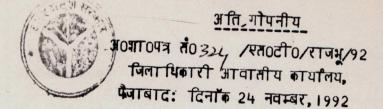
आर०एन०श्रीवास्तव, जिला मैजिस्ट्रेट।



प्रिय महोदय,

आप के परम गोपनीय अर्द्भातकीय पत्र तंख्या-378/पी एत /आर० एत०/92 दिनांक 23 अक्टूबर, 1992, जितके द्वारा अयोध्या में मौजा कोट राम चन्द्र के प्रथम बन्दोबस्त की प्रविष्टियों में अनिधिकृत किंटिंग एवं परिवर्तन के तम्बन्ध में जांच कर आख्या प्रेषित करने का निर्देश प्राप्त हुआ था, के अनुपालन में मैंने उक्त जांच पूरी कर ली है। जांच आख्या मय तंलक्ष्मकों के आप की तेवा में आवश्यक कार्यवाही हेतु प्रेषित है।

।आर०एन०श्री वास्तव।

श्री शम्भू नाथ, तिचव, राजस्व विभाग, उत्तर प्रदेश शासन, तिचवालय, लखनऊ ।तैलगनक- उपरोक्तानुतार।

प्रिय महोदय,

मैं उपरोक्त की एक पृति, मय तंलक्नकों के, आप की तेवा में प्रेषित कर रहा हूँ।

भवदाय,

।आर० रन०श्रीवास्तव।

श्री पी 0 के 0 तरीन, न्याय तथिव, उत्तर प्रदेश शातन, तथिवालय, लखनऊ । तलगनक उपरोक्तानुसार।

प्रिय महोदय,

मैं उपरोक्त की एक पृति, मय तंलरनकों के, आप के तूचना वै पे धित कर रहा हूँ।

भवदीय,

। आर व्यन्त श्री वास्तव।

श्री तरेन्द्र पाल गाँड, आयुक्त, फुजाबाद मण्डल, फुजाबाद

विवाद

## अ०वाराज्यत्र तंख्या- 324/एत०टी०/राजभू/१२ दिनांक 24-11-92

प्रिय महोदय,

मैं उपरोक्त की एक प्रति, मय तंलग्नकों के, आपकी तेवा में प्रेषित कर रहा हूँ। साधी

भवदी य,

।आर)एन०भीवास्तव।

श्री आलोक तिन्हा, त्विव, पर्यटन विभाग, उत्तर प्रदेश शातन, अनेक्सी तविवालय, लखनऊ। ≉तंलग्नक=उषरोक्तानुतार। अयोध्या अनपद- फैजाबाद। के मौजा कोट राम चन्द्र के राजस्व अभिलेखीं की प्रविष्टियों के तम्बन्ध में शासन द्वारा आदेशित जॉच पर आख्या।

तिवव, राजस्व विभाग, उत्तर प्रदेश शातन के परम गोपनीय अर्द्ध शातकीय पत्र तंख्या-378/पी एत/आर०एत०/92 दिना के 23 अक्टूबर, 1992 द्वारा अयोध्या में मौजा कोट राम चन्द्र के राजस्व अभिलेखों की प्रविष्ठिटयों के तम्बन्ध में जिलाधिकारी, फैजाबाद द्वारा जाँच किये जाने के आदेश दिये गये। उक्त पत्र में जाँच के मुख्य विषय निम्नप्रकार अंकित हैं :-

- अयोध्या में मौजा कोट राम चन्द्र के प्रथम बन्दोबस्त 1861 के खतरे में भूखण्ड तंख्या-163 के स्तम्भ नम्बर-2 एवं 16 में कुछ अनिधिकृत कटिंग व परिवर्तन हुये हैं। स्तम्भ नं0-2 में "जमा मस्जिद" बढ़ाया गया है और स्तम्भ नं0-16 के शब्द तमूह "यक चाह पोख्ता वाक़े है" को काटा गया है तथा उसके स्थान पर "मय कब्रिस्तान पोख्ता तादाद दरख्तान हस्ब मुन्दर्जी खसरा आबादी" बढ़ाया गया बताया जाता है।
- 121 फैजाबाद के राजस्व अभिलेखागार में 1861 का मूल आबादी नकशा न होते हुए भी उत्तकी नकर्ले जारी की गई हैं, जो उच्च न्यायालय के तमक्ष दाखिल हुई हैं। इत बात की जाँच की जाय कि उक्त नकर्ले कब और कितने और कितने और कित नक्शे के आधार पर जारी किया है तथा 1861 का मूल आबादी नकशा अभिलेखागार में उपलब्ध है अथवा नहीं।
- 131 1861 के प्रथम बन्दोबस्त के आबादी खतरे में अनेक स्थानों पर स्तम्भ 4 एवं 5 में अनिधकृत प्रविष्टियाँ कर दी गई हैं, जिसकी जाँच अपेक्षित है।
- 141 दितीय बन्दोबस्त 1344 फतली के खतरे व खतौनी में भूखण्ड तंख्या
  171 और 172 में क ब्रिस्तान की प्रविष्टित की गई है. तथा उती वर्ष
  के मानचित्र में क ब्रिस्तान के कथित चिन्ह दिखा दिये गये हैं, जब कि
  प्रथम बन्दोबस्त में उक्त भूखण्डों के तमस्पी पुराने खतरा नम्बरान 158
  एवं 161 में क ब्रिस्तान का इन्द्राज नहीं है और न मानचित्र में इन
  भूखण्डों में क ब्रिस्तान दिखाया गया है। जॉच का विषय यह है कि
  दितीय बन्दोबस्त में उक्त भूखण्डों में कित प्रकार ते तथा कित
  आधार पर क ब्रिस्तान की प्रविष्टि की गई है।

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उक्त शासनादेश में यह भी उल्लिखित है कि तम्बन्धित अभिलेखों की जाँच के तम्बन्ध में आवश्यकतानुसार हस्तलिपि विशेषज्ञ की राय भी प्राप्त की जाय।

- 2- विन्दु तेंख्या-2 पर जाँच करने हेतु माननीय उच्च न्यायालय, इलाहाबाद लखनऊ पीठ, मण्डलायुक्त कार्यालय, फैजाबाद, मण्डलायुक्त कार्यालय, लखनऊ , मुख्य स्थाई अधिवक्ता, उच्च न्यायालय, लखनऊ पीठ आदि कार्यालयों ते जाँच हेतु तम्मक करने और छानबीन करने की आवश्यकता पाई गई। चूँकि जिला मैजिस्ट्रेट फैजाबाद के पद पर कार्यरत रहते हुए प्रशातनिक व्यस्तताओं के कारण मेरा मुख्यालय ते बार-बार बाहर जाना तंभव नहीं था, अत: इत विन्दु पर जाँच हेतु मेरे द्वारा अपर जिला मैजिस्ट्रेट नगर। श्री उमेश चन्द्र तिवारी को अधिकृत किया गया। श्री तिवारी ने अपनी जाँचरिपोर्ट दिनाँक १०११०९२ को प्रस्तुत कर दी है, जो इत रिपोर्ट के तंलगनक दो। के रूप में अवलोकनीय है।
- 3- उपरोक्त वर्णित अभिलेखों की प्रविष्टियों में अनिधकृत किरंग एवं परिवर्तन आदि की किथत शिकायत की जाँच हेतु हस्त लिपि विशेषक्क ते जाँच कराये जाने की आवश्यकता बाई गई। तद्नुसार अद्धेशासकीय पत्र संख्या 254/ एस०टी०/राजभू/दिनाँक 27·10·92 द्वारा विशेष सिवव, गृह विभाग ते इत जाँच हेतु शातकीय विशेषज्ञ की सेवायें उपलब्ध कराने का अनुरोध कियागया। विशेष तिचव, गृह विभाग के अद्धेशासकीय पत्र संख्या-5019/पी एस-वी एस अः/ 92 दिनाँक 29·10·92 द्वारा पुलित उप महा निरीक्षक, तकनीकी तेवार, उत्तर प्रदेश, लखनऊ को यह निर्देश दिया गया कि वे हस्तलिपि विशेषज्ञ की तेनाती करते हुए उन्हें जिला मैजिस्ट्रेट, फैजाबाद ते सम्पर्क करने हेतु निर्देशित करें। इत आदेश के अनुपालन में श्री एस०ती० कम्बोज, तहायक निदेशक, विधि विज्ञान प्रयोग शाला, उत्तर प्रदेश, लखनऊ दिनाँक 30·10·92 को फैजाबाद आये और उन्होंने सम्बन्धित मूल अभिलेखों की प्रविष्टियों की प्रारम्भिक जाँच मेरे कार्यालय में की। उन्होंने यह व्यक्त किया कि गहन जाँच हेतु उक्त अभिलेखों की प्रविष्टियों की जाँच विधि विज्ञान प्रयोगशाला, लखनऊ में की जानी आवश्यक है। फलस्वरुप मूल अभिलेखों को एक मैजिस्ट्रेट और अभिलेखागार, फैजाबाद के कमैवारी की

विन्दू तंख्या-।

अभिरक्षा में विधि विज्ञान प्रयोगशाला, लखनऊ भेजा गया जहाँ श्री कम्बोज द्वारा इनकी गहन जाँच विज्ञान प्रयोग शाला में की गई। विधि विज्ञान प्रयोग शाला के तहायक निदेशक के पत्र तंख्या 512-डाक-92 दिनांक 16-11-92 द्वारा उक्त जाँच आख्या प्राप्त हुई, जितकी प्रति इत रिपोर्ट के तंलगनक। एक। के रूप में अवलोकनीय है।

4- उपरोक्त आख्याओं के प्राप्त होने पर मैंने स्वयं तंगतअभिलेखों का गहराई ते परीक्षण किया। शातन द्वारा तन्दर्भित जाँच के प्रत्येक बिन्दु पर मेरी आख्या निम्न प्रकार है:-

अयोध्या में मौजा कोट राम चन्द्र के प्रथम बन्दोबस्त 1861 के खतरे में भूखण्ड तंख्या-163 की प्रविष्टियों की छान-बीन की गई। उक्त के स्तम्भ तंख्या-2 में उर्द में "जमा मस्जिद आबादी जन्म स्थान" लिखा हुआ है। "जमा मस्जिद" शब्द स्तम्भ-२ में आबादी शब्द के उपर आधे स्तम्भ में लिखा गया है। यदि लिखने का आशय आबादी "जमा मह्जिद जन्म तथान" होता, तब आबादी शब्द जमा मस्जिद के पहले होना चाहिए था। इत बात ते यह जिज्ञाता होती है कि क्या शब्द "जमा मस्जिद" तथा शब्द "आबादी जन्म तथान" दोनों एक ही कुमातिववेन्ता में लिखा गया है अथवा भिन्न तिववेन्त में लिखा गया है। इत जांच के क्रम में जिल्द बन्दोबस्त 1861 में यह देखा गया कि किन गाटों के तम्मुख शब्द "जमा" तथा "मस्जिद" कहाँ-कहाँ लिखा गया है। तामान्यत: नामान्तरण की प्रविष्टियों को छोड़कर पूरे जिल्द बन्दोबस्त की मूल पृविष्टियाँ एक ही व्यक्ति के द्वारा लिखी होनी वाहिए। उपरोक्त जिल्द बन्दोबस्त में खाता खतौनी तंख्या 1,2,6 के खाना कै फियत में शब्द "जमा" तथा खतरा आबादी तंख्या 13 व 47 के तम्मुख अंकित जब्द "महिजद" के लेखों की और विशेषद्भ का ध्यान आकृष्ट कराते हुए उनते यह राय देने की अपेक्षा की गई कि उपरोक्त खाता खतौनी तंख्या 1,2,6 में अंकित शब्द "जमा" तथा खतरा आबादी तंख्या 13 व 47 में अंकित शब्द "मस्जिद" तथा खतरे की भूमि गाटा तंख्या-163 के स्तम्भ-2 में अंकित शब्द "जमा मस्जिद" में तमानता है अथवा भिन्नता । इत बिन्दु पर विशेषज्ञ की राय ते यह स्पष्ट

होता है कि जित व्यक्ति / व्यक्तियों ने खाता खतौनी तेंख्या 1,2, 6

एवं खतरा आबादी तंख्या 13 व 47 में शब्द "जमा" एवं शब्द "मस्जिद' लिखा है, उत व्यक्ति/व्यक्तियों ने गाटा तंख्या 163 के स्तम्भ- 2 में उर्दू शब्द "जमा" एवं "मस्जिद" को नहीं लिखा है। इत प्रकार जिल्द बन्दोबस्त 1861 में एक ही शब्द भिन्न- भिन्न स्थानों पर भिन्न- भिन्न व्यक्तियों द्वारा लिखा गया है।

उपरोक्त गाटा तैंख्या 163 के स्तम्भ- 4 की प्रविष्टि को देखने ते यह लगा कि शब्द "तरकार बहादुर" व ऐज़न के बीच शब्द "व अज़हर हुतेन" बाद में बढ़ाया गया है। हस्त लिपि विशेषज्ञ ने इत बात की पुष्टि की है कि स्तम्भ- 4 में उर्दू प्रविष्टि "तरकार बहादुर" व ऐज़न के बीच शब्द " व अज़हर हुतेन" बाद में इन्टरपोलेट किया गया है।

विशेषज्ञ ने यह भी मत व्यक्त किया है कि गाटा तंख्या 163 के स्तम्भ-16 में कटा हुआ उर्दू लेख " एक चाह पोख्ता वाक़े है" के बाद का लेख "मय कब्रिस्तान पोख्ता तादाद दरख्तान" एक ती क्वेन्त में नहीं लिखे गये हैं, तथा उक्त दोनों लेखों के नीचे लिखा उर्दू लेख "हस्ब मुन्दों खतरा आबादी" उतते भिन्न तिक्वेन्त में लिखा गया है। उपरोक्त तीनों लेखों की लिखावट एक दूतरे ते भिन्न है।

विशेषज्ञ ने यह भी स्पष्ट स्म ते अंकित किया है कि उक्त के स्तम्भ-16 में विद्यमान उर्दू लेख "आबादी" तथा उती के स्तम्भ-2 के उर्दू लेख "आबादी" भिन्न व्यक्तियों द्वारा लिखे गये हैं।

तमग स्म ते खतरा 1861 के गाटा तंख्या-163 के तम्मुख तमस्त प्रविष्टियों के विशेषज्ञ द्वारा परीक्षण ते यह स्पष्ट होता है कि गाटा तंख्या 163 के स्तम्भ- 16 और स्तम्भ-2 में अंकित शब्द "आजादी" के लेख में भिन्नता, इती गाटा के स्तम्भ-4 में शब्द "अज़हर हुतेन" का इन्टरपोलेशन, तथा इती गाटा तंख्या के साना के फियत अर्थात् स्तम्भ-16 में उपरोक्त तीनों लेखों की लिखावट में भिन्नता यह स्तास्ट करती है कि गाटा तंख्या-163 के स्तम्भ-2,4 तथा 16 में उपरोक्त प्रविष्टियों बाद में बढ़ाई गई हैं।

### विन्दु तंख्या-2

जैता आख्या के पृष्ठ-2 के प्रस्तर-2 में अंकित किया गया है, इत विन्दु पर अपर जिला मैजिस्ट्रेट विन्य से ते जाँच कराई गई, जिनकी जाँच आख्या दिनाँक १०११-९२ तंलग्नक ब्रिटों के रूप में अवलोकनीय है। अपर जिला मैजिस्ट्रेट विन्य से की उक्त जाँच आख्या इत जाँच आख्या का अंग तमझी जाय। उक्त जाँच आख्या के अनुतार 1861 की तन्द भिंत आबादी नक्शे की प्रतिविधि तंदिग्ध प्रतीत होती है। प्रथम बन्दोबस्त के उक्त आबादी का नक्शा राजस्व अभिलेखागार, फैजाबाद में न तो उपलब्ध है और न ही उत्तकी नकल राजस्व अभिलेखागार, फैजाबाद में न तो उपलब्ध है और न ही उत्तकी नकल राजस्व अभिलेखागार, फैजाबाद ने जारी की गई है। उक्त जाँच में यह भी अंकित किया गया है कि उक्त नकल कितके द्वारा बनाई गई है, इत पर मत व्यक्त करना तंभव नहीं है। अपर जिला मैजिस्ट्रेट विन्य से की जाँच आख्या दिनाँक १०११-९२ ते मैं तहमत हूँ।

1861 के प्रथम बन्दोबस्त आबादी खतरे में की गई कथित अनिधक्त प्रविष्टियों पर विशेषज्ञ की राय ली गई। विशेषज्ञ की राय इत विन्दु पर इत प्रकार हैं:-

"खतरा आबादी तंख्या—। के स्तम्भ 6,7,8 का उद्दें लेख "30 नम्बर आबादी किश्तवार", तंख्या 26 व 27 के बीच स्तम्भ 5,6,7 का उद्दें लेख"।67 नम्बर आबादी किश्तवार, "तंख्या 224, 225 के बीच स्तम्भ 6,7 का उद्दें लेख" 53 नम्बर आबादी किश्तवार", तंख्या 226 या 227 के बीच स्तम्भ 6,7 का उद्दें लेख"।09 नम्बर आबादी किश्तवार", तंख्या 328 व 329 के बीच स्तम्भ 6,7 का उद्दें लेख "।14 नम्बर आबादी किश्तवार", तंख्या 347 व 348 के बीच स्तम्भ 5.6,7 का उद्दें लेख "128 नम्बर आबादी किश्तवार", तंख्या 350 व 35। के बीच स्तम्भ 5,6,7 का उद्दें लेख"।30 नम्बर आबादी किश्तवार", तंख्या 422 व 423 के बीच स्तम्भ 5,6,7 का उद्दें लेख"।30 नम्बर आबादी किश्तवार", तंख्या 422 व 423 के बीच स्तम्भ 5,6,7 का उद्दें लेख"।30 नम्बर आबादी किश्तवार", तंख्या 429 व 430 के बीच स्तम्भ 5,6 का उद्दें लेख "104 नम्बर आबादी किश्तवार", तंख्या 430 व 431 के बीच स्तम्भ 5,6 का उद्दें लेख "163 नम्बर आबादी किश्तवार", तंख्या 430 व 431 के बीच स्तम्भ 5,6 का उद्दें लेख "163 नम्बर आबादी किश्तवार" अपने —अपने पृष्ठ के स्तम्भ । ते 9 के शेष्य मूल प्रविष्ठिटयों के क्रम में नहीं लिखे गये हैं।

खतरा आबादी तंख्या 431 ते 456 के कैफियत के खाने के तमस्त लेख एक क्रम में नहीं लिखे गये हैं।

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उक्त खतरा आबादी तेंख्या-43। ते 456 के कैफियत के स्तम्भ 43। के तामने ,434 के तामने, 449 के तामने तथा खतरा आबादी के अन्तिम पूष्ठ के मध्य "इकरार मालकान" के उपर मिटाये जाने के चिन्ह विद्यमान हैं।

मैंने उक्त प्रविष्टियों तथा विशेषज्ञ की राय का विश्लेषण किया।
मेरे मत में बन्दोबस्त के खतरा आबादी के उक्त आबादी तंख्याओं के
बीच में स्तम्भ 5 ते 7 तक में जो प्रविष्टियां की गई हैं वह बाद में अन्य
व्यक्ति/व्यक्तियों द्वारा बढ़ाई गई प्रतीत होती हैं जो तम्बन्धित पृष्ठों
के स्तम्भ । ते १ तक के शेष मूल प्रविष्टियों के क्रम में नहीं लिखी गई है।
खतरा तंख्या ५३। ते ५५६ के कैष्पियत के खाने के भी तमस्त लेख एक क्रम में
नहीं लिखे गये हैं। खतरा आबादी तंख्या ५३। ते ५५६ के कैष्पियत के स्तम्भ
में ५३।,५३५ व ५५१ के तामने तथा खतरा आबादी के अन्तिम पृष्ठ के
मध्य "इकरार मालकान" के उपर मिटाये जाने के विन्ह विद्यमान हैं।
इत प्रकार स्तपष्ट है कि उपरोक्त प्रविष्टियाँ अनिधिकृत रूप ते आबादी
खतरा 186। में की गई प्रतीत होती हैं।

द्वितीय बन्दोबस्त 1344 फतली मैं अंकित भूखण्ड संख्या 171, 172 क ब्रिस्तान दर्ज हैं और उत वर्ष के मानचित्र में तम्बन्धित गाटों को क ब्रिस्तान के चिन्ह ते दिखाया गया है। प्रथम बन्दोबस्त में इन गाटों के तमरुपी नम्बरान कुमशः 158 और 161 क ब्रिस्तान दर्ज नहीं हैं और नहीं नकशा किश्तवार में इन भूखण्डों को क ब्रिस्तान दिखाया गया है।

उक्त विषय पर तम्बन्धित राजस्व अभिलेखों का निरीक्षण तथा
अध्ययन किया गया। पृथम बन्दोबस्त 1861 की खतौनी में गाटा तंख्या
158 व 161 आबादी दर्ज हैं, तथा खतरा में गाटा तंख्या 158 ते तंबंधित
स्तम्भ 16 में "मिन जुमला नौ हरखत इमली के डिगरी निस्फ हिस्ता वहक
मृतम्मात बदामू खटकिन उपर मृतम्मत गंगादेई मृद्दालेह वाक्य 17 जनवरी,
1870 ई0 इजलाती मुन्शी भिव प्रताद ताहब बहादुर ते तादिर हुई फक्त"
अंकित है तथा इतके स्तम्भ-2 , जितकी पेशानी " नाम खेत का "है में
"भीटा" अंकित है। उक्त खतरा में गाटा तंख्या 161 ते तम्बन्धित स्तम्भ

16 में "मिन्जुमला पाँच दरखत, रीठा।, इमली 4 डिगरी निरफ बहक मुतम्मात बदामू खटकिन उपर गंगादेई मुद्दालेह वाक्य 17 जनवरी, 1870ई इजलाती मुन्शी शिव प्रताद ताहब बहादुर ते तादिर हुई फ़क़त" अंकित है तथा इतके स्तम्भ-2 में "भीटा" अंकित है। उक्त दोनों नम्बरान प्रथम बन्दोबस्त में कब्रिस्तान अंकित नहीं हैं, जब कि कुछ अन्य नम्बरान का कब्रिस्तान होना अंकित है। अत: इतते यह विदित होता है कि उक्त नम्बरान 158 व 161 प्रथम बन्दोबस्त में कब्रिस्तान" नहीं थे अन्यथा जित प्रकार दर्ज किये जाते।

पृथम बन्दोबस्त के उपरोक्त भूखण्ड तंख्या 158 व 161 के मौजूदा नम्बरान क्रमा: 171 व 172 हैं। द्वितीय बन्दोबस्त इत ग्राम में वर्ष 1937 अथात् 1344 फतली में हुआ, जितके अभिलेखों मेंउक्त नम्बरान 171 व 172 बतौर कब्रिस्तान दर्ज किये गये हैं तथा मानचित्र में भी बतौर कब्रिस्तान चिन्हित किये गये हैं, जब कि पृथम बन्दोबस्त में यह आबादी अंकित हैं तथा उनपर स्थित दरख्तान के विषय में पारित डिगरी बहक मुतम्मात बदामू दिनाक 17 जनवरी, 1870ई इजलाती मुन्सी शिव प्रसाद साहब बहादुर का अमलदरामद अंकित है।

प्रथम बन्दोबस्त की प्रविष्टि ते भिन्न प्रविष्टि दितीय बन्दोबस्त में किए जाने के आधार एवं प्रक्रिया के तम्बन्ध में प्रभारी अधिकारी, राजस्व अभिलेखागार ते आख्या माँगी गईं। इत तम्बन्ध में उनकी आख्या दिनाँक 23.11.92 प्राप्त हुई है, जो इत रिपोर्ट के तंलग्नक श्तीनश के रूप में अवलोकनीय है। इत आख्या में वस्तु स्थिति इत प्रकार अंकित है:-

"दोनों जिल्द बन्दोबस्त को देखने ते यह स्पष्ट नहीं होता है कि उक्त दोनों गाटों 171 व 172 पर कब्रिस्तान की प्रविष्टि कितके आदेश ते हुई है। यहीद गत बन्दोबस्त में कब्रिस्तान की प्रविष्टि नहीं थी तो दूतरे बन्दोबस्त में कब्रिस्तान की प्रविष्टि करने के लिए प्रक्रिया यह है कि किती तक्षम अधिकारी का आदेश होना चाहिए। किन्तु उक्त कब्रिस्तान ते तंबंधित प्रविष्टि के तम्बन्ध में कोई आदेश पत्रावली अभिलेखागार में उपलब्ध नहीं हैं"।

अपिन्हतथ्यों ते स्पष्ट है कि द्वितीय बन्दोबस्त में उपरोक्त गाटा तेंख्या 171 व 172 को कित प्रकार ते कित आधार पर बतौर कब्रिस्तान दर्ज किया गया है इतके लिये कोई अभिलेखीय आधार उपलब्ध नहीं है।

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आर०एन०श्रीवास्तव।,

जिला धिकारी,

24.11.1992

(संल्याक - युक्

## विधि विजान प्रयोगशाना, उत्तर प्रदेशा, महानगर, नर्छन्छ-226006

पश्चांकः 512-डाक-92

दिनांक १८/१/५2

सेवा में, ज़िलापिकारी,

विषय: - विवादित प्रदशार्रिप्रलेखों की परीक्षा। सन्दर्भ: - अप०सं०- थाना-

ATTT-

"विरद्ध

से सम्बंधित

पत्र संख्या - अ०भागमो / एसदी / राजभू अ०जांच जिलाधिक स्थिनांक 13-11-92 अग्वासीय कार्यालय दिनांक 16-11-92 को विशोष बाहक डिप्टी कलेक्टर श्री गयाप्रसाद गुप्त

डाक/बीमा/रिजिस्दी हाक हारा पत्र तथा निम्नलिखित प्रदर्श प्राप्त हुए। विवादित प्रतेषः

गाम कोट रामचन्द्र अयोध्या, जिला फैजाबाद के जिल्द बन्दोब्रस्त 1861 में भूमि गाडा संख्या-163 के स्तम्भ 2,4 व कि की प्रविष्ठिया विवादित हैं।

उपरोक्त ग्राम के प्रथम बन्दोबस्त आबादी के खतरा तेख्या 1,26-27,224-225,226-227,328-329,347-348,350-351,422-423,429-430,430-431,के बीच के कालम 5 ते 7 की प्रविष्ठिया विवादित हैं।

उपरोक्त आबादी खसरा संख्या 431 से 456 के कैंक्यित के खाने के समस्त लेखें तथा उस कालम में मिटाये गये लेखें विवादित हैं। एवं खसरा आबादी के अन्तिम पृष्ठ के मध्य में मिटाये गये लेखें विवादित है। न्यायदर्श प्रलेख

उपत जिल्द बन्दोबस्त में जाता खतौनी तंख्या 1,2,6 सर्व खतरा आबादी तंख्या-13 व 47 में विध्यान शान्द जमा "व "मस्जिद" नमूना लेख बतौर हैं।

2- उपरोक्त सभी की परीक्षा इस प्रयोगशाला में वैद्धानिक रीति से किया गया, परिणाम निम्न प्रकार हैं:-

कहाह जिस व्यक्ति/व्यक्तियों ने खाता खतीनी संख्या- 1,2 व 6 के कैं फियत के खाने में जियमान उर्दू शाब्द जमा को खांखा है उसने गाटा संख्या-163 के स्तम्भ 2 में उर्दू शाब्द जमा को नहीं लिखा है।

050 40 30

उपरोक्त तीनों नेजों की लिखावट एक दूसरे से भिनन है। गर्2 अपरोक्त के स्तम्भ-16 में विष्मान उर्द लेख" आबादी" तथा उसी के स्तम्भ-2 के उर्दू लेख" आबादी" भिन्न व्यक्तियो द्वारा लिखे गये है। घ-१३१ छतरा आबादी तेख्या-। के स्तम्भ-6,7,8 का उर्दू लेखे" 30 नम्बर आबादी र्ववतवार", संख्या-26 व 27 के बीच स्तम्भ-5, 6, 7, का उर्दू लेख "167 नम्बर आबादी किशतवार", मेख्या-224, 225 के बीच स्तम्म-6,7 का उर्दू लेखें 53 नैमबर आखा क्किशतवार", तंख्या-226 व 227 के बीच स्तम्भ-6,7 का उर्दू लेख" 109 नम्बर आबादी कित्रतवार" मेख्या-328 व 329 के बीच सतम्भ 6,7 का उर्द लेख " 114 नम्बर आबादी किरतवार" मैंड्या-347 व 348 के बीच स्तम्भ 5, 6, 7 का उर्दू लेख " 128 नम्बर आबादी किंवतवार" संख्या-350 व 351 के बीच स्तम्म 5, 6, 7 का उर्दू लेख" 130 नम्बर आबदी किंगतवार" तें वा-422 व 423 के बीच स्तम्भ-5, 6, 7 का उर्दू लेखे " 102 न बर आबादी किन्तवार" तेख्या-429 व 430 के बीच स्तम्भ 5,6 का उर्दू लेख" 104 नम्बर आबादी किंगतवार" तेख्या-430 व 431 के बीच स्तम्भ 5,6 का उर्दू लेखं " 163 नम्बर आबादी किश्तवार" अपने-अपने पुष्ठ के स्तम्भ । से १ तक के शोध मूल प्रांविष्ठियों के क्रम में नहीं लिखे गये है। बहु 2 है खतरा आंबादी तेख्या 431 ते 456 के कैं फियत के खाने के तमस्त लेख एक

क्रम में नहीं लिखे गये है।

ब 28 उवत खेसरा आबादी संख्या-431 से 456 के कैंपियत के स्तम्भ में 431 के सामने अप मा में में के तामने तथा संतरा आबादी के अन्तिम पूष्ठ के मध्य"इकरार मालकान" के उपर,

र्मताये जाने के चिन्ह विषमान है।

। जिल्द बन्दोबस्त । १६। एक अदद .

श्रे सहायक निदेशाक **श** सहायक निदंशक (श्लेख) े नांच विकास प्रयोगशाला, उ०४०, लेवलः परिस्थितियों में चाहे कर्षा 1909 में कामहनरा का मुख्यालय प्रणायाय रहा हो अथावा लढानऊ में रहा हो, 1909 के दस्तढात को पहचानने के लिए फैजाबाद किमानरो तथा लहानऊ किमानरो के समस्त वरिष्ठ िलिपिकगणा अपनी असमधीता व्यक्त कर रहे हैं क्योंकि वर्तमान में जो भा वरिष्ठतम कर्मवारोगणा दोनों कार्यालय में कार्यरत हैं अधावा कतिमय ऐसे कर्मचारी गणा जो उपरोक्त कमिशनरों ते तेवा निवृत्त हो चुके हैं और जो वित हैं, उनते भारे सम्पर्क स्थापित करने पर कोई भारे व्यक्ति उपरोक्त पृतिलिपि नवाा को जारो करने वाले व्यक्ति के हस्ताक्षार को पहचानने में असमर्था हैं। ऐसी हिंधाति में इस मामले की यह जाँच कि किस व्यक्ति व्दारा और किन परिस्थितियों में यह नक्सा मण्डलायुक्त के कार्यालय से जारो किया गया, जब कि मण्डलायुक्त के कार्यालय में कोई राजस्व अभिनेखागार नहीं होता था, संभाव नहीं है। जॉच के दौरान यह भारे विदितः हुआ कि लहानऊ किमानरो तथा कैजाबाद किमानरो के अभिनेलहाम मार में कमारे भारे कोई राजस्व अभालेखा नहीं रखों गये हैं, अत: 1861 पृथाम बन्दोबरत के मूल आबादो नकाा का होना तथा उसते नका के प्रतिलिपि का जारी किया जाना अप्रतांगिक है। अतः यह नकल जो 1909 में किमानरों कार्यालय से जारों किया जाना व्यक्त करतों है संदिग्धा प्रतोत होतो है क्यों कि कमिश्चनरो अभिनेत्वागार क्रेंडक्त अभिनेत्वा कभा भा उपलब्धा नहीं रहे, जिससे नकल जारी को जा सकती । मजीद जाँच से यह भो विदित हुआ कि नवारे को नकल पर जो किमानरों को मोहर लगो है, जिसका जारो किया जाना 1909 अंकित है, उस मोहर को कार्यालय का होना साक्ष्य के अभाव में सत्यापित नहीं हो पाया । इसके अतिरिक्त इस विषाय पर यह भारे व्यक्त करना है कि स्थानीय अभि-लेखार में मौजा कोट राम चन्दर के अभिलेखारें के बसते में अधावा जिल्द बन्दोबस्त 1861 के अभिन्लेखारें के साधा आबादों का कोई भारे नकार उपलब्धा नहीं है अतः मेरे मत में नकार आबादो को कथित उक्त नकल संदिग्धा प्रतोत होती है। यह नकल किसके व्दारा बनाई गई इस पर मत भारे व्यक्त करना सम्भाव नहीं है । इस आख्या के साथा आपके ट्दारा प्रेष्टित नक्सा आबादों को प्रतिलिपि तथा अन्य सूचनार जो भारे आपने मुझे उपलब्धा कराई है, प्रैष्टात कर रहा हूं

संलग्नकः उपरोक्तानुसार

। उमेशा चन्द्र तिवीचने । अपर जिला मजित्देट पृशासना नगर । फेजाबाद ।

9-11-92

जिला धिकारी

महोदय.

अगपके आदेश संध्या-मेमो/एस०टी०/रा०ज०भू०/92, दिनांक 14-11-92 के अनुपालन में आवश्यक छान-बीन की गईं। छानबीन से ज्ञात हुआ कि गाटा संख्या-158 तथा 161 में गत बन्दोबस्त में कब्रिस्तान नहीं अकित है, किन्तु नये बन्दोबस्त 1344 पसली में उक्त गाटा के नये गाटा संख्या 171 व 172 पर स्तम्भ-7 में कब्रिस्तान अकित है।

दोनों जिल्द बन्दोबस्त को देग्रने से यह स्पष्ट नहीं होता है कि उक्त दोनों गाटों 171 व 172 पर कब्रिस्तान की प्रविष्टि किसके आदेश से हुई है। यदि गत बन्दोबस्त में कब्रिस्तान की प्रविष्टि नहीं थी तो दूसरे बन्दोबस्त में कब्रिस्तान की प्रविष्टि करने के लिए स् प्रक्रिया यह है कि किसी सक्षम अधिकारी का आदेश होना चाहिए। किन्तु उक्त कब्रिस्तान से संबंधित प्रविष्टि के संबंध में कोई आदेश पत्रावली अभिनेग्रागार में उपलब्ध नहीं है।

> प्रभारी अधिकारी, राजस्व अभिनेताकार, फेनाबाद।

23-11-92

<u>जिलाधिकारी</u> महोदय,

अगपके आदेश संख्या-मेमो/ एस०टी०/रा०ज०भू०/१२, दिनांक 14-11-92 के अनुपालन में आवश्यक छान-बीन की गई। छानबीन से जात हुआ कि गाटा संख्या-158 तथा 161 में गत बन्दोबस्त में कब्रिस्तान नहीं अंकित है, किन्तु नये बन्दोबस्त 1344 पसली में उक्त गाटा के नये गाटा संख्या 171 व 172 पर स्तम्भ-7 में कब्रिस्तान अंकित है।

दोनों जिल्द बन्दोबस्त को देखने से यह स्पष्ट नहीं होता है कि उक्त दोनों गाटों 171 व 172 पर कब्रिस्तान की प्रविष्टि किसके आदेश से हुई है। यदि गत बन्दोबस्त में कब्रिस्तान की प्रविष्टि नहीं थी तो दूसरे बन्दोबस्त में कब्रिस्तान की प्रविष्टि करने के लिए श्रू प्रक्रिया यह है कि किसी सक्षम अधिकारी का आदेश होना चाहिए। किन्तु उक्त कब्रिस्तान से संबंधित प्रविष्टि के संबंध में कोई आदेश पत्रावली अभिलेखागार में उपलब्ध नहीं है।

> प्रभारी अधिकारी, राजस्व अभिलेखाकार, पेजाबाद।

23-11-92

्रिंमर बहादुर सिंह, उप भूमि व्यवस्था आयुक्त।



अ०शा०पत सं०: /4-शमान०॥-राजस्य परिषद्, उत्तर प्रदेश<sup>801/80</sup> अनुभाग-4,लखनऊ

दिनांक: नवम्बर: २०, 1992.

निय महोदय,

उपर्युक्त विषयक आपके पत्र संख्या-शून्य, दिनांक 20-11-1992 के सन्दर्भ में तरमीमी नक्शा, मौजा रामकोट, परगना हवेली अवध, तहसील व जिला कैजाबाद की सन् 1930-31 को एक प्रमाणित प्रतिलिधि भेजने की मुझते आकांक्षा की गयी है।

श्री आर०एन० श्रीवास्तव, जिलाधिकारी, फिलाबाद

r e



MANUAL

46 V-c

FOR THE

# REVISION OF MAPS AND RECORDS



ALLAHABAD:
Superintendent, Printing & Stationery
Uttar Pradesh, India.

1950.

PRICE Re.

#### APPENDIX II

Conventional signs for different objects to be shown in the village maps of the United Provinces (Rule 62).

SERIAL	IAME OF OBJECT	SIGN	SERIAL Ng	NAME OF OBJECT	SIGN
.1	ABADI	][ ][ ][	19	DARAKHT KHAJUR WA TAR	7
2	AERODROME	<u>\$</u>	20	DEVA_STHAN	4
3	вабн	5 5 5	21	DOHADDA	Δ .
4	вамва	• 😝	22	ENGLISH KABRISTAN	1 1 1
5	BANDH	HARALINE STATE OF THE STATE OF	23	GHAT MAI NADI	THE PERSON NAMED IN COLUMN TO PERSON NAMED I
в	BANJAR	Vu	24	GIRJA БНАЙ	<u> </u>
7	BANSWARI(BANSKOTI)	新	25	HYDRO ELECTRIC POST	III
8	BEHAR	业高	26	JANGAL DHAK	_3/163/1/2
θ	BHATTA (PAZAWA)		27	JANGAL JHARI, BEBUL WA CHHOTE PER	_000_
10	BHEETA PAN(PANWARL)	(JULY)	88	JANGAL JHAU WAGHUS KALUI	*
11	DAK BUNGALOW 1ST. CLASS		29	JANGAL BAKNUSAL,SHISHAM WAGAIRA BARE PER	Q Q
12	DAK BUNGALOW & ND.CLASC	<b>1</b> 3	30	JIIIL	(1) M(1)
13	DAKBUNGALOW 3RD. CLASS	量	51	KABRISTAN	
14	CANAL DISTAIBUTARY. MINOR, DA GUL		52	KUNBALA	
15	CANAL MAI SARAK		55	MONANT	
16	СНАН КНАМ	<b>(1)</b>	<b>5</b> %	таневам	~ ~
17	СНАН РИКНТА	0	55	MASJID	
18	СНАН РИКИТА ВЕКЛЯСКИ. ОЯ	0	56	NGDI SARHADDI	

( 125 )

SERIAL NQ	NAME OF OBJECT	SIGN	SERIAL	NAME OF OBJECT	SIGN
37	NAHAR YA CANAL (MAIN)		55	SCHOOL	0
38	NALA	L	56	SUGAR FACTORY	d'h
39	PAGDANDI		57	SARHAD MAI SIHADDA	/
40	PAHARI		58	SARAI WA DHARAMSHALA	45
41	PARAO	EED	59	SARAK PUKHTA MAI MIL	10
42	PARTI JADID	Y. Y. Y.	60	SARAK KHRM MAI MIL YA RASTA MUSTA BIL	15
43	PARTI GADIM	Vanne Vanne.	61	TELEGRAPH POST	TTT
44	PATHRILI ZAMIN(PATHAR)	000	62	THEODOLITE MARK	4
45	PHULWARI WA BAGH GALMI	6 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	63	TALAB KHAM	75
46	РОКНАЯ WA БАЯНА		84	TALAB PUKHTA	Ty I
47	POUND	[3	65	TILA	Zyrek.
48	PUL GAIR MUSTAQIL	→+++<	66	TUBE WELL	<b>©</b>
49	PUL MUSTROIL		67	TAHSIL	Ò
50	BILA KHAM		68	THANA	ô
51	BILA PUKHTA		69	USAR	~ <u></u>
52	RAILWAY LINE WA STATION	<del>+</del>	70	ZAMIN SHOR	Water to
55	RASTA GAIR MUSTABIL				Mauxes
54	RET				Notice to

At this juncture it is pertinent to mention oral evidence adduced by the plaintiffs of OO.S. no. 4 of 1989.

Total number of witnesses examined by the plaintiffs are 32. These witnesses may be divided into three categories. The first category is of those witnesses who have deposed that Namaz was offered in the disputed building up to 22.12.1949. These witnesses can be considered under category (A). The second category of witnesses are those witnesses who have deposed about the principles of Shariat regarding nature of mosque. The 3<sup>rd</sup> category is of those witness who possesses the knowledge of history or archeology. Mohd. Hashim, PW-1, Haji Mahbood Ali, PW-2, Farooq Ahmad, PW-3, Mohd. Yaseen, PW-4, Abdul Rahma, PW-5, Mohd. Unus Siddiqui, PW-6, Hasmatullah Ansari, PW-7, Abdul Ajeej, PW-8, Saiyad Ablaq Ahmad, PW-9, Jalil Ahmad, PW-14, Dr. Mohammad Hashim Quidwai, PW-21 and Sibte Mohd. Naqvi, PW-25 can be placed under category (A).

So far as evidence of **PW-1, Mohd. Hashim** is concerned, he has deposed that his residential house exists at a distance of three *farlong* from the disputed site. For the first time he offered Namaz in the Babri Mosque in the year 1938. People of Muslim community used to offer Namaz in this mosque. Last Namaz was offered by this witness on 22.12.1949. Idol was placed by Abhi Ram Das and others in the inner courtyard for the first time in December, 1949. He has broadly supported the plaint case in his examination in chief. In his cross examination, he has stated that a civil suit was filed by Mahant

Raghubar Das in the year 1985 with regard to the platform which existed in the outer side of the mosque. This suit was dismissed up to the court of The mosque of Dorahi Kuan exists at about 200 Judicial Commissioner. yards from the disputed structure. This mosque existed prior to his memory. There are minarets in it, it is a very old mosque. He was cross examined about the affidavits filed in the proceedings of Section 145 Cr.P.C. On being cross examined, he has deposed that these affidavits were the result of the pressure exerted by the local people on the persons whose affidavits find place on the record of Section 145 Cr.P.C. Proceedings. The mosque which exists at the Vashista Kund is of Mughal period, two persons pressurized and assaulted the persons of Muslim community and compelled them to file affidavits in favour of Hindus. He went on to state that no pressure was applied in this regard by the District Administration and no complaint was lodged in this regard to the concerned authorities. He has also stated that the Muslim community of Ayodhya was very much annoyed with the then Deputy Commissioner K.K. Nayyer, but no complaint was made before him on the point of exerting pressure by the local people on those persons who succumbed to the pressure applied by the local people and consequently filed affidavits in favour of Hindus regarding property in suit.

He has also deposed that prior to placing of idols in the inner courtyard there was a law of *jungle* in Ayodhya and no officer was ready to entertain the complaint made by the persons of Muslim community. This jungle law persisted from one month before

22/23.12.1949. Baba Raghav Das was exhorting the Hindus to instal idols in the inner courtyard while Akshay Brahmachari was supporting the claim of This Akshay Brahmachari was disciple of Basudev Brahmachari Muslims. and was a strong Congress man. He was a leader of provincial level. He has admitted that no complaint was made by him to the Prime Minister or Home Minister regarding the installation of idols in the inner courtyard of the disputed building. He has also stated that no riot took place in Ayodhya prior to 1949, but subsequently he admitted that riot took place in 1912 and again in 1934. The riot of 1912 is know as Idul Fitr riot case. The incident of cow slaughter allegedly took place in Shahjahanpur. The people from Ayodhya returned from Shahjahanpur and took part in this riot. Village Shahjahanpur is situated in district Faizabad. A tax was imposed on the persons of Hindu community in the years 1934. He does not know about the involment of Mahant Narottam Das of Nirmohi Akhara in the years 1912 in connection of the riot which took place in this year. He does not know about Rahim Khan son of Ahmad Khan of Mohalla Kaziana, Ayodhya. He was not born in the years 1912 and has not inspected the record of this riot. So far as the riot of 1934 is concerned, he is fully conversant about it. The King of Alwar, who was expelled from Rajasthan started residing in Ayodhya in the years 1934. He was the man who was responsible for this riot.

This witness went on to state that he never visited Sutahti Mohalla and the Babri Masjid was damaged in the riot of 1934. Two person died in this incident and Sutahti Mohalla was put on fire in this

incident. He has also stated that Namaz can be offered in open field, but namaz cannot be offered in the temple. He do not remember as to in which month he went to offer namaz for the first time in the disputed building. Similarly, he do not remember as to how many trees were there in front of the mosque. He does not know about the age of these trees, which were at a distance of 200-300 yards from the disputed building. There was a temple known as Manas trust temple. There are so many temples in the eastern side of this building, namely Kohbar Bhawan Mandir, Anand Bhawan Mandir, Rang Mahal Mandir and Amawa Mandir. He has also stated that there are at least 4500 temples in Ayodhya.

The second witness examined from the plaintiffs' sides falls within category (A) is **PW-2**, **Haji Mahboob Ali**. He has deposed that disputed mosque is at a distance of three Farlong from his house. He offered last Namaz in this building on 22.12.1949. Inner courtyard was always used for offering namaz by Muslim community of Ayodhya. Friday prayers were offered at Ayodhya only in two mosques. Same position was with the offering of Taravi-prayers. His father was plaintiff in this case. He was landlord and farmer and had two hundred Bighas land in his possession. The incident of 6.12.1992 took place in his presence. He has admitted that a stone slab is installed near the mosque, but he does not know as to what is written on the slab. In his further cross examination, he has stated that Friday prayers were offered in Ayodhya only in two mosques, the first was Kewde Wali Masjid and the second mosque was the disputed mosque.

He has admitted that there was a platform in the outer courtyard of the disputed building, which was about 21 feet long. He used to see Chulha, Chauka and Belan in the outer courtyard. People used to say that this place is Sita Rasoi.

He was not born in the year 1934 when allegedly riot took place. He does not know as to what was the reason behind this riot. He does not know whether the outer courtyard was attached in the year 1949 or not, but he has knowledge about the litigation, which took place in 1885. He has also admitted that the figures of any animal, bird or man cannot be depicted in a mosque building, but flowers and leaves can be depicted. He has denied that his statement regarding his age is false, but he has admitted that there were confusion and misconception about it. The cross examination conducted on behalf of the defendants goes to show that the age stated by this witness in his examination in chief is not reliable and the deposition made in the cross examination proves this fact. He has admitted that one fortnight before the incident on 22.12.1949, shoes, stones and pebbles were hurled on the persons, who went for offering Namaz in the disputed building, but he has clarified that no such incident took place with him. He has knowledge about the report of Waqf Inspector where it might have been mentioned that Hindus used to hurl pebbles, shoes and stones on those who went for offering namaz in the disputed building. He does not know whether any person exhorted the Hindu community with reference to disputed building. He has admitted the existence of Sita Rasoi, was existed in

the outer lawn in the northern side of the building. Rolling pin etc. were there at Sita Rasoi. There was a thatched structure on the platform in the outer courtyard. He has admitted that Lord Rama was born in Ayodhya. He does not know about the details of the disputed property. He does not know as to when railing was constructed between the outer and inner courtyard. He does not know whether this was constructed by the Britishers or not. He has also stated that if any mosque is constructed after demolishing any temple, then no person of Muslim community would like to offer namaz in that building. He was confronted with the school certificate wherein his year of birth has been mentioned as 1944, on which he has stated that this date of birth is not correct. He has also admitted that no effort was made on his part to get this mistake corrected at any point of time.

The 3<sup>rd</sup> witness examined by the plaintiffs also falls within the category (A) and is **PW-3**, **Farooq Ahmad**, who has stated that he offered namaz in the Babri Masjid up to December, 1949. He is resident of Mohalla Navgazi. He has stated that his father was informed by Sub-Inspector, Ram Dev that some untoward incident was likely to happen with regard to the disputed property. On the suggestion of the Inspector, lock was put on the doors by him and he handed over the keys to his father. It was end of the month of December, 1949 when after offering namaz of *Esha* they had gone to their home. He has also stated that presence of minaret is not essential in a mosque. So far as dome is concerned it may or may not exist in a mosque. He has stated that his shop and house is near Post Office in

Ayodhya. Sub- Inspector Ram Dev was posted in Ayodhya 4 or 5 months back of the incident of December, 1949. He does not know as to who was the Sub-Inspector prior to the posting of Ram Dev. Sub-Inspector had apprehension that some persons may install the idols in the inner courtyard. He has admitted that no lock was put in the Babri Mosque prior to 22.12.1949. He has stated that no mosque or graveyard or tomb situate in Ayodhya was demolished by any person prior to 1949. This goes to show that he has no knowledge about the incident of 1934 when allegedly the disputed mosque was partially damaged. He has stated that all the records relating to mosques and graveyards, which were kept by his father were set on fire in the year He has admitted that if any mosque is constructed on the land of a person forcibly, then this mosque will not be termed as valid mosque. He has admitted that the place where disputed mosque existed was known as Kot Ram Chander. He has admitted the existence of Janam Sthan, Sita Rasoi in the outer courtyard. He went on to state that at the entrance gate in the northern side, thatched huts existed, which were small in size. People used to sit in it. He has stated that these huts were constructed by Muslims, but he has not been able to disclose the names of those persons as to who constructed these huts. He has also admitted that prior to the incident on 22/23.12.1949 in the eastern side of the building people used to recite holy names of God. This recitation was not confined only to Hindu community even persons of Muslim community would participate in it. There was a platform in Gang-e-Shahidan where people used to

offer sacrifice in the holy fire. He has stated that about 82 Muslims died in the incident, which took place about 100 years ago. The bodies of these persons are buried in Gang-e-Shahidan. He has also admitted that the riot of 1934 took place prior to his memory. No damage was done to the disputed mosque in this incident, but later on he has admitted that the western wall and the dome of this mosque were damaged in the incident. Few persons of Muslim community were done to death and 10-12 houses were damaged in this incident. He has denied that police suo motu lodged F.I.R. on the incident of 22/23.12.1949. Indirectly he says that this F.I.R. was lodged by any person of Muslim community. But subsequently he admitted that he does not know, who recorded the F.I.R. of this incident. Head constable, Abdul Barkat used to write reports in Ayodhya Police Station. He has stated that no police force was deployed at the disputed site in the intervening night of 22/23.12.1949. He has admitted that no property pertaining to Mosque was attached in December, 1949. No person was appointed receiver with regard to the property of mosque. He has denied the fact that affidavits were filed in the proceedings of Section 145 Cr.P.C. in favour of Hindus by the persons of Muslim community. He does not know as to whether any report was lodged on the behest of Ram Dev, Sub-Inspector or any constable of Police Station, Ayodhya. The photographs of the Album (figure no. 76) has been shown to the witness who after viewing it has deposed that images of elephant and horses are engraved along with flowers and leaves on the columns which were fixed in the disputed building. He has also recognized the head of elephant, although he has clarified that so many changes have been done in it. In photograph no. 91 he has recognized the trunk of an elephant and also recognized "Kalash". He has recognized statue of a girl on the column. He

has also admitted that he did not inform to his counsel about the changes and for the first time deposing about these changes in the court. He does not know as to any Waqf Inspector, Mohd. Ibrahim would come to visit the disputed site or not. Similarly, he does not recollect that after the death of Zaki Saheb, Mohd. Ibrahim used to come to his father or not. He does not recollect as to when Zaki Saheb died. He tried to correct his earlier statement, wherein he has deposed that only one lock was put in the door of railing in the disputed building in the intervening night of 22/23.12.49. He has stated that the last prayers were offered in this mosque on 16.12.1949. He does not know as to whether the statement to this effect was given by his father is correct or not. He has also stated that after putting the lock, he did not pay any heed to inform the Moazzin of the mosque, who was sleeping beneath the hut in the disputed building. He has denied that he had seen railing, rolling pin in the outer courtyard prior to 1949. He has also stated that he had not seen any platform in the outer courtyard prior to 1949. Subsequently, he has admitted these facts and stated that he used to see rolling pin. In contrast to his earlier statement, he has stated that right since 1934 up to 5.12.1992 platform, rolling pin and platform were there in the outer courtyard and no damage was done at any point of time to these articles. He admits that he never managed this mosque and is unable to state as to what is the duration when his father managed this mosque. He has also stated that the locks which were put in the disputed building on 22.12.1949 remained there up to 1986. Indirectly he denies that the lock was put by receiver after the attachment of property in suit.

Another witness of category (A) is **Mohd. Yaseen, PW-4** who has stated in his examination in chief that he is resident of Ayodhya. He always offered Namaz on Friday in Babri Mosque. Last Namaz was offered by him 47 years

ago. On 22/23/12.1949, idols were placed inside mosque. There was arrangement for Wazu. Urinal was also present in the mosque. Mat and badhana were there, which were used by the persons of Muslim community who used to come over there for offering namaz. The idols of Hindu Gods and Goddesses were not engraved on the Kasauti pillars. In his cross examination, he has stated that there was a platform in the southern side of the mosque, which was 2-5 feet in height from the ground level. There was a hut over it. Rolling pin was there but there was no trace of any stove. He has stated that so far as he recollects any Hindu did not offer prayer in the outer courtyard. No riot took place in the year 1949 between Hindus ad Muslims, but he had heard from his mother that in village Shahjahanpur some dispute arose regarding cow slaughter. He was informed that one or two domes of the disputed building were demolished in this riot. He has also admitted that beside entrance gate of the building, people of Hindu community used to recite holy names of God. He had noticed this fact even on the last date when he had visited the site for offering Namaz.

He has stated that Ram Chabutra was not in existence. His house exists at a distance of 1.5 Km. from the Babri mosque. He has admitted that he is suffering from memory loss. If any person succeeds in proving that Babri Mosque was built after demolishing any temple, in that event he would not consider this mosque as a valid mosque. He has also stated that Namaz was never offered in the outer courtyard. He has also admitted the existence of black pillars of Kasauti.

**Shri Abdul Rahman has been examined as PW-5** by the plaintiffs. He is Hafiz-Quran. Quran was recited in Babri Mosque in the year 1945-46. He always offered Namaz in the disputed building whenever he visited over there

on Friday. He is resident of Ibrahimpur, Faizabad. In his cross-examination he has stated that if figures of animals and birds or human being are engraved on the walls of a mosque, then it is against the tenets of Islam. These figures cannot be even outside of a mosque. According to holy Quran, no image or figure should be in a mosque. If figures of animals and human being are present in a mosque, it is not approved according to Islamic tenets, whoever engraves aforesaid images, he is wrong doer in the eye of Islam and offering Namaz is prohibited at such place.

Next witness of this category is **Mohd. Unus Siddiqui, PW-6** who is resident of Reedganj, Faizabad. He has stated in his examination in chief that prior to December, 1949, there was no idol in the inner courtyard. No Hindu entered in the inner courtyard prior

to December, 1949. He is in legal profession and used to visit the site for offering namaz at the occasion of Shabe-Barat. In his cross-examination he has stated that between 1957 and 1960, he came to know as to who constructed the Babri Mosque. He does not know about its area. This mosque was named after emperor Babur as it was constructed on his command. He had heard that on the suggestion of a Muslim Saint, Musa Ashikan, Babur got the temple demolished and directed to construct mosque over there. According to the injunctions of Islam, no mosque can be constructed over a land which belongs to another person and he does not give his consent or transfer it in favour of the person who desires to construct a mosque. Offering namaz against the will of the person who is owner of that building is against Quranic injunctions. Demolishing a temple is prohibited under Islam and holy Quran does not authorize any person to construct a mosque after demolishing a temple.

Shri **Hasmatullah Ansari** has been examined as **PW-7.** He is resident of Mohalla Kaziana, Ayodhya and was born in 1932. He offered Namaz in Babri Mosque at least 100 times. For the first time he offered namaz in the years, 1943. Prior to installing of idols in the inner courtyard he used to offer namaz in this building. In his cross examination statement he has deposed that there is no Muslim population in Mohalla Vashista Kund. No mosque can be constructed after demolishing a temple.

Shri **Abdul Ajeej has been examined as PW-8**, who is resident of Faizabad and was born in 1926. He offered namaz in the disputed

building at least 100 times. He was ten years old when for the first time Namaz was offered in this building. At the time of recording of statement, he stated his age as 70 years. In his cross examination, he has stated that mosque cannot be constructed in another man's land without his consent. He has seen Kanati mosque in graveyard. No second mosque can be constructed in that very graveyard and only Kanati mosque can be constructed. He does not have much information about Ayodhya. He has no knowledge about the temples, Akharas and Saints of this place. From the very beginning this fact was in his knowledge that the population of Hindus is greater than the muslim population.

Shri Syeed Akhlak Ahmad, PW-9 is transporter by profession. His house is at a distance of nearly one farlong from the Babri mosque. He offered Namaz five times in Babri Mosque. He in his cross examination has narrated about the requirements, which are essential prior to construction of a mosque. One of the requirements is that the person who executes Waqf, must be owner of the property. He does not know whether Mir Baqi was Shia or Sunni Muslim. In History books he had read that disputed building was constructed on the command of emperor Babur, but his knowledge is limited only to the inscriptions. According to the tenets of Islam, no mosque can constructed after demolishing a temple. If there is any mosque, which is constructed after demolition of a temple, in that event offering Namaz at that place is a sin in the eye of Islamic injunctions. No mosque can be constructed over a land which has been grabbed

forcibly from the rightful owner. He has admitted that after opening of the locks, people whose number was in lakhs used to visit this site for offering prayer and performing rituals. A mosque even cannot be constructed at a place where hut of any person existed and no consent was obtained from him.

Shri **Suresh Chander Mishra**, **PW-13**, is aged about 38 years. He is resident of district-Basti. In his examination in chief he has stated as if he is scholar of Hindu Religion, but from his cross-examination statement, it transpires that he is a political man and has no knowledge about the building in suit.

Now only two witnesses namely Dr. M. Hashim Qidwai, PW-21, and Mohd. Qasim Ansari, PW-23 come under category (A), who have stated that Namaz was offered in the disputed building, but so far as PW-21 is concerned, he has stated that for the first time in 1939 he had offered Namaz along with his family members and had continued up to 1941. At the time of Maghrib Namaz about 100 persons assembled over there while during Friday prayers approximately 200-300 persons used to take part in offering prayers. Dr. M. Hashim Qidwai, PW-21 retired as Reader from Aligarh Muslim University. He has also proved some papers. So far as Mohd. Qasim Ansari, PW-23 is concerned, he is 74 years of age. He is motor mechanic by profession. His house situate approximately at a distance of 3 farlong from disputed building. Last prayer was offered by him on 22.12.1949. In his cross-examination he has stated about the riots of 1934. He came to know from the newspapers about it.. The cause

behind this riot was allegedly cow slaughter, which was said to have occurred in village Shahjahanpur. He does not know about the location of this village. In this riot specially the dome of the mosque was damaged, but he does not know about its details as to what portion of the dome/domes was damaged in this incident.

Mohd. Qasim Ansari, PW-23, in his cross-examination has stated that Islam does not permit any person to grab the land or building of any person. Namaz cannot be offered at a place where figures of animals or human beings are depicted. He was shown figure no. 57. After viewing it he has stated that this is a platform where Hindu saints used to recite holly names of God. After viewing figure no. 72 he has recognized that rolling pin, impression of foot steps have been shown in it.

The second category of the witnesses is of those persons who have special knowledge about form or nature of a mosque. In this category PW-10, Mohd. Idris, PW-11, Mohd. Burhanuddin, PW-19, Maulana Atiq Ahmad, PW-22, Mohd. Khalid Nadvi, PW-25, Mohd. Sibte Naqvi, PW-26, Kalbe Jawad can be placed. They all have stated that they are well conversant with the Muslim religion. There is no specification for construction of a mosque. Minaret (Minar) is not essential part of a mosque. If a mosque is constructed on a vacant place, even then it would be just and proper. Even if idols are placed or pictures are depicted in a mosque, the mosque would not loose its character. In the statement of Maulana Atiq Ahmad, it is said that minaret, domes or provision for urinal is not integral part of a mosque.

It will not loose its character even if pictures are depicted on the walls. So far as statement of Shri Kalbe Jawad is concerned, he has deposed that there is no distinction between Shia and Sunni mosque. He categorically opined that no specification is provided for construction of a mosque. He has also stated that members of Shia community are actively involved and concerned with the present issue.

I have gone through the cross-examination statement of these witnesses, although at different places they have tried to narrate that minarets, provision for urinal, domes are integral part of a mosque. But their statement is contrary to the general belief prevailing amongst Muslims that if figures of human beings or animals are depicted in a mosque or idols are placed over there, then it cannot be termed as a valid mosque and according to Islamic injunctions no prayer can be offered. As mentioned above most of the witnesses have admitted that on the columns, which were fixed in the disputed building, figures of human beings, trunk of elephant were depicted besides flowers and leaves. Therefore, according to these witnesses, no namaz can be offered at a place where human figures or figures of animals or idols are placed in a mosque.

Third category of the witnesses is of expert witnesses. In this category learned counsel for the plaintiffs has mentioned PW-13, Suresh Chandra Mishra, PW-15, Sushil Srivastava, PW-18, Professor Suvira Jaiswal, PW-20, Professor Shirin Musavi, PW-27, Dr. Shereen F. Ratnagar, PW-28, Dr. Sita Ram Roy, PW-29, Dr. Jaya Menon, PW-30, Dr. R.C. Thakran, PW-31, Dr. Ashok Datta, PW-32, Dr. Supriya

Verma and DW 6/1, Mohd. Abid.

In his cross examination Shri Suresh Chandra Mishra, PW-13 has not been able to say whether he is theist or atheist. He has accepted that in "Raghuvansh" there is description of Lord Rama. He has also heard about poet Valmiki. From the bare reading of Valmiki Ramayan, it transpires that at the time when it was written human population was in Ayodhya. traditions, behaviour, festival and dress code etc of that period are mentioned in it. He has accepted that he had read the history written by P. Carnegy about Ayodhya, but he does not recollect as to when this book was written. P. Carnegy was the Commissioner of Faizabad Division. The name of the book is- "A Historical Sketch of Tehsil Faizabad District Faizabad including Pargana Haveli Oudh and west road with old capital of Ayodhya and Faizabad". He has also stated that he has knowledge about 'Skanda Puran', one of its chapter is Ayodhya Mahatmya where places of pilgrimage of old historical importance are mentioned. According to Hindu mythology, Lord Rama was born in Ayodhya. He has described different words used in 'Ayodhya Mahatmya'. He has also admitted that person who believe in dignity of Lord Rama, they have faith that he was born at Ayodhya. He has also accepted that his parent had gone there to worship, the place which was recognized as a place of birth of Lord Rama, they had not gone to worship any He has accepted that whenever he visited the site, the number of devotees were comparatively in large number than other temples. At the time of main festivals 20000-25000 people assembled at the site of birth

place of Lord Rama.

Shri Sushil Srivastava, PW-15 has stated in his cross examination that P. Carnegy in his report has stated that there has been a temple at the place of birth of Lord Rama. Subsequently, emperor Babur got the mosque constructed. This note of P. Carnegy was published in the year 1867. He has admitted that he has no idea that the description given by the Britishers that mosque was constructed after demolishing a Hindu temple is wrong. He has also mentioned about the book written by Hans Bakker wherein it is mentioned that Babur got constructed a mosque at the place where temple existed. He has also referred Martin who states that at the place of disputed structure there existed a temple which was got constructed by King Vikramaditya. He is in full agreement with the description given in Ayodhya Mahatmya about pin pointing the birth place of Lord Rama. He accepts that he has seen a column on which "Bighneshwar" was written. He has also stated that the description prior to 1800 A.D. there is mention of worship of Hindus at the place of birth of Lord Rama which is known as Ram Kot. He also admits that disputed site comes within the area of Ram Kot. According to him even in 5th century A.D. People had belief that Lord Rama was born in This belief revived in 11th century A.D. He has categorically accepted that in all the descriptions written by Britishers, the place of birth of Lord Rama is mentioned which is described as Ram Janam Bhoomi.

Shri **Prof. Suraj Bhan, PW-16** in his cross-examination has admitted that he visited a place at Ayodhya, which was believed to be

that this place is Bighneshwar Temple. He has categorically admitted that at so many places even in absence of any deity that place itself is worshiped. He has admitted that the institution, on behalf of which he had made investigation about the disputed site, it's Chairman was Prof. Irfan Habib. He got grant from this institute for the investigation of this site.

Prof. Suvira Jaiswal, PW-18, has stated that in Skanda Puran there is a chapter of Ayodhya Mahatmya. She has also admitted that if people have faith at a particular place, then it is not necessary that there should be existence of any temple even that place of belief/faith can be worshiped under Hindu religion. He has accepted that he had read an article wherein it was mentioned that according to Abul Fazal Ram Nawmi festival was celebrated on the day of birth of Lord Rama. She has also admitted that in second century A.D. Shri Ram was recognized as incarnation of "Narayan". She has stated that in Valmiki Ramayan, the date of birth and place of birth of Lord Rama are mentioned. According to general belief amongst Hindus, Lord Rama was born in Ayodhya which worshiped by Hindus.

Next witness of the above category is **Prof. Shirin Musavi, PW-20**, who has stated that she is Professor in History Department in A.M.U. Since 1970. She had taught in Chikago University in 1984. Did Ph.D in 1980 in History from A.M.U. Was Head of the Department from 1997-99. She was also Secretary of Indian History-Congress for three year. She has been visiting Professor in foreign

countries. She has stated that there is no evidence to suggest that disputed mosque was constructed after demolition of any temple. Muslims started residing at Ayodhya since 1206. On the basis of "Aaine Akbari", "Meerate Masoodi", Hadeege Sohada", Teffintheller's account, she came to the conclusion that there was no temple at the disputed site prior to construction of the mosque. In her cross-examination she has stated that since she has not visited disputed site, therefore, unable to state whether there exists image of Warah Devta or not. She has never seen the figure of pig. She has not seen the columns of black Bassalt in any mosque. She has seen the idols and images of Hindu God and Goddesses in the temple and has also seen stove, rolling pin etc. She has also seen foot prints and she has not seen these images or things in any mosque. No image or idol can be depicted or installed in any mosque. She is unable to state as to whether any Muslim would permit any Hindu to come in the mosque and make idol or figure in it or not?

Shri **Dhaneswar Mandal, PW-24** has stated that he is retired Professor of Department of Ancient History, Culture and Archeology in Allahabad University. Although he is not Ph.D, but many persons have done their research work and got Ph.D in his supervision and guidance. He joined as Exploration Assistant in 1960 and retired in 1993. He has been teaching for 33 years and did enormous archeological work. He is also author of Ext. 63 "Archaeology after Demolition". He has further stated that there is no evidence to the effect that any temple ever existed beneath the disputed mosque. This

witness has been examined twice. After submission of the the ASI report, he was again called as a witness from the plaintiffs' side. He has stated every aspect of excavation and supported the objection filed against the ASI report by the plaintiffs.

In his cross examination at page no. 15 he has stated that his memory regarding the dates of different events is week. This condition is continuing for two or three years. It is true that a stone slab can be carbon dated. His is holder of red card of Communist Party. He has stated that he has not seen black Bassalt columns in any mosque or temple. The reason is that he never visits any temple or mosque. After 600 A.D. And up to medieval period there was period of Rajputs. He has also stated that the bottom base of platform, which was in outer courtyard was 2.65 meter deep from upper surface of the ground.

Next witness of above category is **Prof. Shreen F. Ratnagar**, **PW-27** who is Ph.D in Archaeology and fellow of British School of Archaeology. Did excavation at different sites in Iraq. She did P.G. Diploma in Archaeology and has been lecturer in J.N.U., Delhi. She is a writer of five books of archaeology. In her cross examination she has stated about the excavation conducted by Professor B.B. Lal at Ayodhya. By and large she has supported the contention of D. Mandal. In her cross-examination she has stated that knowledge of Purans is essential for understating the early first millennium A.D. At the time of recording the statement she has stated that she has not visited the disputed site till date. Valmiki Ramayan was written

between 500 B.C. And about 300 or 200 B.C.

**Dr. Sita Ram Roy, PW-28** is Ph.D and expert in Epigraphy and Numismatics. He was closely associated with excavation up to 1988. He had been associated with excavation at twelve-sites. From his study about the site in dispute, he is of the opinion that no temple existed at disputed site prior to construction of Babri Mosque. He has also stated that there was no temple at Ayodhya during 11<sup>th</sup> and 12<sup>th</sup> century.

In his cross-examination he has stated that he has read the literature of Kalidas- Meghdootam, Abhigayan Shakuntalam and Raghuvansham. There is description of Lord Rama and Ayodhya in Raghuvansham. This book was written in Gupta's period, which comes between 4<sup>th</sup> - 5<sup>th</sup> century A.D. The period of Rig Ved has been dated by the scholars as 1500 B.C. In Rig Ved river Saryu is mentioned. According to him Puranas were written during 4<sup>th</sup> - 16<sup>th</sup> century. Literature, old books, travellers account and accounts of ambassadors, who came from abroad are the source of knowledge of ancient history. Religious scriptures also come within this category.

He has admitted that according to Parjiter, the period of Lord Rama is 1600 B.C. He has admitted that the figures engraved on the Kasauti pillars were seen by him, but presently he is unable to describe about them. He was asked whether he recognized Dr. S.P. Gupta, Dr. T.P. Verma, Professor Devendra Swaroop and Ajai Mitra Shasthri. He has answered in affirmative. Although he has stated that he visited Ayodhya at least 20 times, but he could not tell the name of

any other temple except Hanuman Garhi. He has also admitted that he had seen the trenches excavated by Professor B.B. Lal. No defect was detected by him with reference to the trenches and report of Professor B.B. Lal. He has also stated at page no. 61 of his statement that he never tried to investigate as to whether Rama was born in Ayodhya. He does not know as to when idol of Ram Lala was installed in the disputed structure.

Next witness of above category is Dr. Jaya Menon, PW-29. She is a Reader in the Centre of Advanced Study, Dept. of History A.M.U. Formerly she was lecturer in Badodara, M.S. University. She did her Ph.D from J.N.U., Delhi. She remained present during the excavation conducted by ASI. She has given detailed description in support of the objection against ASI report. In her cross-examination she has stated that she stayed for about 33 days in Hotel 'Shane Oudh' at Faizabad. She has accepted that expenditures during her stay were paid by Mr. Z. Jilani, but she is not very much sure about it as to who actually paid it. She has stated that normally "ghat" which was engraved at the Kasauti pillars is not found in a mosque. She has also accepted that figurines of elephant, tortoise and crocodile made of terracota were recovered during excavation. Such figurines were recovered from trenches. She is aware that crocodile is the seat of holy river Ganga. Similarly, tortoise is the vehicle of holy river Yamuna. Snake is associated with Lord Shiv. She has also admitted that she has not seen any mosque where figures of fish would have been engraved on the entrance gate. She had seen wall no. 16 and 17.

She admits that wall no. 16 was used as a foundation wall for the construction of the mosque and admits that she has not seen any such structure in which the foundation wall would have been raised on some other foundation wall already existing there. She has categorically admitted that wall no. 16 served as foundation to the wall of a mosque. Wall no. 17 was the foundation of wall no. 16. During excavation earlier she has not seen any wall resting on another foundation wall. There cannot be foundation walls one upon the other. In the present excavation, upper wall no. 16 was a wall which was later used as foundation. She went on to state that Garhwala rulers ruled Ayodhya from 1075 A.D. to about 1200 A.D. So many walls were recovered during excavation, such as walls no. 1, 2, 4, 8, 15, 18-a, 18-b, 18-c and 18-d, 19-b and 20. These walls were not of the disputed structure. She had not seen circular shrine at the site, as such she was not able to give her opinion about it's She has admitted that a non Islamic structure was recovered stratigraphy. during excavation. She cannot give the approximate year of it's construction. She opined that this might have been constructed during Gupta period. According to her, the oldest wall found in excavation was 1<sup>st</sup> to 3<sup>rd</sup> century A.D. During her stay she never made complaint regarding lack of supervision of trenches. She opined that circular shrine can be around 6<sup>th</sup> century A.D. She has not seen animal and human figurines of decorative stone in any mosque. She has also admitted that the pillars used in the disputed structure having floral designs and motifs and kalas were not noticed by her in any other mosque. She has stated that

"Amlak" is a decorative stone which is normally found in the upper part of the shikhar of the temples. She has stated that there were two floors in the south other than the floor of the disputed structure. Thus, she categorically admits that these two floors were floors of a different structure. She opined that these floors should have been constructed between 1200 A.D. to 1529 A.D.

Next witness is **Dr. R.C. Thakran, P.W-30** who has stated that he is a professor in the department of History in Delhi University. He is Ph.d. in archaeology. He was present during excavation at disputed site. According to him, the report submitted by A.S.I. is full of gross omissions and one sided presentation of evidence coupled with clear falsification of facts and motivated inferences. In his cross-examination, he has stated that daily register was maintained by ASI during excavation in which complete work done by the officers was recorded. He has admitted that much time was required to A.S.I. for complete analysis of the facts discovered during excavation. His statement which falsifies the objection filed against A.S.I. report, wherein he has said that it is not possible to create artificial pillar bases during excavation if the site is videographied during excavation. In that circumstance, it is not possible to create artificial pillar bases. He has admitted that two parties representing Muslim sides used to visit the site during excavation. All the artefacts recovered during a particular day were entered in the daily register. Two judicial officers were appointed as observers to supervise the excavation being done by the archaeologists. According to him, Ram Chabutra is an important

structural evidence about 30 pillar bases were seen by him. Different floors found during excavation represent different periods, on the basis of which it could be concluded that those might have been structure of temporary nature during different periods. Niches are also found in temples. He himself has no knowledge as to whether wall no.16 relates to any Idgah or not. His information regarding it is based on the opinion of Sri S.J.H. Zafari. He has no knowledge about the architecture of a temple of 12th century nor he has any knowledge about the temple architecture of present time. He has no knowledge about the distinctions between Mosque and Idgah. Although he admits that he had given description pertaining to it in his examination-inchief. He went on to state that it is established that disputed structure was not constructed on virgin land. The site on which alleged Babri Mosque was constructed, constructional activities had started right from Kushan period and continued during subsequent periods also which include Gupta period, early medial period, Sultanat period and Mughal period. He could not say anything with certainty as to whether structures of different periods prior to the construction of disputed mosque would have been demolished or not. He has no knowledge about the form of mosque and tenets of Islam. Therefore, was unable to state as to whether Namaz could be offered or not at a place where images of different types were engraved. He has also admitted that he never visited the excavation site during excavation. He could not reply as to whether wall no. 5 is independent from wall nos. 16 & 17.

Next witness is **Dr. Ashok Dutta**, who has been examined as

PW-31. He is a lecturer in the department of archaeology, University of Calcutta. He has also given statement about A.S.I. report and opined that this report is one sided presentation with clear distortion of the material recovered during excavation. In his cross examination he has stated that literature is the biggest source of history. He has admitted that whenever he visited the excavation site he noticed that the drafts man was preparing sections, drawing and ground plans. Still photograpy and videography of the excavation site were also done at the time of excavation. For each and every trenches, there were a technical assistants who were supervising the excavation of the individual trenches. He opined that the floor immediately below the disputed structure consisted of Lime Surkhi. But he was not able to reply as to whether the floor as seen in plate no.43 is penetrating into the pillar base or not. A.S.I. has submitted its report within a sort spam of time which goes to show their ability. He is also of the opinion that more time was required for preparing such exhaustive report. He also admits that he was not involved with the excavation of temple structure of any site.

According to report, he has stated that during excavation 62 human and 131 animal figurines were found. He says that a copper coin relating to Gupta period might have been recovered bearing image of a king on obverse site and on reverse side of which Srichand was written. He has also admitted that decorative stones are not generally used below the foundation level of any structure. He has also stated that recovery of bones is a very common feature of all the

archaeological sites. He has also admitted that immediately below the disputed structure there were three floors. The 4<sup>th</sup> floor was Jeli and Surkhi floor. He states that a Ghat or (Vessel) was recovered from trench G-7 which is associated with Hindu religion. Amlak Shila is generally found on top of Hindu temple. The purpose of Makar Pranal is to remove the water from inside to outside and forms part of the Hindu temple architecture. He admits that wall no.16 was approximately 32 to 35 meters. But he does not recollect the length of wall no.17. Wall No. 16 is very important than rest two walls i.e. wall no. 17 & 5. He has stated that, "I do have regards to the integrity of the archaeologists". According to him the pillar bases mentioned by the A.S.I., some of them were in section and some intrenches. He admits that he is not expert of northern Indian Temple Architecture.

Next witness is **Dr. Supriya Verma**, **P.W.-32**. She did Ph.D. from J.N.U. She has been associate professor of archaeology in department of history, Hyderabad University. She was present along with Dr. Jaya Menon at site during excavation. She has narrated about different aspects of stratigraphy, periodisation, artefacts, animals bones, pillar base, brick bats. According to her, brick bats were selectively removed and pillar bases were created. In her cross- examination she has stated that she was nominee of Sunni Central Board and had drafted objections along with Dr. Jaya Menon against archaeological procedures being followed during excavation which were subsequently filed by Muslims parties. She was continuously present during excavation barring few exceptions. She states that

whether place for 'Wazoo' was found or not at disputed site, nothing could be said about it. She has not seen figure or figurines of human being in any mosque. 'Kalash' is not found in a mosque. She does not know whether the designs are depicted in a mosque building or not. Bones have no relation with civilization. Bones are not associated with any particular community. She was not able to reply as to whether bones could be found in a mosque or not. "Amlaka" is found on the top of a Shikhar of a temple. She was also not sure about the figures of 'Yaksha' and 'Yakshi' which were identified by the expert of iconography on the black basalt columns fixed in the disputed building. On being confronted with plate no.59 and 60, she admitted that "Shrine" is visible in these plates. So far as she recollects Gahadwala Dynasty may be dated from 1086 to 1196 A.D. She has also stated that as per findings of the ASI, it is established that there was some structure beneath the floor of disputed site. She agrees with the conclusion that there was some structure just below the disputed site. She has been all along present during excavation except for few days and states that pillar bases as described by ASI in the sections were not created in her presence. This goes to falsify that part of objection filed against ASI report, wherein it is stated that the pillar bases were created by the archaeologists of ASI. She admits that wall no. 17 is below wall no.16. The circular shrine found during excavation according to her was associated with wall nos. 19A, 19B, 20, 21 and 22. She also admits that wall no. 5 is resting on wall no.16. She categorically states that wall no.17 was used prior to the

construction of the disputed structure. Wall 17 was of construction which existed prior to the construction of the disputed structure. Although she does not agree with the suggestion that wall no.17 was the foundation of wall no.16. She also admitted that wall no. 17 constructed earlier to wall no.16.

From the side of the defendants and plaintiffs of O.O.S. No.5/1989, many witnesses have been examined, who have deposed that worship in the disputed building was going on continuously prior to 23.12.49, both in inner and outer courtyard. The inner courtyard was being worshipped as it was believed from times immemorial that Lord Ram who is considered as incarnation of Lord Vishnu took birth at a place which lies below the central dome of the disputed structure. Whole area of inner and outer courtyard has always been worshipped continuously either as holy place of birth of Lord Ram or there were Chabutra having idols of different Gods and Goddesses, Sita Rasoi, Charan etc. including Bhandar where saints doing Puja etc. used to reside thereat. All the witnesses examined from the side of the defendants and witnesses examined on behalf of the plaintiffs in O.O.S. No.5/1989 have categorically deposed that both inner and outer courtyard was composite and integral part of the one and the same building. Inner courtyard was worshipped being the birth place of Lord Ram and outer courtyard was extension of the inner courtyard where Ram Chabutra, Sita Rasoi, Charan etc. were being worshipped from times immemorial.

First category of the witnesses who have been examined on the

point that disputed site which included inner and outer courtyard was being worshipped from times immemorial up to the demolition of disputed structure i.e. 6.12.1992, first witness is **O.P.W. 1, Paramhans Ramchandra Das.** He was 90 years at the time of his deposition. Earlier he had filed O.O.S, No. 2/89 (Regular Suit No.25/50) which was withdrawn later on. He has stated that he came to Ayodhya 75 years ago from the date of his statement. He has given the description about the history of Ramanandeeya Sampradaya and its Akharas. On the basis of Hindu scripture and Skund Puran he has stated that disputed site is birth place of Lord Ram. He has given description of the riot which took place in 1934 in which domes of the disputed structure were damaged and a fine of Rs. 80,000/- was imposed upon the Hindus of Ayodhya. He had not seen offering prayers by the persons of Muslim community in the disputed site at least after 1934 riot. He has admitted that idols from Chabutra were placed in the inner courtyard on 22/23.12.49. He has also proved "Nyas-Patra".

Next witness of the above category is **Hari Har Prasad Tiwari**, **O.P.W.-4** who is R/o Ghazipur and came to Ayodhya in 1934, remained in Ayodhya upto 1938. He has categorically stated about Hanumat Dwar, Ramchabutra, Sita Rasoi, Bhandar, Singhdwar, Charan, Parikrama. According to him, he did not see any person of Muslim community offering prayers on the disputed site.

**O.P.W.5 is Ram Nath Mishra,** who has stated that his age is 91 years at the time of statement. He is Purohit by profession and came to

Ayodhya in 1932. He stated about Bhandar, Ram Chabutra, Sita Rasoi Gufa Mandir, Shanker Parvati Asthan etc. He has stated that from times immemorial all the persons of Hindu community consider that the place below central dome is the birth place of Lord Rama. He did not see any person of Muslim community offering Namaz in the disputed site. If any, endeavour was made by them, it was vehemently opposed by the persons of Hindu community, which included Sadhus of Ram Chabutra. They used to compel the persons trying to offer Namaz over there to run away. He has also stated that below central dome in the Niche idol of Lord Ram Chandra Ji was placed. Thus, he has stated that even between 1928 to 1949, both outer and iner courtyard was in the possession of the Hindus.

Next witness is **O.P.W.6, Haushila Prasad Tripathi,** whose age is 80 years. He is a freedom fighter. He came to Ayodhya in 1935 for the first time. He has been visiting Ayodhya since 1935 which continued upto 1945. He has described about Bhandar, Ram Chabutra, Shiv Asthan, Sita Rasoi. He never saw any person of Muslim community offering Namaz in the disputed site.

Next witness is **O.P.W.7., Ram Surat Tiwari.** He is of 73 years age, was appointed Lekhpal in 1953 and retired in 1988. He has stated about Shiv Darbar, Sita Rasoi, Gufa, Mandir, Charan, depiction of Varah Bhagwan, Parikrama, Kasauti Pillars. He had never seen any person of Muslim community offering Namaz in the disputed mosque. According to him, it was general belief amongst Hindus from times immemorial that Lord Rama took birth below central dome of the

disputed structure. Had any person of Muslim community attempted to offer Namaz he would have been ousted and made to run away by the Sadhus residing over there at Ram Chabutra.

**O.P.W.12, Sri Kaushal Kishore Mishra,** R/o Ayodhya whose age is 75 years. He has categorically stated that after riot of 1934, no person of Muslim community ever succeeded in offering Namaz as Sadhus of Ram Chabutra by using force made them to run away.

**O.P.W. 13, Narad Saran,** whose age is 76 years and came to Ayodhya in 1946, he has described in detail about Charan, Sita Rasoi, Choolha, Gufa-Mandir. He has also stated that the place below central dome was continuously considered from times immemorial as birth place of Lord Rama.

**D.W.17/1 is Ramesh Chandra Tripathi.** He has stated that in the age of 77 years for the first time he had Darshan of disputed site. He has also stated about 1934 riot. He also states that Lord Rama took birth at the place which is just below the central dome.

**D.W. 20/3 is Bramchari Ram Raksha Nand**. He has given statement of same effect. All the witnesses produced by the plaintiff of O.O.S. No. 3/1989 which are DW3/1 to 20, have categorically proved that all the persons of Hindu community in general and saints belonging to Nirmohi Akhara in particular always worshipped at Ram Chabutra, Charan, Sita Rasoi, Shiv Parvati etc. Although they have also tried to state that idols were also there in the inner courtyard even prior to 22/23.12.49. All the witnesses of this category have categorically stated that at least after 1934, no person belonging to

Muslim community succeeded in offering Namaz as they were forcibly ousted and made to run away.

Many witnesses have been examined from the defendants side and plaintiffs of O.O.S No.5/89 to depose that they have special knowledge about Hindu religion and scriptures and also about place of birth of Lord Rama. The witnesses of this category is O.P.W.-16, Jagadguru Ramananda Charya Swami Ram Bhadra Charya, who is a great scholar having deep and vast knowledge of Hindu scriptures. On the basis of his thorough study on Balmiki Ramayan, Skund Puran, Kabitawali, Ram Tapneeyopanishad, Yajurved, he came to conclusion that disputed place is the birth place of Lord Rama. This place had been continuously being worshipped as the birth place of Lord Rama from times immemorial.

Next witness of this category is **Swami Avi Mukoteshwara Nand Sarswati, DW-20/2**. He is disciple of Sankara Charya Sawmi Swaroopa Nand.

He has vast, deep and thorough knowledge of all the theist and atheist, philosophy of Hindu scriptures. On the basis of his thorough knowledge, he has deposed and affirmed the view that disputed place is the birth place of Lord Rama. He has given references from so many religious books of Hindu scriptures such as Balmiki Ramayan etc.

**Dr. Ram Vilas Das Vedanti**, **DW-2/1-3** who is Ex. M.P. and obtained Ph.D. on the subject, "Balmiki Ramayan – Dharm Neeti", he has categorically stated that after 1934 riot Muslims were not allowed to offer Namaz in the disputed site. On the basis of his thorough and

deep study on Balmiki Ramayan he had got his directorate degree. He says that Lord Rama took birth at the disputed site. In support of his contention he has referred Yajurved, Skund Puran and Literature of Goswami Tulsi Das and Rudramayan. He has stated that on the basis of the shape/form of the disputed structure it could be safely concluded that it was a temple and not a mosque.

In the next category of the witnesses claiming special knowledge of history and archaeology, **Dr. S.P.Gupta, OPW-3** has been examined as first witness from the side of the plaintiffs of O.O.S. No.5/89. He is co-author of the book on Ayodhya which is Ext. O.O.S.-5-3. He retired as Director of Museum, Allahabad in 1990. He stated that 14 black pillars of disputed structure belong to the same temple of 11<sup>th</sup> - 12<sup>th</sup> century which was got demolished on the command of Emperor Babar through his minister Mir Baqi.

O.P.W.9, Dr. T.P. Verma, the co-author of the above book, was appointed next friend of Bhagwan Shri Ram Lala Virajman in O.O.S. No.5/89, after the death of Deoki Nandan Agarwal. He did Ph.D. on the subject, "The Palaeography of Bramhi Script in north India" from 2<sup>nd</sup> century B.C. to 3<sup>rd</sup> century A.D. was lecturer in B.H.U. from 1967 to 1993 in the Department of, "Ancient Indian History, Culture and Archaeology". He has also stated about 20 lines inscriptions (estampage paper no.203 C-1/1,2) being co-author of the above book, he has stated that in detail about all the views expressed by him with Sri S.P. Gupta in the above book and proved the plaint assertions of above suit.

O.P.W.10, Dr. K.B. Ramesh, next witness of the above category got his Ph.D. degree in 1965 in History from Karnataka University, was promoted the Chief Epigraphist in 1981 and retired as Joint Director General of ASI on 30.6.1993. He deciphered the 20 lines inscription (estampage paper no. 203C-1/1, 2) translated it in English and concluded that this inscription belonged to 12<sup>th</sup> century A.D. He has also proved his report (306C-1) in para 15 of his statement. Even M.N. Katti, who has also been examined has accepted that the views expressed by Dr. K.V. Ramesh on the above inscription and his translation is more accurate in comparison of the decipherment done by him. Since statement of Dr. K.B. Ramesh has been referred at various stages of the judgment, it is not required to give detailed description of his statement at this juncture.

Next witness of above category is **O.P.W.11, Dr. Satish Chandra Mittal**. He is Ph.D. in History. He retired as professor, History Department,

Kurukchetra University. He opined that temple existing on Ram Janma Bhumi

was destroyed and a mosque was constructed at that place.

Next witness is **O.P.W.15**, **M.N. Katti.** He is Epigraphist. He joined A.S.I. in 1964, was promoted as Director Epigraphy. On the instruction of Director General, A.S.I. he had prepared etampaper of the inscription on the stone slab which is paper no. 203C-1/1, 2. He has submitted his report to Registrar, Lucknow Bench, High Court.

**O.P.W. 17 is Dr. R. Nagaswami**. He retired as Director of Archaeology, Tamil Nadu. He served on this post for 22 years. Did his

Ph.D. in 1974, had been Vice Chancellor of Kanchipuram University. As far as objection filed by the plaintiffs of O.O.S. No. 4/1989 and in particular on the point that the archaeologist of A.S.I. created false pillar bases during excavation was strongly denied by this scholar who stated that it was not possible for an excavator to create pillar basis or structure consisting number of courses inside a trench. He is also expert on temple architecture and supported all the findings and conclusion arrived at by ASI in their report submitted after excavation at disputed site under the orders of this Court.

O.P.W.18, Arun Kumar Sharma, retired from the post of Superintending Archaeologist, ASI. He was member of the Central Advisory Board of Archaeology Government of India and served in ASI from 1959 to 1992. He has fully supported the conclusions arrive at by ASI after the excavation of disputed site. From the perusal of the statement of this witness, it transpires that he has extensive, deep and thorough knowledge of all the principles of excavation and has supported the report of ASI, submitted on 22.8.2003 in this Court, on all the counts.

O.P.W. 19 is Rakesh Dutt Trivedi, who retired as a Director of ASI and served this institution from 1974 to 1993. He worked as Head of the Temple Survey Project Northern India from 1977 to 1984. He is also writer of a book entitled as "Temples of Pratihar Period in Central India". He has also stated about the structural and architectural remains of a massive structure underneath and Mandapa like structure which is generally found in the northern India. He has concluded that

the indication of a temple which was demolished prior to construction of disputed mosque was found at the site.

Next witness of the above category is **DW2/1-1**, **Rajendra Singh.** He got Technical Education in Miller Trade Tool and Cutter Grinding. He was of the opinion that disputed place is birth place of Lord Rama where Guru Nanak, Guru Teg Bahadur and Guru Govind Singh visited for worshipping it as the birth place of Lord Rama. He has also written a book which is part of record.

Next witness is **DW2/1-2**, **Ram Saran Srivastava**. He is Ex. D.M. Faizabad. He joined on 19.07.1987 as D.M., Faizabad. Shilanyas was done during his regime. He has also written a book entitled as 'Sri Ram Janma Bhumi Babri Masjid Vivad Ek Dristikon'. On the basis of the study of different Gazetteers and Revenue Records, he is of the opinion that disputed place is place of birth of Lord Rama. In Nazool and in Revenue Records disputed place is recorded as Janma Sthan. Mir Baqi had constructed the mosque after demolition of Ram Temple. Encyclopaedia Britanica also supports this proposition. Muslims were not allowed to offer Namaz after riots of 1934.

**D.W.13/1-3 is Bishan Bahadur.** He is the Head of the Department in History in Varshney P.G. College Aligarh and stated that he has been teaching History for 35 years. About 22 persons have got Ph.D. degree in his guidance and supervision. He has stated about the Gaharwal Rulers and their pedigree and aggression. He has also stated about the aggression by Salar Mahmood. According to his study, on the command of Emperor Babar his commander Mir Baqi

got constructed a mosque over disputed site after demolishing a temple. According to custom and tradition which is coming from generation to generation and from times immemorial, disputed site is considered as birth place of Lord Rama.

DW20/5, Jayanti Prasad Srivastava, who remained present almost during whole period of excavation conducted by ASI at disputed site, has stated that he joined ASI in 1957 and took part in so many excavations. He had observed entire excavation work at disputed site from 12.3.2003 to 07.08.2003. He opined that excavation was done as per principles and rules and pillar mandapa like structure was there. The archaeological evidence of a massive structure was found at the spot which could be dated from 10<sup>th</sup> century onwards upto the construction of the disputed structure. So many decorated stones, bricks mutilated sculpture of divine couple, carved architectural members, foliage pattern, Amalaka, Kapothpali, door jams with semi circular plaster, lotus motive, circular shrine, the pillar bases are indicative of the remains of earlier temple which existed over there, prior to its demolition and construction of mosque thereat.

On the basis of the above three category of witnesses, who have deposed on the point of worship being done continuously from times immemorial, on the disputed site, witnesses having special knowledge about Hindu Religion and deposing about the place of birth of Lord Rama on the basis of their study on Hindu religion and sculptures and witnesses having special knowledge of history/archaeology and also after critical examination of the statements given in their cross-examination.

The evidence was recorded by this Court in O.O.S. No. 4 of 1987 Sunni Central Waqf Board of Waqfs U.P. And others Vs. Gopal Singh Visharad and

others which is leading case. Other three cases are connected with this case. In all there are 85 witnesses. In O.O.S.No. 4 of 1989 there are 28 issues; in O.O.S.No. 5 of 1989 there are 30 issues; in O.O.S.No. 1 of 1989 there are 17 issues and in O.O.S.Bi, 3 of 1989 there are 17 issues.

## Oral Evidence adduced on behalf of the plaintiffs in O.O.S.No. 4 of 1989

The plaintiffs have examined 32 witnesses. I have divided them into three categories. On the point of Namaz being offered up to 22.12.1949/23.12.1949 the statements of P.W.1 Mohammad Hashim, P.W.2 Haji Mahboob Ahmad, P.W.3 Farooq Ahmad, P.W.4 Mohamamd Yaseem, P.W.5 Abdul Rahman, P.W.6 Mohamamd Yunus Siddiqui, P.W.7 Hasmatullah Ansari, P.W.8 Abdul Azeez, and P.W.9 Syed Akhlaq Ahmad are on the record. Looking to their cross-examination their versions appear to be incorrect. Version given before the Court could not inspire confidence for the reasons recorded in the cross-examination. Thus, they are unreliable witnesses and they could not prove that Namaz was offered in the disputed building upto 22/23-12-1949.

Second category of witnesses are those witnesses who have deposed about the nature of the disputed structure alleging to be a mosque. These witnesses were properly examined and during the

course of examination P.W. 10 Maulana Mohhd. Idrees, P.W.11 Maulana Mohd. Burhanuddin, P.W.19 Maulana Ateeq Ahmad, P.W.22 Maulana Mohd. Khalid Nadwi, P.W.26 Maulana Syed Kalbe Jawwad and P.W.25 Chawdhry Sibte Mohd. Naqbi have deposed before this Court. They are not the expert witnesses. They have not stated that they are authority on Mohammedan Law Accordingly when the defendants have adduced evidence on tenets of Islam, it has to be accepted ignoring their views.

## As regards the witnesses produced by the plaintiffs against the report of A.S.I. and witnesses who claim themselves as historians

Versions of such witnesses have already been considered while giving findings on issue no. 1-B and they are also not be treated to be expert witnesses. Thus, their version against A.S.I. report is not accepted.

Hindus have produced witnesses to show that at the disputed site before the demolition regular worship was going on. Statements of OPW1, OPW 4, OPW 5, OPW7,OPW12, OPW13, OPW 12, OP W13, DW 17/1, DW 20/3 are supported by circumstantial evidence and reveal that in the outer courtyard worship was going on and in the inner courtyard the deities were placed in the intervening night of 22/12/1949 and 23/12/1949 and prior to it the Hindus worshipped the place and deities. The pillars inside and outside the building in question contained images of Hindu Gods and Goddesses including the place of birth of Lord Ram as deity.

O.P.W 16, DW 2/1/-3. DW 3/14 and DW 20/2 have been examined from Hindu side as these witnesses have claimed special knowledge about Hindu religion and Shastras and they have deposed about the place of birth of Lord Ram. Their testimony is reliable on the ground that it is corroborated from the version of historians and gazetteers.

Third category of the witnesses examined from Hindu side are those witnesses, who have special knowledge of history and archeology. These witnesses are OPW 9, OPW 10, OPW 11, OPW 15, DW 13/1-3, DW 2/1-1, dW2/1-2, OPW 3, OPW 17, OPW 18, OPW 19 and DW 20/5.

Their statements are reliable because they are experts and they have special knowledge in the field of history and archeology. Circumstantial evidence also corroborates their assertion.