturing of glazed tiles, glazed wares and glazed potteries. I have not gone through the report submitted by the ASI with reference to their aspect of glazed wares/glazed pottery/glazed tiles.

If during excavation animal bones with cut marks are found from a particular site, then it can be inferred that persons consuming animal meat were residing in that area. It may also give a

presumption that the people who were residing in that area were sacrificing animals for ritualistic purposes even though they may have different religions. The persons who sacrifice the animals may eat meat or they may not eat meat of these animals.

**Page 193**

These are some of the Indigenous patterns which were there as against Lahore fort glazed ware which were having Persian themes. The glazed wares which were brought in 'Chines tradition' belonged to 'Kushan' period. I don't exactly remember the exact sites from where glazed wares of 'Chines tradition' were found during excavation.

**Page 194**

I have referred in my statement about the inscription of Mir Baqi, it was fixed in disputed structure raised in 1528 A.D. paper no. 189C2/8, filed at the time of cross examination of P.W 15, was shown to the witness who, after seeing this paper, stated that this is the inscription which was fixed there. I have read its translation in English from which the date of construction of the disputed structure is inferred. My statement in this report is at page 68 ( in last para fourth line from the bottom), recorded on 19-01-2007 proclaim to this report.

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

O.O.S.NO. 4 OF 1989  
(R.S.NO. 12 OF 1961)

The Sunni Central Board of Waqfs, U.P. & others .....Plaintiffs

V E R S U S

Gopal Singh Visharad and others -----Defendants

**Dated 19.02.2007**

**D.W. 20/5 Jayanti Prasad Srivastava**

**Pages 203-205**

This is true that in excavation matter the depth of various levels is very important in archaeological digging. During digging the finds recovered from various levels help in determining the period. Period to which whatever those finds belong. The finds help in determining the culture period and civilisation of that period. If there is a mistake in fixing the level and depth, it is likely to result in wrong result of the excavation regarding civilisation and periodisation. Voluntarily said that it is a hypothetical question in case of any variation regarding periodisation, the team leader having discussed with others finally determines the period with the help of co-ordination and result of all the trenches. In such situations, the chart of concordance is prepared or some other chart of explanation is furnished in the report. I have not examined the report from the point of view whether there is any concordance or explanation regarding any variation in depths mentioned or not. Variations are there in the report, but they have been properly explained. I have not checked from this point of view whether there is any explanation regarding variation in depths of raised platform area and other area. *Srivatsa* symbol is a religious motif found in sculpture as an art motif. It is the shape of engraving, if on stone, and may be found in the shape of

painting also on paper or wall, as the case may be. *Srivatsa* is a star shaped design normally either carved or painted on the chest of the idol. Star/*Srivatsa* may be of any shape. The Star can be seen on different types of building also in form of carving as well as painting. The same would be of a religious significance when it is found on the chest of the idol. Engrave design in plate 88 is not a Star shaped design, but it has been described to be as *Srivatsa* motif by ASI in its II Volume. This is true that the design in the said plate 88 of ASI's report of Volume II, but I consider it to be *Srivatsa* because ASI has mentioned it as *Srivatsa* motif. Voluntarily said that the shape in this plate may also one of the types of *Srivatsa*, which I may not be aware of. The *Srivatsa* motif shown in plate 88 is not on the chest of idol or icon, but is on stone slab.

**Pages 209-210**

My statement in paras 29 and 30 of my affidavit is based on summary part of ASI report, Vol.1 which is in chapter 10 of the report. My said statements are based on last para on page 269 of the said summary. It is true that in ASI report the word 'Mandapa' like structure is not mentioned, but it is there in the ASI report that a structure having a huge pillared hall (or 2) is there, which is different from residential structure. I have drawn inference from the said report of the ASI, which has been described as pillared halls that it was a 'Mandapa' like structure. By pillared hall I mean that rectangular room type of structure, not of verandah type of structure. In my opinion, the hall type of structure in this case could have been about 15 feet in height. For a hall of 15 feet height, the height of pillars should be approximately 7 feet.

Q. How can be a room of 15 feet hall rest on 7 feet only ?

A: Seven feet pillar is quite sufficient to maintain Shikhar like roof of the hall having a height of 15 feet over the bracket and beams. Meaning thereby over the four pillars there could be a bracket and thereafter beam over that Shikhar type of roof, unlike arch roof or flat roof. In this way, the hall having 80 pillars had 24 Shikhar like roofs

on the northern part and 24 on the southern part and 12 in central part i.e in total 60 Shikhar like roofs would have been there in these halls.

**Page 211**

Q. If you say that one Shikhar was based on 4 pillars then the number of such Shikhar type structure being given by you as 60, the same should have been based upon 240 pillars ?

A: The number of pillars will remain the same i.e. 80 and the upper structure could also be managed on the same pillars. 15 Shikhar roofs type structure would be resting on 16 pillars north south and 5 Pillars east west.

**Pages 212-214**

Q. What was the type of roof of the alleged central shrine?

A: It could be 5 storied type super structure as seen from the east. Roof could be of a flat type from inside having an opening on the east side.

Q. What do you mean by 5 storied structure?

A: Five storied structure means the ground floor thereafter the first, second, third and fourth. Such type of temples are called 'Panchatala Prasada'. The total height of aforesaid 5 storied would be about 45 feet. The height of ground floor from floor to roof might be of 10 feet. The height of main shrine may be lesser than the height of pillared hall in front of the shrines. The two subsidiary shrines, which were in the north and south to the main shrine were having three storied structures i.e. ground floor, first floor and second floor. The height of ground floor of both the subsidiary shrines could also be only of 10 feet. The height of these two subsidiary shrines would be about 27 feet in total. These shrines were resting on walls, not on pillars. Central shrine approximately could have been of 10x10 feet in size and the same size also holds for the two subsidiary shrines. All the three shrines were closed from three sides and there was only one entrance from the eastern side. These shrines were facing towards east. The size of 'Antaral' between these three shrines and pillared hall could be of 10 feet approximately.

Q. Do you find any reference in the ASI report about these three alleged shrines as stated by you ?

A: Yes. The ASI referred the central shrine as Sanctum sanctorum. Regarding the two subsidiary shrines towards the south, the ASI report mentions about its location towards south in the form of a subsidiary shrines south to central shrines as a circular temple. The circular above referred to, were subsidiary shrines as referred in the earlier period. The circular shrine referred at page 70 is different. It pertains to earlier period and not to the present subsidiary shrine, which I have stated above. As stated by me today is not mentioned in the ASI report. However, I have drawn inference from that part of the report where ASI has referred to circular shrines of earlier period as a subsidiary shrine, which indicated about the central shrine in the north to the subsidiary shrine. The ASI has not said anything in its report about the central shrines or the subsidiary shrines, during the period pillared structure was there. However ASI has referred in its report about the Sanctum Sanctorum, which according to me could be central shrine.

Q. Is it correct to say that ASI has no where referred in its report, as you have stated today in the Court that they have referred the Sanctum Sanctorum for such central shrine ?

A: Yes, it is correct that ASI has not referred in its report about the central shrine. The Sanctum Sanctorum is referable to such central shrine of the report. However, the Sanctum Sanctorum finds place in its report.

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

O.O.S.NO. 4 OF 1989  
(R.S.NO. 12 OF 1961)

The Sunni Central Board of Waqfs, U.P. & others .....Plaintiffs  
V E R S U S

Gopal Singh Visharad and others -----Defendants

**Dated 20.02.2007**

**D.W. 20/5 Jayanti Prasad Srivastava**

**Pages 217-220**

In trench ZL-I no pillar base has been shown in figure 3-A. In trench L-I also no pillar base is shown. Similarly, in trenches L-2, L-3 and L-7 no pillar base is marked in this figure. In Appendix-4 on page 208 (internal page 17) in trench L-I parts of two pillar bases are mentioned in the chart. Similarly, in L-2 and L-3 trenches also parts of two pillar bases, one in each, are mentioned. Similarly, in trench L-7 two pillar bases are shown. In this way, according to the appendix-4, 8 pillar bases were noticed in trenches L-1, L-2, L-3 and L-7. No trench of M-series was undertaken for excavation. The 50 pillar bases, which according to me were exposed, were excavated by the ASI, were duly numbered also in figure 3-A by the ASI, do not include the pillar bases indicated in appendix-4 in L-series of trenches, i.e., L-1, L-2, L-3 and L-7.

Q: After seeing the description of 8 pillar bases on page 08 of the ASI report, Vol.I, would you like to say that there were 58 alleged exposed pillar bases about which you have earlier stated that the number was only 50.

Sri Ved Prakash, learned counsel appearing for the plaintiff in O.O.S. No.5 of 1989 raised an objection to this question on the ground that this appendix-4 is not part of the ASI report, as the same has been prepared separately under the direction of this Court.

We do not find any merit in the objection, as the entire

excavation was made under the orders of this Court and appendix-4 is prepared by the ASI, which finds place in Vol.I from pages 291 to 309. Thus, the objection is over ruled.

A: The 50 pillar bases have been numbered by the ASI in figure 3-A and they are in the western part of the excavated mound. The 8 pillar bases in trenches L-1, L-2, L-3 and L-7 are towards east of the excavated mound. These pillar bases are not included in the 50 pillar bases marked in the western area. Including the pillar bases of trenches of L-series, as indicated above, the total number of the so called exposed pillar bases would come to 58.

According to me, the excavation of trenches of H-series is on the western part of the mound and beyond the same towards the east, i.e., from trenches of J-series, the excavation is on the eastern part of the mound. Trenches of J-series will be called trenches of the eastern part of the mound. The pillar base no.6 falls near the baulk of trenches ZH-2 and ZJ-2. Pillar base 6 falls just on the brink of the western part of the mound. The pillar bases, which I presume could have been there up to H-series on the western part of the mound and not on the eastern part. The said pillar bases would not be in the trenches of J, K and L series. These exposed and unexposed pillar bases according to me, are of 12<sup>th</sup> Century. These pillar bases relate to the structure raised in 1130 A.D.

The distances between the pillars in north-south and east- west was approximately ten feet, the distance being little more in north-south as compared to east-west, but the difference is nominal, i.e., about 10 cms. The map is prepared on the scale of 5 mm. equal to 1 metre.

I can try to measure the distance of two pillars on the basis of scale given in figure 3 A. The northern end of wall 16 in figure 3A is 6 metres from pillar base no.2 i.e. PB 2. The horizontal distance between wall 16 and pillar base 15 is 5.6 metres. Similarly, horizontal distance between wall 16 and pillar base 20 is about 10 metres. As I understand my statement on page 159 before this Court

regarding distance of pillar bases from wall no.16 which I have stated to be ranging from 3.60 to 3.86 metres is probably based on report of the ASI. In view of the actual measurement done by me on the basis of the scale in figure 3A the said statement regarding distances appears to be incorrect.

**Page 221**

Distance between pillar base no.25 and pillar base no. 28 is about 12 metres. I do not remember whether trenches F-4 and F-5 were actually excavated or not. The same can be verified from the report. Part of pillar base as shown in trench F-3 in appendix 4 at page 297 is the same as shown in pillar base no.25 in figure 3A. Part of pillar base is shown to be in trench F-4 in appendix 4 at page 297, but said pillar base is not shown in trench F-4 in figure 3A. Since part of pillar base is shown in trench F-4 in appendix-4 at page 297, the same is to be taken as exposed pillar base although not shown in figure 3A. From appendix 4 , I can say that trench F-4 was also excavated. From entry in regard to trench F-5 on page 298 of the appendix-4 it is evident that trench F-5 was also excavated.

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**Before:-Commissioner Sri H.S.Dubey, Additional District  
Judge /Officer on Special Duty, High Court Lucknow.**

**21-02-2007**

**D.W. 20/5 Jayanti Prasad Srivastava**

**Pages 225-226**

The distance between pillar base no. 49 and 50 is about 2.50 meters. Pillar base no. 49 is not in alignment with pillar base no. 45 in southern side and pillar base no. 47 and 48 are not in full alignment. There is no pillar base in between pillar base no. 27 and 50. The distance of pillar base no. 40 from wall 16 is about 4meters. There is no pillar base between wall no. 16 and pillar base no. 40. Pillar base no. 40 and 37 are not in full alignment. The distance between pillar base no. 41 and 44 is about 5meters and these pillar bases are not in alignment. The distance between pillar base no. 41 and 42 is about 2.50meters, they are also not in alignment. The distance between pillar base no. 38 and 39 is about 2.50 meters. The distance between pillar base no. 37 and 38 is about 3.50meters. The distance between these two pillar bases is about 2meters if the distance is taken from the corners. The distance between pillar base no. 38 and wall 16 is about 6meters. There is no other pillar base in between wall 16 and pillar base no. 38. Pillar base no. 37 and 38 are not in alignment. The distance between pillar base no. 34 and 38 is about 3meters. The distance between pillar base no. 34 and wall no. 16 is about 3meters. In between pillar base no. 34 and wall 16, there is structure 4. I can't say what is structure 4 on the basis of my memory. The distance between pillar base 34 and 35 is about 2meters. The distance between pillar base no. 35 and 36 is about 2meters. The distance between pillar base no. 36 and 39 is about 2.50meters. There is pillar base no. 30 in between pillar base no. 26 and 36. The distance between pillar base no. 26 and 30 is about 6 meters. The distance between pillar base no. 30 and 36 is about

5meters. There is no pillar base in between pillar base no. 26 and wall 16. Similarly there is no pillar base between pillar base no. 30 and wall 16. The distance between pillar base no. 29 and 30 is about 2meters and they are not in alignment. The distance between pillar base no. 30 and 32 is about 4meters and they are also not in alignment. I can not say by memory the nature of structure 3. Similarly I can not say about the nature of structure 9, which is near pillar base no. 29.

#### **Page 227**

The distance between pillar base no. 18 and 19 is about 2meters. The distance between pillar base no. 17 and 18 is also about 2meters. Similarly the distance between pillar base no. 16 and 17 is about 2meter. The distance between pillar base no. 17 and 21 is about 3meters. The distance between pillar base no. 18 and 21 is about 3meters. Pillar base no. 18 and 17 are not in full alignment. Similarly pillar base no. 17 and 16 are not in full alignment. Same position is with pillar base no. 16 and 15. The distance between pillar base no. 20 and 21 is about 2meters. These pillar bases are not in full alignment but are partly in alignment. Pillar base no. 21 is in trench G-2.

#### **Page 229**

The entry given on page 59, regarding pillar base no. 12, seems to be incorrect. According to me there are only two pillar bases in trench no. ZG-1 i.e. pillar base no. 8 and pillar base no. 11. Pillar base no. 12 falls on the baulk of trench ZG-1 and G-1. In trench G-1, I find two pillar bases i.e. pillar base no. 16 and 17. Pillar base no. 12 is partly on the baulk of trench G-1 and ZG-1. On page 59, pillar base no. 12 has been shown in trench ZG-1. Pillar base no. 12 falls in the baulk of trench ZG-1 and G-1. Thus the entry regarding pillar base no. 12 on page 59, is only partly correct.

Q: If pillar base no. 12 does not exist in trench no. ZG-1, as stated by you then the entry regarding the same made on page 59, is fully incorrect and how it is being said by you partly to be incorrect ?

A: Because pillar base no. 12, is on the baulk between trench ZG-1 and G-1.

**Page 230**

They are pillar base no. 8, 9 and 13. In figure 9 (page 59-A), pillar base no. 8 and 9 have not been shown. Thus figure 9 is not in consonance with figure 3-A.

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**Before:-Commissioner Sri H.S.Dubey, Additional District Judge /Officer on Special Duty, High Court Lucknow.**

**22-02-2007**

**D.W. 20/5 Jayanti Prasad Srivastava**

The distance between pillar base no. 5 and 6 is about 3meters. The distance between pillar base no. 4 and 5 is about 3meters. The distance between pillar base no. 4 and 3 is about 3meters. The distance between pillar base no. 3 and 2 is about 3meters. The distance between pillar base no. 1 and 5 is about 3 meters. Pillar base no. 2 to 6 are in a symmetrical order and are also in one line. The distance between pillar base no. 5 and 9 is about 3meters. The distance between pillar base no. 8 and 4 is about 3meters. The distance between pillar base no. 7 and 2 is about 3 meters. pillar base no. 7 and 2 and 8 and 4 are in the same line. These pillar bases no. 2, 3, 4, 5, 6 and 2 and 7, 1and 5, 8 and 4 are in full alignment. The distance between pillar base no. 13 and 14 is about 3 meters. The distance between pillar base no. 18 and 19 is about 3meters. The distance between pillar base no. 17 and 12 is about 2meters. The distance between pillar base no. 23 and 24 is about 2 meters. The distance between pillar base no. 32 and 33 is about 2meters.

**Page 234**

The distance between pillar base no. 4 and 5 from centre to centre is 2.50 meters. The distance between pillar base no. 4 and 3 from centre to centre is 2.50 meters. The distance between pillar base no. 3 and 2 from centre to centre is 2.50 meters. similarly the distance between pillar base no. 1 and 5 from centre to centre is 2.50 meters. The distance between pillar base no. 5 and 9 from centre to centre is 2.50 meters. The distance between pillar base no. 8 and 3 from centre to centre is 2.50 meters. The distance between pillar base no. 7 and 2 from centre to centre is 2.50meters. The distance between pillar base no. 13 and 14 from centre to centre is 2.50meters. The distance between pillar base no. 18 and 19 from centre to centre is 2.50meters. The distance between pillar base no. 17 and 12 from centre to centre

is 2meters. The distance between pillar base no. 23 and 24 from centre to centre is 2meters. The distance between pillar base no. 32 and 33 from centre to centre is 2meters.

**Page 236**

Similarly the distance from the centre to centre between pillar base no. 45 to 46 is the same as stated yesterday. The distance from the centre to centre between pillar base no. 48 to 49 is 5.50meters. The distance from the centre to centre between pillar base no. 49 to 50 is the same as stated by me yesterday. The distance from the centre of pillar base no. 40 to eastern side of wall 16 is 3.50meters. The distance from the centre to centre between pillar base no. 41 and 44 is the same as stated by me yesterday.

**Page 237**

The distance from the centre to centre between pillar base no. 26 to 30 is 5.50meters. The distance from the centre to centre between pillar base no. 30 and 36 is the same as stated by me yesterday. The distance from the centre to centre between pillar base no. 29 and 30 is 2.50meters. The distance from the centre to centre between pillar base no. 30 and 32 is 3meters. The distance from the centre to centre between pillar base no. 18 and 19 is 2.50meters. The distance from the centre to centre between pillar base no. 17 and 18 is 2.50meters. The distance from the centre to centre between pillar base no. 16 and 17 is 2.5meters. The distance from the centre to centre between pillar base no. 17 and 21 is the same as stated by me yesterday. The distance from the centre to centre between pillar base no. 18 and 21 is 3.50meters. The distance from the centre to centre between pillar base no. 20 and 21 is 2.50meters.

**Pages 239-241**

Figure 10 ( page 60-A) relates to trench G-1. Pillar base no. 16 and 17 have been shown in the plan of trench no. G-1. The sectional elevation shown in figure 10 also relates to trench G-1. On page 59, at the bottom, pillar base no. 16 has been shown in the baulk of trench F-1 and G-1. There is inconsistency between figure 10 and

description given on page 59, about pillar base no. 16. With reference to figure 11 (page 62-A), the witness stated that the plan of this figure relates to trench H-4 and H-5. The section given at the top on this page also relates to trench H-4 and H-5 which also goes up to trench H-6. In this plan only one pillar base no. 27 has been shown in trench H-5. In figure 3-A, also only one pillar base no. 27 has been shown in trench H-5. On page 302 (appendix-IV), at serial no. 92, two pillar bases have been shown in trench H-5. Thus figure 3-A and figure 11 are inconsistent with the description given on page 302. Plan of figure 12 (page 66-A), relates to trench F-9, whereas sectional elevation shown in this figure relates to trench F-9. In figure 12, two pillar bases no. 43 and 44 have been shown in trench F-9. Pillar base no. 43 is circular in shape whereas pillar base no. 44 is squarish cum circular. On page 65, at the bottom pillar base no. 42 has been shown in the baulk of E-9 – F-9. There would be inconsistency between figure 12 and description of pillar base no. 43, on page 65, in the sense that trench no. E-9, is not given on figure 12 but the extension is there. In figure 3-A, pillar base no. 43 has been shown in trench F-9. Thus there is inconsistency between figure 3-A and description of pillar base no. 43 given on page 65. On page 299 (appendix-IV), in trench F-9, two squarish pillar bases and a circular pillar base has been shown. Whereas in figure 3-A and figure 12, only two pillar bases have been shown in trench F-9, thus there is inconsistency among them. In the chart given on pages 56 to 67 in trench F-9, only one pillar base no. 44 has been shown thus there is inconsistency between this chart and description given on page 299 (appendix-IV). Figure 13, on page 66, deals with plan and relates to trench no. G-9. The sectional elevation given in figure 13, relates to trench G-9 but it is between the pegs of G-10 and H-10. In figure 3-A (page 48-A), in trench G-9, two pillar bases 42 and 45 have been shown. Pillar base no. 46 is in the baulk of G-9 and H-9. In figure 13, in trench G-9, only pillar base no. 45 has been shown. Pillar base no. 42 has not been shown in figure 13. Thus there is inconsistency between figure

13 and figure 3-A.

In the chart given on page 65, pillar base no. 42 has been shown in the baulk of trench G-8 and G-9.

**Before:-Commissioner Sri H.S.Dubey, Additional District Judge /Officer on Special Duty, High Court Lucknow.**

**23-02-2007**

**D.W. 20/5 Jayanti Prasad Srivastava**

**Page 244**

Similarly in the plan also the trenches covered are ZE-1, ZF-1, ZG-1 and ZH-1. No pillar base has been marked in any of the trenches of the plan although the diagram is there in trench no. ZF-1 and ZG-1. The diagram is of one pillar base each in these two trenches. In trench ZF-1, the diagram of pillar base has been shown above floor 1, in the north-west corner, rather it is in the centre of the trench. Similarly in trench ZG-1, the diagram of the pillar base has been shown towards north-eastern part in the east of floor one and above the pit. Two diagram of the pillar bases have been shown with trench no. ZH-1, one towards south-western side and the other towards the south-eastern side. There seems to be an omission in not marking the pillar bases in the plan of figure 14, in respective trenches. In this plan pillar base has been shown in trench ZF-1. Since this pillar base has been shown in the plan of the drawing made by ASI, therefore it should be taken as correct. As this pillar base has been found on floor 1, therefore this must have been constructed in Post-Mughal era because floor-1 is the floor of the modern period. In the chart given from pages 56 to 67, pillar base no. 7, has been shown in trench ZF-1, projected over the surface of floor-2. The pillar base shown in the plan of figure 14, is this very pillar base no. 7. According to me depiction of this pillar base no. 7, in figure 14 is correct and the description of the same on page 57 of the above chart gives also the correct position.

**Page 245**

In figure 3-A ( page 48-A), two pillar bases i.e. pillar base no. 7 and 10 have been shown in trench ZF-1 but in the plan of figure-14, only one pillar base has been shown and the other one was not shown. Thus there is discrepancy between figure-14, and the description given in the figure 3-A, and the chart of page 57. On page 297 (internal page 6), of appendix-IV, in trench ZF-1, three pillar bases have been shown. Thus there is discrepancy between the description given on above page 297, figure-14, figure 3-A and the description given in the chart on page 57, of the ASI report volume-I.

**Page 246**

Thus there is clear discrepancy between figure-14, and in the description given in the chart on pages 58 and 59. Since only two pillar bases have been shown in figure 3-A, therefore there is discrepancy between this figure and description given on pages 58 and 59.

On page 299 ( appendix-IV), at serial no. 73, in trench ZG-1, one squarish pillar base and one disturbed pillar base has been shown. The pillar base shown in the plan of figure-14, in trench ZG-1, is squarish in shape, the disturbed condition of the pillar base has been shown in the south-west corner of trench ZG-1, but it has not been marked as pillar base or numbered. According to me as per the plan in trench ZG-1, two pillar bases have been shown but these pillar bases have not been shown in the section of trench ZH-1, as the pillar bases fall towards the southern part of the trench which is away from that section.

**Page 247**

In figure 3-A (page 48-A), pillar base no. 9 has been shown in the northern side and pillar base no. 13 has been shown in south-western side. Thus there is discrepancy in between figure 3-A and figure-14, regarding location of pillar base no. 9 and 13.

**Pages 248-249**

Out of them one pillar base was resting on floor-1, and the

other on floor-2, but the position of third pillar base which is towards north, is not clear regarding the floor position in figure-7. First pillar base which is resting on floor-1, was constructed in Post-Mughal period, the other pillar base which was resting on floor-2, was constructed in late-Mughal period. Out of these pillar bases in trench G-2, the first pillar base which is resting on floor-1, is circular in shape where as the second pillar base which is resting on floor-2, is squaish in shape, the third pillar base the position of which is not clear regarding floor, is rectangular in shape. The circular pillar base can be considered as oval pillar base also. In the chart on page 60, pillar base no. 21, which has been shown in trench G-2, is the same pillar base which has been shown in the western side of the trench in figure-7. On page 61, pillar base no. 24, shown in trench G-2, is the same pillar base which is resting on floor-1, in figure-7. In the chart given on pages 56 to 67, the third pillar base, the floor position which is not clear, has not been shown. Thus there is discrepancy between the description given in the above chart on pages 56 to 67 and figure-7. In figure 3-A, in trench G-2, four pillar bases have been shown viz pillar base no. 20, 21, 23 and 24. In the chart given on pages 60 and 61, pillar bases no. 20 and 23, have been shown in the baulk of trench F-2 – G-2. My statement that there are four pillar bases G-2 is incorrect because two of these four pillar bases were in the baulk as has been described in the chart given from pages 56 to 67. There is inconsistency between figure 3-A and figure-7, in the sense that in figure-7, three pillar bases have been shown in trench G-2, whereas in figure 3-A, only two pillar bases have been shown in trench G-2, and remaining two pillar bases have been shown in the baulk. Figure 6 ( page 52-B), relates to trenches F-6 and F-7 in the plan whereas sectional elevation of this figure relates to trench F-8 and F-7 and partly F-6 also although trench F-6 is not mentioned.

#### **Page 252**

Q: From a bare perusal of figure 3-A it appears that the so called pillar base no. 31 and 32 have been shown to exist in trench F-

7 and as such there is clear discrepancy about their description given in the chart of so called pillar bases at page 63 and the said figure 3-

A. What do you have to say on this ?

A: Yes, there seems to be a discrepancy between the two positions.

On page 298 ( internal page no.7 of appendix-IV), at serial no. 66, in trench F-7 partly extant pillar base has been shown in column-4. Whereas in figure 3-A and figure 6 two pillar bases have been shown in trench F-7. Thus there is discrepancy between description of trench F-7 given on page 298, and the depiction of pillar bases in F-7 as given in figure 3-A and figure 6. In the plan of figure-6, no pillar base has been marked or numbered in trench F-6 and F-7 but the diagram shows the existence of two pillar bases in F-6 and four pillar bases in trench F-7 out of which one pillar base in F-7 extent to trench no. F-6 also. Out of these four pillar bases central pillar base which is also extending to trench F-6 is circular. The second pillar base which is octagonal in shape also seems to be extending towards the baulk of F-6 and F-7. Third pillar base is circular and fourth one is semicircular as is evident from figure-6.

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

O.O.S.NO. 4 OF 1989  
(R.S.NO. 12 OF 1961)

The Sunni Central Board of Waqfs, U.P. & other ----- Plaintiff

V E R S U S

Gopal Singh Visharad and others -----Defendants

**Dated 12.03.2007      D.W. 20/5 Jayanti Prasad Srivastava**

**Pages 257-258**

Two “brick walls” mentioned in between trenches E-6 and E-7 in figure 5 are part of wall 16. “Niche” shown towards the south of the above two brick walls is in upper part of wall 16. “Niche” shown below the words E-8 in figure 5 is below. This Niche is also in wall 16. The slopy position shown in between the trenches of E-6 and E-7 in figure 5 was on the spot also slopy, from north to south. No wall is shown in between the trenches E-6 and F-5. It is true that trenches E-4 and E-5 were not excavated, that is why they are not shown in this figure whereas trench E-3 was partly excavated, that is why it is shown in the figure 5.

**Page 259**

In trench ZE1 stones having been shown in the upper portion and also in the lower portion, form part of wall 16. The niche shown in trench ZE2 is part of wall 16 and in this trench only floor 1 has been shown and the niche is below floor in ZE2.

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

**Dated 13.03.2007     D.W. 20/5 Jayanti Prasad Srivastava**

**Page 266**

In figure-4 there is no mention of floor-1, in trench D-6 as indicated at serial no.37 on page 294 in the said report of the ASI. In this way, there is an omission in figure-4 in regard to floor no.1 and trench-D-6. According to entry at serial no. 51 on page 295 in regard to trench E-6, Floors 1 to 4 were found in the said trench E-6. I cannot say whether the top floor mentioned in Figure-4 depicts floor 1 or not. Similarly I am not sure whether the words A,B,C, and B as indicated in plan, figure-4, depicts floor 1-A, 1-B, 1-C and 1-D or not.

**Page 267**

According to the plan, figure-4, there are three east west walls and the entry at Serial no.51 on page 295 in regard to only two east west running walls is incorrect. There appears to be as is evident in serial no.51 on page 295, in regard to north south walls in trench E-6, the plan also shows two north-south walls.

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

**Dated 14.03.2007      D.W. 20/5 Jayanti Prasad Srivastava**

**Page 276**

In Plate 35 of Vol.I of ASI report, 9 pillar bases are visible as stated by me yesterday and they are PB 1 to 6 and thereafter PB 7 to 9 as described in figure 3-A of Vol.I of ASI report.

The witness having gone through the chart at page 56, 57 and 58 of Vol.I of ASI report, stated that it is correct that in respect of pillar bases No.1,2,3,5,6,7 and 8, the ASI has found that these pillar bases are projected over surface of floor 2. It is correct that ASI has not mentioned on which floor pillar base No.4 was found. It is also correct that ASI at page 58 in its report Vol.I has found that pillar base No.9 was available at the depth of 42 cm. from floor 2, cutting through floor 3. As per finding of the ASI in respect of pillar base no.9 it can be said that it was below floor 2, but it cannot be said that it was sealed by floor 2. However, it was cutting through floor 3. Pillar base No.9, in view of the opinion of the ASI, it could be assigned to the period of floor No.2.

**Pages 277-278**

The witness having gone through page 37-A of Vol.I of the report stated that in the chart of periodization, no reference of Z series of trenches is given. In the aforesaid chart at page 37-A of the report, Vol.I, floor 2 of trenches J-5 and K is assigned to Mughal period, while floor 2 of J-3 is assigned to late and post Mughal period. As it appears from the aforesaid chart prepared by ASI at page 37-A, the periodization has been mentioned on both the ends of the chart without indicating the method to read this chart, which could have been in the form of index and this is lacking in the chart. As per this periodization in the chart (page 37-A of the report, Vol.I) floor 3 is admittedly of Medieval period as seen from both the sides of periodization chart. Floor 4 of G-7 has been shown in the

aforesaid chart to be of early Medieval Sultanate period; whereas floor 4 of some of the trenches of E,F,G,H and J series has been shown to be of Medieval period. Trench G-7 of floor 3 in the aforesaid chart is shown to be of Medieval period. In the aforesaid chart floor 5 has been shown only in trench No.J-5 and in no other trench reference of floor 5 has come. Floor 5 has also been shown in the chart to be of early Medieval Sultanate period.

**Page 279**

The ASI in its report in Vol.I has divided the Mughal period into two parts i.e. Mughal period, Period VIII and late and post Mughal Period, Period IX. Period VIII covers the period of Babar to Aurangzeb i.e. 1525-1707 AD belonging to greater Mughals and late Mughals period starts after Aurangzeb belonging to later Mughals i.e. 1708 to 1857 AD. The period of late Mughals is also called post-Mughal. Again he said that post-Mughal period in fact will be the period after 1857. It is also known as British or Modern period.

**Pages 282-283**

I just recollect that ASI has divided period VII in three sub-periods A,B and C. Construction of wall 16 has been attributed by ASI to sub-period-A of period VII. According to ASI sub-period A of period VII starts from the end of 12<sup>th</sup> Century. The period prior to 1194 A.D. cannot be said to be period covered by the term “end of 12<sup>th</sup> Century”.

Q. In view of the above statement is it correct to say that the so called massive wall (wall No.16) cannot be said to have been constructed prior to 1194 A.D. as per ASI report.?

A. (I will have to think over it and the reply will be given in the post-lunch-session).

(In post-lunch- session the witness gave reply to the above question in following words:)

According to me, the wall 16 could have been constructed

sometimes between 1194 to 1199 A.D.

It is correct to say that the ASI in its report at page 41 has used the words 'end of 12<sup>th</sup> Century' in second Para because rule of Gahadwal dynasty had come to an end in the last decade of 12<sup>th</sup> Century. Jai Chand was the last ruler of Gahadwal dynasty who was defeated in 1194 by Mohammad Ghauri. With the defeat of Jai Chand the rule of Gahadwal dynasty came to an end. The rule of Mohammad Ghauri was started in 1194 but in fact it was established in 1205-06 A.D. as in the intervening period the position of Sultanate rule remained unstable because of the stiff local resistance.

**Page 286-287**

So far I remember the said inscription was recovered in the year 1992 by some person but I do not know name of that person. I do not think that the said inscription was recovered by some archaeologist during excavation. It was an accidental find within the complex of the disputed structure. I do not recollect whether the accidental find was found by any Archaeologist or some officer of the Government. I did not very much bother to find out who was the actual person who found this inscription. However, the said inscription is said to have been found inside the central temple covered by the plaster and only after removal of the plaster, the inscription came out which was existing there.

**Page 288**

Q. Is it correct to say that the said inscription is alleged to have been recovered from the debris of the disputed structure after its demolition on 6<sup>th</sup> December, 1992.

A: It is not correct to say that it was recovered from the debris but it was recovered from the wall of the disputed structure and at least that portion of the wall containing the inscription was intact and was in standing position and only when the plaster was removed, the inscription was noticed and taken out.

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

**Dated 15.03.2007      D.W. 20/5 Jayanti Prasad Srivastava**

**Page 300**

The temple referred by me in para 29 of my affidavit refers to the same temple whose description is there in the note (tippani) below translation of line no.21 of inscription on paper no.289 C-1/198 of the book of T.P.Verma and Dr. S.P.Gupta. I cannot say, as mentioned in the above note, whether the temple was reconstructed in place of some earlier construction during the period of Govind Chanda for the reason, I have not examined the inscription referred by me above from this point of view. According to me, the construction of temple that I have referred in my affidavit and statement was a fresh construction made in 1130 A.D.

**Page 301**

Since the inscription does not give the date, I have concluded it to be of about 1130 A.D. and also to be the new temple as also pointed out by Dr. K.V.Ramesh in his book.....

.....This is correct to say that while giving affidavit as well as making statement in cross examination, before this Court, I have relied upon article of Dr. K.V.Ramesh only and have not taken into account the translation of the inscription as given in paper no.289 C-1/ 197 to 199, including the above note on 289 C-1/198.

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

**Dated 16.03.2007      D.W. 20/5 Jayanti Prasad Srivastava**

**Pages 303-305**

This is correct that as disclosed in the article of Dr. K.V.Ramesh also the rule of Govind Chandra of Gahadwal dynasty was from 1114 to 1155 A.D. Sri K.V.Ramesh has not given in his article that the inscription was written and the temple was constructed in 1130 A.D., but in my own assessment as I have stated that the temple was constructed in 1130 A.D. and have also given the same period for the inscription.

In plate no.36 of the ASI report, Vol.II, two floors are also visible besides the pillar base no. 13. The said pillar base is in between the two floors. The floors are numbered from top to bottom. The floors which are visible in plate no. 36, are floors no.1 and 2. The top floor which was visible at the time of excavation will be called floor no.1 and the top floor i.e. floor no.1 was of Post- Mughal period over the entire disputed area. Second floor found in different trenches belong to different period. Second floor in trench no.ZH-1 visible in plate no. 36 is of Post-Mughal period. To me there appears to be a third floor also in plate no.36 in the central part as is seen from the plan of the trenches. The photograph in plate no.36 partly shows position of sections and partly plan of trenches. In plate no. 36 the section of ZH-1 facing north on the northern side is fully visible. Sections of east and west of the said trench are partly visible in plate no.36.

The ASI in its report on page no.28, at serial no.47, has mentioned that trench ZH-1 was excavated upto the depth of 80 cm. and one floor and the pillar base were found at a depth of 70 cm. and 55 cm. Voluntarily said that from the plan, other two floors are also to be seen within the excavated area of 80 cm., which are visible. The depth of the trench could be more than 80 cm. The depth given at serial no.47 as 80 cm. is in respect of anomaly only.

Q. In view of your above statement can it be said that ASI has wrongly mentioned on page 28 that the trench was excavated upto the depth of 80 cm.?

A. As seen from the trench position it seems to be so.

Looking to the plan position as visible in plate no.36 the statement of ASI on page 28 at serial no.47 regarding trench ZH-1 that further excavation beyond 80 cm. was not conducted upto the required depth where anomalies were shown, it is lacking.

Q. What do you mean by the term 'lacking' with reference to ASI report at page no.28 serial no.47.?

A. By using the term 'lacking' in my statement, I mean to say that the ASI has not disclosed the total depth of excavation in the trench.

Q. Do you mean to say that the ASI has not given total depth of the trenches excavated by them in their statement contained on page 28 at serial no.47.?

A. Yes, they have not given the total depth.

The statement of ASI regarding the pillar base being found at the depth of 55 cm. in trench ZH-1 is correct.

#### **Page 307**

Site note-books prepared during excavation are primary piece of evidence regarding conducting of the excavation. As far as information part is concerned, the site note-book is the first source, but if the excavators do not feel necessary to include any part of the site note-book in the main report, it is his prerogative in view of the requirement of the situation and the information in the site note-book could be given somewhere in the remarks column only.

#### **Page 308**

Q. What was the other material or document before the team leader other than the site note-book about the day to day progress of the excavation of a particular trench?

A. As far as information is concerned, the site note-book is the only source of information regarding details of excavation of a particular trench.

This is correct to say that since the site note-book is the only source of information, the report is given on the basis of information contained in the said site note-book.

**Page 309**

In all the excavation other than the excavation of the disputed site at Ayodhya site note-book alone is prepared on day to day basis and no day to day register is prepared as was prepared in this case under the orders of this Court.

**Page 309-310**

The witness having seen the entry at page no.26 of the site note-book no.41 and the entry made at serial no.47 at page 28 of Vol.1 of the report, said that there is a discrepancy between the two regarding the depth of floor and the pillar base. The entry made in the site note-book is to prevail over the entry made at page no.28 of the ASI report of Vol.I. As is evident from the entry on page no.27 of the site note-book no.41, the thickness of floor no.1 found on 15.4.2003 and removed on 16.4.2003, was 2 cm.

**Page 311**

I cannot say regarding the number of the floor which was encountered at the depth of 105 cm. during excavation on 20.4.2003 of trench no.ZH-1 as mentioned in page no.31 of the site note book 41. The excavator should have numbered the different floors found by him during excavation. This is an omission in the site note-book. It was the last digging of the said trench no. ZH-1 which took place on 20.4.2003 as shown on page no.31 which deals with digging of 20.4.2003 and therefore, there is no entry in the site note-book in regard to trench no. ZH-1.

**Page 312**

In this way the mention that the trench no. ZH-1 was excavated upto the depth of .80 metre as mentioned at serial no. 47 at page 28 of ASI report volume-I, is wrong. As the excavation has gone beyond one metre where the first anomaly was first noticed in GPR statement at serial no. 47 to the effect that further excavation

was not conducted upto the required depth where anomaly was shown, is wrong. The entry in the last column of page no. 59 against pillar base no.13 of trench ZH-1 to the effect that the foundation was resting on floor no.4 and cutting through floor no.3 is faulty. The position of pillar base no. 13 in figure 9, deals with the description as per the site note book no. 41.

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**Before:-Commissioner Sri H.S.Dubey, Additional District Judge /Officer on Special Duty, High Court Lucknow.**

**19-03-2007**

**D.W. 20/5 Jayanti Prasad Srivastava**

**Page 313**

Plate no. 36 of the ASI's report volume-II, was shown to the witness by learned cross examnier. The witness after viewing this plate stated that one orthostat is visible over the pillar base in this plate. As per the photograph no "mortise hole" or "groove" is visible in this plate. Having been shown plate no. 10, the witness stated that orthostats are visible in four pillar bases. Voluntarily said the photograph of this plate is dim. From viewing this plate no. 10, it is not possible to state about the total number of pillar bases visible in this plate.

**Page 314**

As seen from the photograph of plate no. 10, no 'mortise hole' or 'groove' is visible in any of the pillar bases, shown in this plate. In plate no. 9 of the above report there are three orthostat in three pillar bases visible in this plate.....

.....No 'mortise hole' or 'groove' is visible in the pillar base of this plate no. 11. In plate no. 13 of the above report no pillar base is visible. In plate no. 14, 15, 16 and 17, no pillar base is visible.

**Page 315**

No 'groove' or 'mortise hole' is visible in these two pillar bases. The depth from the surface of the trench could be about two metres. These two pillar bases are resting over the depth of 2 metres approximately as stated above.

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**Before:-Commissioner Sri H.S.Dubey, Additional District Judge /Officer on Special Duty, High Court Lucknow.**

**20-03-2007**

**D.W. 20/5 Jayanti Prasad Srivastava**

**Page- 326**

Learned cross examiner drew the attention of the witness towards plate no. 37 of the ASI's report volume-II, the witness after viewing this plate stated that two finished pillar bases are visible in this plate. Orthostats are visible in these two pillar bases. No 'mortise hole' or 'groove' is visible in this plate.

**Page-327**

The stone block of upper portion has been shown as pillar base no. 1 on page 56 of the ASI's report volume-I, whereas the lower stone block has been shown as pillar base no. 5 on page 57 of the same report. The size of this stone block marked as pillar base no.1 as given on page 56 of the above report is not tallying with the size given on page 43 of the site note book number-41. The measurement of this sand stone block given on page 56, should be taken as correct because this measurement would have been given by the draftsmen of the excavation team.

**Page-328**

This floor should be taken as floor-1. The stone block on the trench ZH-2 could be on the surface of floor-1. This squarish sand stone block has been mentioned as pillar base no. 5 on page 57 of the ASI's report volume-I. The measurement on page 57 of this sand stone block is different from the measurement of the same given on pages 42 and 43 of the site book no. 41. The measurement given on page 57 of the above report should be taken as correct because it is based on actual measurement made by draftsmen of the site.

**Page- 330**

Site note book no. 15 was shown to the witness. The attention of the witness was drawn to page 27 of this note book, the witness

stated that this page deals with the baulk of trench F-6 – F-7. The description of the architectural fragment which was square at the base and octagonal at the top and was measuring 38 X 19cm refers to the description of the pillar base no. 32 as given on page 63 of the ASI report volume-I. This was placed on floor-2. On page 23 of the site note book no. 15 in the entry at serial no. 10 in the right side column there is mention of an architectural fragment of sand stone measuring 32.5 X 19cm.

#### **Page- 332**

In plate no. 38 of the ASI report volume-II orthostat is visible. Two ‘mortise holes’ are also visible but there is no ‘groove’ visible in plate no. 38. In plate no. 39 and 42 there is no orthostat. Similarly there is no ‘mortise hole’ or ‘groove’ in these two plates. In site note book no. 8, which is regarding the trench F-2, on pages 5 to 7 no pillar base is mentioned.

#### **Page-333**

On page 24 of the ASI report volume-I, at serial no. 31, it is mentioned that G.P.R. survey indicated the anomalies in the form of alignments at the depths of 2.3 – 2.5metre and excavation was conducted only up to the depth of 1.50metre and further excavation was not conducted upto the required depth where the anomalies were shown in view of the importance of the exposed structure, whereas on page 13 of the site note book no. 7, it is mentioned that digging in trench F-2 closed at the depth of 2.53metre. Thus there is difference between these two descriptions. This description on page 24 of the above report was given by the persons in which Sri C. B. Patil was one of the co-authors. Both these description should be taken in their own way as faithful recording of the digging.

#### **Page 335-336**

No ‘mortise hole’ or ‘groove’ is also visible in these two pillar bases no. 23 and 24. There seems to be three floors in plate no. 43. Stone blocks are visible in the pillar base of the left side and not in

that of the right side. Both of these two pillar bases are in trench G-2. According to the chart of periodization given on page 37-A of the ASI report volume-I, floor-3 and floor-2 of trench G-2 have been shown to be of medieval period, seen from the left side of the chart. In plate no. 44 of the ASI report volume-II, pillar base no. 27 is visible in the eastern lower central side. This pillar base is resting on this floor. Floor number is given there which is very dim, perhaps it is floor-3. Orthostat is not visible in this plate. No 'mortise hole' and 'groove' is also visible in this plate.

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**Before:-Commissioner Sri H.S.Dubey, Additional District Judge /Officer on Special Duty, High Court Lucknow.**

**21-03-2007**

**D.W. 20/5 Jayanti Prasad Srivastava**

**Page- 338**

No orthostat, 'mortise hole' or 'groove' is visible in this pillar base in plate no. 45. On page 25 at serial no. 35 of the ASI report, volume-I, three pillar bases are mentioned, first at the depth of .70metre, second at the depth of .55 metre and third pillar base was found at the depth of 1.60metre.

**Page-339**

No orthostat, 'mortise hole' or 'groove' is visible in plate no. 46. There seem to be three stone blocks in pillar base no. 31, as seen in plate no. 46.

**Page-340-341**

No orthostat, 'mortise hole' or 'groove' is visible in any of these two pillar bases. Stone blocks are visible in both the pillar bases. These stone blocks seem to be rectangular in shape in both the pillar bases. In plate no. 47, one pillar base is in upper level whereas the other pillar base is at the lower level. A scale is lying besides the pillar base at lower level, I can not say as to which pillar base is number 44 in the absence of any indication. Both pillar bases as

visible in plate no. 47 are not resting on one and the same floor but are at different floors. The pillar base which is in the right upper side is resting on floor-2 thus the other pillar base being in the lower side would naturally rest on floor-3. Both the pillar bases visible in plate no. 47 are rectangular in shape.

**Page-343**

Both these pillar bases are on different floors whereas there is mention of floor-2 only and the other floor although is indicated in writing its number is not given. Pillar base no. 43 has been shown to be resting on floor-2 in this figure 12. In this figure 12, trench F-9 is shown towards the north side whereas reference peg of trench F-10 falls towards south.

**Page-345- 346**

There is no orthostat, 'mortise hole' or 'groove' in this pillar base. Only floor-1 and floor-2 are visible in this plate but floor-3 and floor-4 are not visible. There is no digging below floor-2.....

.....Floor-5 which is visible in plate no. 52 is dated to 10-11<sup>th</sup> century. I think this has been dated by the ASI. This plate 52 pertains to trench E-8. Floor-5 is found in one or two other trenches also but I don't recollect their numbers at this stage.

Q: Is it correct to say that the so called floor-5 of trench E-8 has not been dated by the ASI in the charts given at pages 37-A and 37-B or at any other place in the ASI report volume-I ?

A: The periodization of floor-5 of trench E-8 has not been given in the charts given on pages 37-A and 37-B.

**Page-347**

I have seen the graves as visible in plate no. 58 at the disputed site during excavation in the northern area. The face of the skeleton found in these graves was facing towards the west. If I remember correctly, no portion of the circular shrine as visible in plate 59 was found in the baulk of trench E-8 and F-8 but a portion of it could be near the baulk.

**Before:-Commissioner Sri H.S.Dubey, Additional District Judge /Officer on Special Duty, High Court Lucknow.**

**22-03-2007**

**D.W. 20/5 Jayanti Prasad Srivastava**

**Page-354**

I had not excavated myself the trenches at Sanghol during excavation but got the excavation done by the Technical assistants serving under me. I remained at Sanghol during the concerned seasons mentioned in para 23 of my affidavit. I don't remember as to whether some pillar bases were recovered or not during excavation at Sanghol. Said voluntarily, the areas of operation to be covered by the ASI as against the area covered by the Punjab State Archaeology Department were separate. I had not visited Sanghol after the close of excavation of that site.

**Page-355**

Q: Whether this site of Sanghol is being preserved and maintained by the ASI even at present ?

A: Some of the monuments at Sanghol sites are preserved and maintained by the ASI, which teh museum is maintained by the Punjab State Archaeology Dept. Chandigarh.

The report of Sanghol excavation has not been published but its results have been published in the "Indian Archaeology- A Review" volumes on year to year basis. I had not mentioned about the volumes of I.A.R. in which Sanghol excavation has been reported.

**Page- 356**

Learned cross examiner drew the attention of the witness toward annexure 2 and 3 of the additional objection filed on 03-02-204 ( C. M. application no. 17 (O)/ 2004). The witness after viewing these two photographs stated that these two photograph appear to be the photograph of the pillar bases.

**Page-357**

Q: Do you mean to say that some type of pillar bases were recovered at the Sanghol site ?

A: There could have been some type of pillar bases at Sanghol.

**Page-362**

Q: Is it not correct to say that your statement contained in para 30 of your affidavit that so called pillar bases “were neither created nor manufactured by the ASI” has been made without examining the site note-books, concerned drawings and photographs and relevant observations made in this respect by the ASI at different places in the report ?

A: I was not supposed to go through the site note-books which are a part of the ground work of the ASI team, rather preliminarily ground work. I have gone through the ASI report only after its publication and I feel that the fact mentioned therein are faithful barring some draw backs found somewhere here and there in the report, which should be overlooked in view of this very important and major work completed during the very record period and duly published for perusal of the Hon’ble Court and World.

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**Before:-Commissioner Sri H.S.Dubey, Additional District Judge /Officer on Special Duty, High Court Lucknow.**

**23-03-2007      D.W. 20/5 Jayanti Prasad Srivastava**

**Page-367**

The Photostat copies of I.A.R. 1988-89 filed as paper no. 304C-1/1 to 304C-1/7 relate to the same excavation which has been mentioned at serial no. 18 in para 23 of my affidavit. On page 71 ( paper no. 304C-1/ 5) in para 4, in word fourth line “ Many circular post-holes” mentioned refer to the circular holes in which ‘Bamboo-poles’ or ‘wooden-poles’ were fixed to sustain some super structure above them.

**Pages-371-372**

Q: Can you point out the floor or level from where the Arabic inscriptions visible in plates 91 and 92 of ASI report volume-II were found ?

A: These two architectural members were found from debris of the central part of demolished structure.

The architectural members found from the debris can not be dated on the basis of stratigraphy however they can be dated on the basis of epigraphical characters. I don't have expert knowledge in epigraphy. However, I can understand a little but I can not date the architectural members on the basis of epigraphical characters. I can not date the architectural member of plate no. 91 and 92 on the basis of epigraphy. I have not studied the Arabic character of 13<sup>th</sup> century or of any other period.

I am aware that animal bones bearing cut marks were found in all parts and at all levels in the disputed site.

Q: Can bones of Sheep/Goat and other such animals be found at a temple site ?

A: Yes, bones of Sheep/Goat or such animals can be found in the area where some ‘Shakti’ and ‘Shiva’ temples are there where in

animal sacrifices are practised.

**Pages-373-374**

I have not examined 'antiquity register' prepared by the ASI before filing of my affidavit in this Hon'ble Court. Said voluntarily, as it was not expected to be seen by me. I had seen the antiquity register only during the course of excavation when it was put before everybody during excavation in the afternoon including my self.

Q: The register which was shown to the parties and their nominees etc. at the site is called 'day to day' register and not 'antiquity register' because antiquity register was never shown to any party, their nominee and their counsel at the site. What do you have to say in this regard ?

A: I had seen the 'day to day' register and not the antiquity register.

I have not seen the antiquity register prepared by ASI earlier to this day. In other excavations antiquity register is also prepared simultaneously on day to day basis. Antiquity register is prepared by an Antiquity Assistant or A Technical Assistant dealing with antiquities along with Pottery Assistant.

.....I do not know as to who has prepared the antiquity register filed in this Hon'ble Court by the ASI. At the time of writing of different chapters of the final report of the excavation the persons who contribute these chapters are required to study and examine this antiquity register.

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