

123	3 <sup>rd</sup> Cent. BC	185
124	Pre-Mauryan	184
125	3 <sup>rd</sup> Cent. BC	185
126	3 <sup>rd</sup> Cent. B.C.	176

*That there are a large number discrepancies also in the description of these Terracotta finds, which also create doubts upon the bonafides of the A.S.I. Team giving such incorrect descriptions. It is true that when archaeological deposits are disturbed, it is not surprising to find earlier material in later levels. This happens when construction or leveling activities require the bringing in of soil from peripheral areas or the clearing and mixing of older deposits. On the other hand, the reverse is impossible, that is we cannot, in an earlier stratified 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***

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

<p><i>S. No. 67 R. No. 549. Animal figurine. Early Medieval. F9, layer 5</i></p>	<p><i>F9 layer 5 is Post Gupta. It is impossible for Early Medieval period material to be found in post Gupta period which is earlier</i></p>
<p><i>S. No. 69 R. No. 594. Animal figurine. Medieval. E8, layer 5</i></p>	<p><i>E8 layer 5 is Post Gupta. It is impossible for Medieval period material to be found in post Gupta period which is earlier</i></p>
<p><i>S. No. 71 R. No. 607. Animal figurine. Mughal. E8, layer 6</i></p>	<p><i>E8 layer 6 is Post Gupta. It is impossible for Mughal period material to be found in post Gupta period which is earlier</i></p>
<p><i>S. No. 73 R. No. 628. Animal figurine. Mughal. E8, layer 6</i></p>	<p><i>E8 layer 6 is Post Gupta. It is impossible for Mughal period material to be found in post Gupta period which is earlier</i></p>
<p><i>S. No. 76 R. No. 689. Animal figurine. Early Medieval. F8, layer 5</i></p>	<p><i>F8 layer 5 is Post Gupta-Rajput. It is impossible for Early Medieval period material to be found in post Gupta period which is earlier</i></p>
<p><i>S. No. 84 R. No. 739. Animal figurine. Post-Gupta. E8, layer 8A</i></p>	<p><i>E8 layer 8A is Gupta level. It is impossible for post-Gupta period material to be found in post Gupta period which is earlier</i></p>
<p><i>S. No. 85 R. No. 762. Animal figurine. Post-Gupta. E8, layer 9</i></p>	<p><i>E8 layer 9 is Gupta/Kushan level. It is impossible for Post-Gupta period material to be found in Gupta/Kushan period which is earlier</i></p>
<p><i>S. No. 86 R. No. 767. Animal figurine. Post-Gupta. F8, layer 7</i></p>	<p><i>F8 layer 7 is Gupta level. It is impossible for post-Gupta period material to be found in Gupta period which is earlier</i></p>
<p><i>S. No. 90 R. No. 793. Animal figurine. Medieval. H4/H5, layer 4</i></p>	<p><i>H4/H5 layer 4 is Early Medieval. It is impossible for Medieval period material to be found in Early Medieval period which is earlier</i></p>

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

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?

**3954.** The rest of the two items i.e. "Archeological members and Figurines" are mentioned in Chapter VI and chapter VII, description thereof is as under:

*"Consequent upon laying of a lay out for archaeological excavation of disputed site at Ayodhya, various architectural fragments consisting of pillars, pilasters, broken door jambs, lintels, brackets and etc. were*

*retrieved as disjecta membra, ranging from surface of the mound to a considerable depth of various trenches. In this regard, the Fig. 58 shows spatial distribution of fragments of architectural members.*

*These architectural members have been wrought on calcrete, black schist and sand stone. The last one does betray different colours like those of dull brown, pinkish as well as deep red with buff spots.*

*Majority of these architectural members are fragmentary and plain in nature except for a few intact members like pillars, brackets and neatly dressed masonry slabs, etc. As such it becomes very difficult to identify the functional utility of all these members.*

*A noteworthy aspect of some of these architectural members is the presence of mortises/open grooves of varying dimensions on the body of slabs which serve the purpose of providing dowels/clamps as binding factor. In many a cases iron dowels have been found in situ. Besides, there are also symptomatic features to the effect of reusing the earlier architectural members with decorative motifs or mouldings by re-chiseling the slab (Pls. 79-80, Fig. 59). A few intact architectural members like Amlaka (pl. 81, Fig. 59) pillar with Ghata-pallava base with dwarf beings as weight-bearers and Kirtimukhas (Pls. 82-83, Fig. 59) to mention a few, have also been recovered. Besides, there are a number of architectural members which have been decorated with deeply carved foliage motifs. This pattern is a distinct one resembling like that of "stencil" work (Pls. 86-87). It may be pointed out that the various architectural*

*members with similar decorative designs have been found used in the foundation of one of the major brick structures (wall 16) ) exposed in these excavations.*

*The aforesaid pillars and other decorative architectural members of this site like fragment of broken jamb with semi circular pilaster (Pl. 85) fragment of an octagonal shaft of Pillar (Pl. 84), a square slab with Srivatsa motif (Pl. 88) fragment of lotus medallion motif (Pls. 89-90) emphatically speak about their association with the temple architecture. Stylistically, these architectural members in general and pillars in particular may be placed in a time bracket of tenth-twelfth Century A.D. It is also pertinent to note that there are a few architectural members (Pls. 92-94), which can clearly be associated with the Islamic architecture on stylistic ground, which might belong to sixteenth century A.D. onwards.*

*In addition to the architectural fragments, a highly mutilated sculpture of divine couple seated in alinganamudra has also been recovered. The extant remain depicts the waist, thigh and foot (Pl. 235). (Page 121-122)*

**3955.** Thereafter a complete chart is also given which is not necessary to mention here. The "terracotta figurines" are in Chapter VII page 174 which says:

*"During the excavation 62 human and 131 animal figurines were found. In the consonance with the prevailing practice in the Gangetic valley, these figurines are the products of both handmade as well as moulding techniques. These terracottas are assignable from the pre-Mauryan to the previous century. They are both religious as well as*

*secular, the former being represented as cult objects viz. mother -goddess. As a majority of them is fragmentary, save for a few, they could not be dated precisely on the stylistic grounds. The effigies of the mother-goddess exhibit archaic features and conspicuous girdle, whereas the Sunga, Kushan and Gupta specimen are varied and show stylistic affinity to their stone counterparts. But this cannot be applied to 'Archaic' figurines for want of their stone parallels. From the post-Gupta period onwards they are made of coarse clay with considerable admixture of husk. They were often slipped/washed with admixture of mica as the main gritty material to avoid cracking. The excavated clay figurines are described below mentioning their levels from which they were recovered. The appearance of the terracotta figurines of earlier periods in late levels was mainly due to large scale constructional activities like raising of massive walls; floor level especially during and post-Kushan period."*

**3956.** With respect to figurines **Statement of PW 29 (Jaya Menon) said:**

*"It is correct to say that the figurines of elephant, tortoise and crocodiles – all made of terracotta, were recovered during the excavation. . . . . I know that the crocodile is the seat/vehicle of Hindu holy river Ganga. I agree that tortoise is the vehicle of holy river Yamuna. With reference to the plate 129 of the ASI report, Vol. II, I can say that the snake is significantly attached with the name of "Lord Shiv" (Page 42)*

*"In reference to page no. 112 of the above report, the*

witness stated that this terracotta figurine is just a human head.” (Page 74)

*"Terracotta figurines are figures of animals and human-beings made of fired clay. . . . Terracotta figurines have been found possibly as far back as 5000 B.C. . . . It is correct to say that such terracotta figurines were also in vogue in the 11<sup>th</sup> and 12<sup>th</sup> centuries. It is correct to say that such terracotta figurines also depicted Hindus Gods and Goddesses but not always."* (Page 165)

**3957. PW-32, Dr. Supriya Verma** for some of the such figurines said:

*"It is true that ASI in the course of excavation found 62 human figurines and 131 animal figurines but I am not sure about the number and also its identification."* (Page 161)

*"It is correct that in plate 105 of the ASI report Vol II, bust of a female with ornament decoration is shown."*(Page 173)

*"...female bust shown in plate 105 of Vol. II of the ASI report could be a lady, who may be either Buddhist or of any important lady of high stature. There was no practice in Buddhism or Jainism of worshipping terracotta female figurine shown in plate 105 of Vol. II of the ASI report. However, there is depiction of 'Yakshi' in stone of early historical period. It has function of protector. It was sign of protection of humans. It is wrong to say that use of 'Yaksh' or 'Yakshi' is only limited to Hindu Dharmashashtra. In fact, it is also associated with Buddhist religion. I am not aware that apart from Buddha*

*religion, whether 'Yasksh' or 'Yakshi' was used or not."(Page-174)*

*"It cannot say whether the word 'Yaksh' or 'Yakshi' is referred or mentioned in any religious book of Buddhism."(Page 174)*

*"It is correct that this human figurine shown in plate 108 is holding a perforated disc." (Page 176)*

**3958.** The identification and appreciation of the excavated material like human or animal figurines etc. is a matter of experts. None of these eight experts (Archaeologist of Muslim parties) claimed to be the experts in this kind of branch in Archaeology. Even otherwise their stand in respect to these finds is varying. One witness says that these finds were not at all recovered from the layers they are claimed while others says otherwise. We have seen photographs of many of such artifacts and finds and in generality there is no such inherent lacuna or perversity in the observations of ASI or other identification which may warrant any otherwise comment from this Court or may vitiate their report. It is not in dispute that no Islamic religious artefacts have been found during excavation while the artifacts relating to Hindu religious nature were in abundance. For some of the items, it is claimed that it can also be used by non-Hindu people but that would not be sufficient to doubt the opinion of ASI. Plate No.50 (Kapotpalli), Plates No.51 and 62 (floral motifs shown in walls 16 and 17), (Sravats) Plate No.88, Cobra hood (Nag Devta) Plate No.129 and various other Gods and Goddesses in human shape (Plate Nos. 104, 105, 106, 107, 108, 109, 110, 111, 112, 114, 115, 116, 118, 119, 120, 121, 122, 123, 125, 126) to our mind were quite clear and admits no

doubt. Three witnesses namely Sri Arun Kumar (OPW-18), Dr. R. Nagaswami (OPW 17) and Sri Rakesh Dutt Trivedi (OPW-19) were produced who supported the findings and report of ASI. They are retired officers, holding senior position in ASI. Their statements are sufficiently lengthy and extremely detailed. Since they have supported ASI report, we have not mentioned their statements in detail for the reason that we intended to test the objections raised against ASI report in the light of what the witnesses of plaintiff (Suit 4) have deposed and only when we would have some doubt, we would refer to and compare the statement that of OPW 17 to 19. In totality we find no substance in the objection with respect to the figurines etc. and the same are accordingly rejected.

**3959.** For the nature of artefacts, the witnesses of plaintiffs (Suit-4) said:

**(A) PW-29, Dr. Jaya Menon**

*“The motif of Ghat (pot) is visible on this pillar. It is true that Ghat is also known to be as “Kalash”. Normally, this kind of ‘Ghat’ on the pillar is not found in mosque.” (Page 41)*

*“It is correct to say that the figurines of elephant, tortoise and crocodile – all made of terracotta, were recovered during the excavation. Such figurines were found in more than one trench. I know that the crocodile is the seat/vehicle of Hindu holy river Ganga. I agree that tortoise is the vehicle of holy river Yamuna.” (Page 42)*

*“This Makar Pranal is non-Islamic feature...” (Page 194)*

**(B) PW 31, Dr. Ashok Dutta**

*“As I have mentioned that the Muslim people do not believe in the idol worship, hence there is no question of associating terracotta figurine with the Muslim culture. So far I know and my knowledge goes, the question of terracotta figurine to be associated with Muslim culture does not arise”. (Page 175)*

*"It is true that such animal figurines are not allowed to be kept in the mosque." (Page 176)*

*"Makar Pranal is one of the part of the Hindu temple architecture. I am not very sure whether Makar Pranal has any association with mosque or not. I have not seen any mosque having any Makar Pranal in it." (Page 203)*

*“Generally the material which are used for filling of a floor are not sorted out in the filling material any artifacts of outside may be found if the material is taken from outside.” (Page 289)*

**(C) PW-32, Dr Supriya Verma**

*“I have heard the word ‘Kalash’. Kalash is not found in mosque...” (Page 35)*

*“Wall No. 16, according to me, was used as a wall prior to the construction of the disputed structure. In this way, Wall 16 was wall of some other construction which was existing prior to the construction of the disputed structure.” (Page 140)*

*“However, it is true that **Wall No. 17 was constructed earlier to Wall No. 16.**” (Page 143)*

*“I know crocodile. It is also very important for the temples. It is called ‘**Makar Mukh**’. I have not seen Makar Mukh in any mosque...” (Page 143)*

**3960.** One of the objections, which has been raised very seriously is the non examination of bones. Though ASI has referred in the report, about the bones recovered during excavation but it does not appear that any examination thereof was made. It is contended by the learned counsel for the plaintiffs that in absence of any scientific examination of the bones, entire report of ASI gets tainted. The objection under this heading is in para 11 (11.1 to 11.2) which are:

***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 and 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 fear 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 of 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 Periods 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 a long 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 nominess during the excavation and more detailed and*

*accurate Table may be prepared and filled by the A.S.I. with the help of day to day register.*

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

<i>Trench, Layer and Depth</i>	<i>Affiliated Period</i>
<i>E8, 8: 280-85</i>	<i>Gupta</i>
<i>E7, 7: 245-60</i>	<i>Gupta</i>
<i>G7, 7: 228-45</i>	<i>Gupta</i>
<i>E9, 4: 96-124</i>	<i>Early Medieval</i>
<i>F9, pit, s/b 5:195</i>	<i>Early Medieval/Post Gupta</i>
<i>E8, 5:230-68</i>	<i>Post Gupta</i>
<i>G7, 7:248-83</i>	<i>Gupta</i>
<i>E8, 6:168-86</i>	<i>Post Gupta</i>
<i>F6, 2, below Floor 2: 48-77</i>	<i>Medieval</i>
<i>G7, 8: 285-90</i>	<i>Gupta</i>
<i>E8, 6: 186-215</i>	<i>Post Gupta</i>
<i>F6, 2: 77-123</i>	<i>Medieval</i>
<i>G8, 6: 135 (changed to layer 5)</i>	<i>Post Gupta</i>
<i>G8, 5: 185</i>	<i>Post Gupta</i>
<i>G8, 5: 230</i>	<i>Post Gupta</i>
<i>F4/F5, dump s/b 5:182-220</i>	<i>Post Gupta</i>
<i>G7, 20: 1140-1170</i>	<i>NBP</i>
<i>G7, 21: 1167-1207</i>	<i>NBP</i>
<i>G4/G5, pit s/b Floor 2: 93-113</i>	<i>Medieval</i>
<i>J5/K5, 2: 45-80</i>	<i>Fill</i>
<i>J6/K6, 2: 45-80</i>	<i>Fill</i>
<i>ZE1, 2:180</i>	<i>Medieval</i>
<i>G7, pit s/b 21: 1207-1240</i>	<i>NBP</i>
<i>G4/G5, filling: 113-140</i>	<i>-</i>
<i>G2, 1, below Floor 1: 22-35</i>	<i>Mughal</i>

<i>J3/K3, 1:73</i>	<i>Fill</i>
<i>G2, 1: 30-45</i>	<i>Mughal</i>
<i>J3/K3, 2: 30-70</i>	<i>Fill</i>
<i>E1/ZE1, 3: 90</i>	<i>Medieval</i>
<i>G8, 6:135</i>	<i>Post Gupta</i>
<i>G8, 5:230</i>	<i>Post Gupta</i>
<i>E1/E2, 2:30-40</i>	<i>Medieval</i>
<i>K5, 3:92-103</i>	<i>Mughal</i>
<i>K3, 2:30-25</i>	<i>Late and Post Moghal</i>
<i>F4/F5, 2:26-46</i>	<i>Medieval</i>
<i>F4/F5, 4, pit s/b 4:140-166</i>	<i>Early Medieval/Medieval</i>
<i>F3, below Floor 4:364</i>	<i>Early Medieval/Medieval</i>
<i>G7, 18, 19:1050-1115</i>	<i>NBP</i>
<i>G1/ZG1, 3:100-165</i>	<i>Medieval</i>
<i>G7, 20:1115-1140</i>	<i>NBP</i>
<i>E6, 2:53-70</i>	<i>Medieval</i>
<i>G9, below Floor:15-20</i>	<i>Medieval</i>

*[All measurments 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 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 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.*

**3961.** ASI has referred to the bones on page 270 and said as under:

*"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."*

**3962.** **PW-16 Surajbhan** on the question of bones stated:

*"खुदाई स्थल से जो हड्डियां मिली थी, उनको मैंने नहीं देखा, यद्यपि पाटरी यार्ड में हड्डियों के कुछ टुकड़े रखे हुए थे।" (पेज 388)*

*"I did not see the bones discovered from the excavation site, though few pieces of bones had been kept in the Pottery Yard." (E.T.C.)*

*"प्रश्न— आपने जिन बॉन्स का उल्लेख किया है, वे किन-किन जानवरों के बारे में किया है?*

*उत्तर— यह मेरे अध्ययन का विषय नहीं है, परन्तु ए0एस0आई0 की रिपोर्ट में ही यह कहा गया है कि हड्डियां उत्खनन स्थल से पाई गई।" (पेज 388)*

*"Question- The bones mentioned by you, relate to which animals?*

*Answer- It is not the subject matter of my studies, but in*

*the ASI report it has been mentioned that bones had been found at the excavation site.” (E.T.C.)*

“प्रश्न— खुदाई स्थल से प्राप्त हड्डियों का आपने अध्ययन नहीं किया है?

उत्तर— जी हाँ।” (पेज 390)

**“Question- You have not studied the bones discovered from the excavation site?**

**Answer- Yes.” (E.T.C.)**

“प्रश्न— मेरा यह कहना है कि उत्खनन स्थल से जो हड्डियाँ मिली थी, उसमें अधिकतर हड्डियाँ जंगली जानवरों की थीं अथवा ऐसे जानवरों की थीं, जिनको मनुष्यों द्वारा खाया नहीं जाता है, जैसे कुत्ता, गधा, सुअर, मेटक, अजगर आदि। इस बारे में आपको क्या कहना है?

उत्तर— उत्खननकर्ताओं का ऐसा मत नहीं है।

उत्खननकर्ताओं ने इस बारे में अपनी कोई विशेष रिपोर्ट नहीं दी है, जिसमें यह सत्यापित हो, जिसके बारे में विद्वान जिरहकर्ता अधिवक्ता द्वारा पूछा गया है। मैं हड्डियों के बारे में जो बयान दे रहा हूँ, वह ए०एस०आई० की रिपोर्ट में उल्लिखित है। कुछ मंदिरों में जानवरों की बलियाँ पहले भी दी जाती थीं और आज भी दी जाती हैं। भैंसों, बकरों, मुर्गों आदि की बलि दी जाती है।

कबीरपंथी तथा रैदासी मंदिरों के निर्माण—शैली के बारे में मेरा कोई विशेष अध्ययन नहीं है, . . . . .मैंने इस बारे में कोई विशेष अध्ययन नहीं किया है।” (पेज 392—393)

**“Question- According to me, most of the bones found at the excavation site were of wild animals or such animals, which are not eaten by human beings such as dog, donkey, pig, frog, python etc. What you have to say in this behalf?**

**Answer- The excavators do not think so.**

*The excavators have not given any particular report in this behalf so as to prove the question as put up by the learned counsel for the cross-examiner. The statement being given by me about the bones, is mentioned in ASI’s*

*report. Animals were sacrificed in few temples even in past and today as well. Buffalo bull, he goat, cock etc. were sacrificed.*

*I have not made any special study about the followers of Kabir and Raidasi temple. . . . . I have not made any special study in this behalf.” (E.T.C.)*

**3963. PW-29 (Jaya Menon)** on the question of bones, stated:

*“I may not be an expert but it is possible to identify different species except in the case of sheep and goat by seeing the bone. My statement in paragraph-9 of the affidavit regarding bones found in Trench No. F/3, F/4, F/5 is on the basis of daily register which was prepared at the site by the ASI Team. . . . .in the swearing para this paragraph is shown as based on ‘my knowledge’. It is true that the daily register does not mention species of animals. . . . . I am not an expert nor I have studied the bones found during the excavation at the disputed site. . . . . .Species of bone can be identified even if it is too old by visual examination. Palaeobotany is a subject dealing with ancient plants and I am not an expert of that. . . . . I do not agree with the suggestion that the bones recovered during excavation at the site in question were kept or were brought by scavengers because such large quantity of bones could not have been brought by scavengers. By large quantity I mean that **during excavation every day bags full of bones were recovered from the site in question.** I do not remember the exact number of bones recovered during excavation. Size of those bags were different.”*

(Page 37-38)

*"The witness replied that she had not complained to any about the excavated soil being thrown away without any sorting nor I had complained about the bones of human skeleton being mostly thrown."* (Page 42)

*"According to me **one of the significant aspects neglected by ASI in the disputed site is the study of animal bones.** Animal bones are part of the evidence and should have been studied in the case of present excavation. If there was a temple at disputed site then the area of the construction of the temple should have been cleaned of animal bones."* (Page 67)

*"Question:- If bone is found under constructed area of temple then whether that construction can be considered as temple in that case also?"*

*Answer:- I have no idea about this fact."* (Page 68)

*"In para 8A of my affidavit I have said that bones from a human skeleton too were mostly thrown away. These bones were recovered from trench ZHI. The human skeleton was mostly intact. Trench ZHI lies towards North to the makeshift structure. Bones can be dated. Chemical change in the bones is possible only if the bones have been buried for a long period of time."* (Page 74)

*"Bones of humans and animals and plant remains are also important for the study of the past."* (Page 77)

*"By stating in paragraph 8A that the collection of artefacts was not made in scientific manner, I mean that the bones of human skeleton recovered in a particular trench were not collected but were thrown away. I was although*

*present at the time of excavation but I did not raise any objection to the throwing of the bones. The excavators did not collect the bones. During excavation at the site the excavator collected bones found in northern and southern trenches but the bones found in the trench ZH-1 were not collected, rather they were thrown away. So far as I know, no one made any objection to this conduct of the excavators in throwing away the bones found in trench ZH-1." (Page 229)*

**3964. PW 30 (Dr.R.C.Thakran)** on the question of bones, said:

“मुझे इस बात का ज्ञान है कि बहुत सारे उत्खनन कार्यों में हड्डियों के मिलने पर उनकी रिकार्डिंग की जाती रही है। उदाहरण स्वरूप सराय नाहर राय (उत्तर प्रदेश), दमदमा (उत्तर प्रदेश), महादहा (उत्तर प्रदेश) आदि हैं। उपरोक्त सभी जगहें जौनपुर, प्रतापगढ़ और इलाहाबाद में हैं। मैंने उपरोक्त जगहों के उत्खनन कार्यों से सम्बन्धित रिपोर्टों को अवश्य पढ़ा है। सम्बन्धित रिपोर्ट छपी गई थीं। ये सभी रिपोर्ट इलाहाबाद विश्वविद्यालय के प्राचीन भारतीय इतिहास के सांस्कृतिक एवं पुरातत्व विभाग के द्वारा प्रकाशित हुई थीं, उनके नाम मुझे याद नहीं हैं। . . अभी हाल ही में एक पुस्तक भी प्रकाशित हुई है, जिसमें उपरोक्त तीनों स्थानों से सम्बन्धित रिपोर्ट का जिक्र है। मुझे उस पुस्तक, उसके लेखक एवं प्रकाशक का नाम याद नहीं है।” (पेज 138)

*“I have the knowledge that discoveries of bones in so many excavations have continued to be recorded; for instance – Sarai Nahar Rai ( Uttar Pradesh), Damdama (Uttar Pradesh), Mahadaha (Uttat Pradesh), etc.. All the afore-said places are in Jaunpur, Pratapgarh and Allahabad. I have certainly gone through the reports concerning excavations at the afore-said places. Concerned reports were published. All these reports were*

*published by the Cultural and Archaeological wing of the Ancient Indian History Department of University of Allahabad. I do not remember the names of the magazines in which the afore-said reports were published. . . . A book has also been recently published which speaks of the reports relating to the afore-said three places. I do not remember the name of the book, its writer and publisher.”(E.T.C.)*

“खुदाई के दौरान जब मैं वहाँ था, वहाँ पर जो हड्डियाँ मिल रही थीं, उन पर कट-माक्स थे और हड्डियाँ अनेक प्रकार की थीं (पतली, मोटी, सख्त, नर्म आदि) जिनको देखकर यह कहा जा सकता है कि यह हड्डियाँ उक्त जानवरों की हैं।” (पेज 143)

*“The bones which were being discovered when I was there in course of the excavation, had cut marks and they were of several types (thin, thick, hard, soft, etc.) seeing which it can be said as to which animals these bones belong to.” (E.T.C.)*

“मुझे इसके सम्बन्ध में जानकारी नहीं है कि बहुत से मंदिरों के उत्खनन में एनीमल बोन्स पाये गये अथवा नहीं। मंदिरों की खुदाई की रिपोर्ट्स में एनीमल बोन्स पाये जाने के बारे में पढ़ा है। ऐसे मंदिरों के संबंध में किसी ईदगाह या मस्जिद का कोई विवाद नहीं था। ऐसे मंदिरों के उत्खनन में, जहाँ पर एनीमल बोन्स पाई गई, मैंने जानने का प्रयत्न नहीं किया कि उक्त स्थान पर एनीमल बोन्स क्यों थी। ऐसा कहना उचित नहीं होगा कि मैंने वादीगण के हित में गलतबयानी किया है।” (पेज 191)

*“I do not know whether or not animal bones were discovered in the excavation of several temples. I have in excavation reports of the temples read about animal bones having been found. In regard to such temples, there was no dispute as to there being any Eidgah or mosque. In the excavation of those temples where animal bones were*

*found, I did not try to know there were animal bones at the said places. It will not be proper to say that I have given wrong statement in favour of the plaintiffs.” (E.T.C.)*

“मेरे शपथ पत्र के पृष्ठ 3 प्रस्तर 5 की 11वीं लाइन में जो “*व्हिच इन बल्क सीम्स टू बी शीप एन्ड गोट*” लिखा है, **वह मेरी अपनी राय है और इसका पुरातात्विक आधार भी है।** इस संबंध में किसी ने मुझे न राय दी थी न सूचना दी थी। **यह मेरा अपना निष्कर्ष है।** स्वयं कहा कि मैं इस तरह के पुरातात्विक अवशेषों को डील करता रहा हूँ मैंने सुअर की हड्डियों के विषय में डील नहीं किया है क्योंकि पुराइतिहास में प्रथम बार भेंड़ व बकरी, इन दो पशुओं का ही मनुष्यों द्वारा पालन शुरू किया जाना पाया गया और अपनी आवश्यकताओं की पूर्ति के लिए इन दोनों जानवरों का बड़े पैमाने पर प्रयोग होता रहा है जिसका प्रमाण विभिन्न स्थलों की खुदाइयों के दौरान मिलता रहा है।” (पेज 154)

“*The words 'which in bulk seems to be sheep and goat' written in the 11<sup>th</sup> line of para-5 on page-3 of my Affidavit, represent my opinion and also have archaeological basis. In this behalf, none had given me any advice or information. It is my own finding. (Himself stated) I have been dealing with this type of archaeological remains. I have not dealt with pig bones, because the primitive history for the first time saw the rearing only of two animals, sheep and goat, by men and these two animals have continued to be in use on a large scale for fulfilment of the latter's needs. It has been in evidence during excavations at several sites.” (E.T.C.)*

**3965. PW 32 (Dr. Supriya Verma)** on the question of bone, said:

“*The bones which were referred to by me in para 11 of the affidavit were seen by me. Only by looking to the bones, I cannot identify as to which animal species the*

*bone belongs because I am not a Zoo-Archaeologist. The above bones could be of any animal including dog.” (Page 43)*

*“Merely by looking at a skeleton, one cannot say that whether the skeleton was of Hindu or of Muslim person.”(Page 45)*

*“Bones that have been found in N.B.P.W. Gupta and post Gupta periods have been mentioned on the basis of ASI report because it says that bones have been found at all level. Bones have no relation with civilization. Bones are not associated with any particular community. Bones tell us about food habits of societies. Bones tell us about food habit of human society.”(Page 50)*

*“When archaeologists come across animal bones which can be of domestic as well as of wild animals the inference that is made relate to the food habit of that society or one can get an idea about the fauna that might have existed at that time around that site. When archaeologists excavate and find archaeological material which can include pottery and bones inference and interpretation are made by archaeologists on the basis of the context in which these finds are exposed.” (Page 50-51)*

*“While studying bones to ascertain the context is important and the second step is to have the bones identified by Zoo-archaeologist.” (Page 51)*

*“The archaeological sites that have been found in India reveal that from Palaeolithic time onwards animals have been consumed. Finding of bones has to be related to the context and the quantification of bones has also to be*

*kept in mind.”(Page 51-52)*

*“One bone can come by chance but hundreds of bones don't come by chance.” (Page 52)*

*“Animals bones are part of archaeological evidence and have to be understood in the context in which they are being found.”(Page 53)*

*“Q. Whether bones are found in the mosque or kept in it?*

*A. I have seen some ruined Mosques and I have visited once in my life Jama-Masjid in Delhi and I can not know whether bones can be found in mosque or not.”(Page 53)*

*“Identification of bones is the subject of Zoo Archaeologist I am not a Zoo Archaeologist. I can say that bones were found during excavations but I can not identify the species to which they belong. Since I have not examined the bone I am not in a position to say whether they have cut marks or not.” (Page 154)*

*“It is not correct to say that bones recovered during excavation at disputed site were only from dumped material; rather they were found in all levels including fill deposits.” (Page 163)*

*“It do not agree that bones found in excavation are not a decisive piece of evidence.” (Page 163)*

*“I completely disagree with the suggestion that animal bones are not a decisive are not a decisive piece of evidence.” (Page 163)*

**3966.** Sri M.M.Pandey arguing on this aspect submitted:  
"Study of bones is important only on prehistoric sites

where not much information is available regarding the food habit, faunal profile of the region or area and seasonality of settlement. But in this case most of the bones have come from secondary deposits and belong to the period for which most of the information regarding species and food habit of populace is known through texts and other sources. Hence no study was felt necessary.

Even if the cut marks prove that animal was eaten and it may also report the species of animal eaten, the knowledge would have proved of no use in this context as the bones do not belong to primary context and were brought from some other place where meat-eaters were settled.

Meat eating also is not restricted to any religion or creed. Presence of animal bones in any quantity does not prove habitation on the site. As has been said that the context of the find is important and the case of bones is no different from any other find from these levels (Period IV to Period IX). There has been regular raising of ground by laying of earth removed from some other place (which could have been a habitation area).

No other habitational material has been found in situ in excavation, e.g., no houses, no hearths, no baths, no latrine, not even definite house-hold pottery the so-called table ware, to make it a regular habitation site.

The objection of the plaintiffs that bones are coming from all periods and levels. Post Gupta levels onwards are not residential in nature but attest to levels with temples and these levels are supposedly stratified. Why the bones

were found even from the central part of the alleged temple. If stratum VII contained a structure so radically different, from mosque in VIII above, why were these finds not kept separate? Hukka and chillum can we expect such finds in a temple?

**3967.** In any archaeological excavation, finds of animal bones are as important as other antiquities as bones tell about nature of fauna, environment and possibly food habits of a section of the society at that given period of time from where the bones have been recovered. But this all can be achieved provided the bones have been recovered from the regular layers. In this case as they have been recovered from a pit, dump or filling, they lose significance and importance.

**3968.** In the excavation at the disputed site, the entire collection of animal bones was recovered from the fills of different periods. Evidently, these fills were brought from the neighbouring areas to level the ground from time to time. It is but natural that fills which were brought from habitational deposits contained animal bones, hence their examination will throw light only about the area of their origin. They have no bearing on the nature of the layers of the excavated site.

**3969.** Moreover, it is a well known fact that in certain Hindu temples animal sacrifices are made and flesh is eaten as Prasad while bones are deposited below the floor at the site itself. Even Dr. Supriya Verma, the learned witness (P.W. 32) in her submission, stated on Page 50 “Bones have no relation with civilization. Bones are not associated with any particular community. Bones tell us about the food habits of the society...”. Another witness Dr Jaya Menon (P.W. 29) admitted

that “It is true that in certain kind of temples animals are sacrificed” (Page 37). She clearly admitted that bones can be found at temple sites also.

*“Mandiron ki khudai ki reports mein animal bones paaye jaane ke baare mein padhaa hai. Aisey Mandiron ke sambandh mein kisi Idgah ya Masjid ka koi vivaad nahin tha” – R.C. Thakran (P.W. 30) Page 191*

**3970.** One thing more we intend to notice in respect to the bones. It is not the case of the plaintiffs (Suit-4) or other witnesses that bones in such abundance could have been found in Islamic religious place i.e. Mosque, Idgah etc. The Islamic scriptures clearly show place of worship cannot be used for residence purpose or for eating, sleeping etc. It is prohibited. If that be so, the existence of bones could have been of some importance, had there been found some other material to suggest that it could have been a residential place if there would have been a dispute about the nature of habitation. One thing from all the evidence is clear that whatsoever the justification or submission has come, the attempt is on the part of Expert witnesses of plaintiffs (Suit-4) to show that under the disputed structure, there could be an Islamic religious place i.e. Mosque, Idgah. It shows that they are also aware that the underneath structure was not a non religious one. In this view of the matter also we find no substance against the complaint of the inference drawn by ASI and not paying much attention to the alleged bones which according to them were found from deposits and pits hence they are of no consequence, particularly in view of the other material suffice for them to draw a correct inference.

**3971.** Then come next serious objection about the "Glazed

Wares and Glazed Tiles", the level at which they were found, and their interpretation. Para 10 (10.1 to 10.5) of the objections says:

**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 n to 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 three definitely stated " 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 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 109-111. Seeing the importance of glazed ware as a factor for elementary dating (pre or post-Muslim habitation at the site), and in view also of the Hon'ble High Court's 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 is 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 are 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 in 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, G2, 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 of dump lying above 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 tables provided by the A.S.I., 96 come from pits or fill in various*

*trenches. Of the remaining 45, 29 come from period VIII but 14 are from Medieval levels (Periods VII) and 2 from the Early Medieval level (Period VI). This has been gleaned from the table provided by the A.S.I. on pp. 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.*

**3972. PW 16 (Surajbhan)** on the question of Glazed Ware said:

*“मुस्लिम ग्लेज्ड वेयर का प्रादुर्भाव पहली बार उस इलाकें में हुआ जहाँ उन्होंने राज्य स्थापित किया, जैसे सिन्ध और मुल्तान के क्षेत्र, किन्तु आधुनिक भारत में इस मृदभाण्ड कला का प्रयोग सल्तनत काल में प्रसारित हुआ। यह सल्तनत पीरियड 1206 ए0डी0से 1526 ए0डी0 के बीच माना जाता है।” (पेज 214)*

*“The Muslim glazed ware for the first time emerged in those areas where they established their reign such as Sindh and Multan regions. But in modern India the art of casting pots spread in the Sultanate period. This Sultanate period is taken to be spanning between 1206AD and 1526 AD.” (E.T.C.)*

*“इस मुस्लिम ग्लेज्ड वेयर में नए प्रकार के चित्रण होते थे, जिनमें फ़्लोरल डिजाइन, जियोमेट्रिक डिजाइंस तथा सूर्य जैसे डिजाइन और अरेबिक आदि लिपि के डिजाइन भी होते थे। इस प्रकार के ग्लेज्ड वेयर में पशु – पक्षियों तथा जानवरों के डिजाइन प्रायः नहीं होते थे।” (पेज 215)*

*“This Muslim glazed ware had new type of designs, which included floral designs, geometric designs, sun-like designs and designs of Arabic script etc.. This type of glazed ware often did not have designs of animals and birds.” (E.T.C.)*

*“यह कहना गलत है कि ग्लेज्ड वेयर का उपयोग भारतवर्ष में*

हड़प्पन काल से शुरू हो गया था। कुषाण काल में कुछ ग्लेज्ड वेयर इमारतों में मिले हैं जो हरे और नीले रंग के थे या नहीं यह मुझे याद नहीं है। हरे व नीले ग्लेज्ड वेयर मुस्लिम काल के पूर्व सीमित मात्रा में हो सकते हैं परन्तु सलतनत और मुगल काल का ग्लेज्ड वेयर का टाइप भी अलग है और इनका स्टाइल भी अलग है। स्टाइल, टाइप का प्रमुख अंग है परन्तु इसके अन्तर्गत बर्तनों के आकार (शेप्स), उनकी बनावट, मिट्टी आदि भी देखी जाती है। मीडिवल काल के ग्लेज्ड वेयर में जैसी मिट्टी का इस्तेमाल हुआ है तथा उस पर जिन विविध रंगों और ग्लेज का इस्तेमाल हुआ है वह स्पष्ट रूप से इन दोनों कालों के ग्लेज्ड वेयर को अलग कर देता है और इसमें कन्फ्यूजन की बात ही नहीं।” (पेज 359–360)

*“It is wrong to say that the use of glazed ware started in India from the Harappan period. Few glazed ware have been found in buildings of Kushana period, but I do not remember whether they were green and blue in colour. Green and blue glazed ware can be in limited quantity in pre-Muslim period. However, the type and style of the glazed ware of Sultanate and Mughal period are different. The style is main part of type, but the shape, make, earth etc. are also considered in it. The type of earth used in the glazed ware of medieval period and the different colours & glaze used on it, certainly distinguishes the glazed ware of both these periods and there is no confusion in it.” (E.T.C.)*

“ग्लेज्ड वेयर की ओरिजिन मुझे लगता है कि शायद चायना से हुआ है। विद्वानों का कहना है कि चीन में लगभग 1500 ई० पूर्व ही ग्लेज्ड वेयर का निर्माण होने लगा था।” (पेज 360)

*“I feel that the glazed ware probably originated from China. The scholars claim that the production of glazed ware started in China prior to 1500 AD.” (E.T.C.)*

“इसका तात्पर्य यह है कि इस्लाम मत के ओरिजिन के पूर्व से ही ग्लेज्ड वेयर तकनीक शुरू हो गया था। . . . वास्तव

में इसे मुस्लिम ग्लेज्ड वेयर इसलिए कहा गया है क्योंकि मध्यकाल में यह तकनीक इस्लामिक देशों में व्यापक तौर पर प्रचलित हो गयी, इसका फेलाव उधर से ही भारत जैसे देशों की तरफ भी हुआ।” (पेज 361)

**“It implies that the glazed ware technique was in place prior to origin of Islam faith. . .Actually it has been called Muslim glazed ware only in view of the fact that in the medieval period this technique was widely prevalent in the Islamic countries and it expanded from there towards countries like India.” (E.T.C.)**

“महत्वपूर्ण यह है कि उत्तर भारत में ग्लेज्ड वेयर मुस्लिम शासकों के आने के साथ अर्थात् सलतनत काल में व्यापक तौर पर आया। यहाँ यह ग्लेज्ड वेयर एक काल विशेष को निर्धारित करता है।” (पेज 361)

**“ The important fact is that the glazed ware widely entered northern India along with the advent of Muslim rulers or from the Sultanate period. The glazed ware here determines a particular period.” (E.T.C.)**

“मैंने चीनी यात्री ह्वेनसांग का नाम सुना है। मुझे यह जानकारी नहीं है कि ह्वेनसांग ने अपनी यात्रा वृत्तांत में उत्तर भारत में भवनों की छत व मंदिरों की छत में टाइल्स लगे होने की बात कही है या नहीं मैंने कुषाण काल में कोई ग्लेज्ड वेयर ऐसा नहीं पढ़ा जो हिन्दू मंदिरों में मिला हो।” (पेज 362)

**“I have heard about Chinese traveller Hiun-Tsiang. I have no knowledge whether in his memoirs, Hiun-Tsiang has mentioned about use of tiles in the roofs of buildings & temples in north India, or not. I have not read about any glazed ware of the Kushana period, which has been found in Hindu temples.”(E.T.C.)**

**3973. PW-29 (Jaya Menon) on this aspect said:**

**“I do not agree with ASI report that glazed tiles were used for the first time from Kushan period in India. I do not**

agree with the opinion of the ASI recited in para 2 at page 163 which reads as follows:

**“Although, use of glazed tiles in India can be traced back to the early centuries of Christian era when the Kushans introduced them, the tiles, under study at present, most probably belong to the original construction of the disputed structure.” (Page 225)**

**3974.** PW 30 (Dr. R.C.Thakran) on this aspect said:

“मेरे शपथ पत्र के प्रस्तर 6 में मुस्लिम ग्लेज्ड वेयर कहा गया है। इसे इसलिए कहा गया है कि चूंकि यह ग्लेज्ड वेयर मुस्लिमों के साथ ही भारतवर्ष में आया था। ऐसा कहना सही नहीं है कि मृद्भाण्ड बनाने की कला भारतवर्ष से ही शुरू हुई थी, अर्थात् यह भारतवर्ष की ही कला है। भारतवर्ष में बर्तन बनाने की कला जो शुरू हुई, वह प्राचीनतम नहीं है इससे पहले दूसरे देशों में भी बर्तन बनाने की शुरुआत हो चुकी थी। हमारे पास ऐसी कोई जानकारी नहीं है कि जिसके आधार पर यह कहा जा सके कि भारत में बर्तन बनाने की कला का प्रारम्भ अरब देश से पहले हो चुका था।” (पेज 124)

*“Para 6 of my Affidavit speaks of the Muslim glazed ware. It is so termed because this glazed ware came to India only along with Muslims. It is not true to say that the art of making pottery originated only from India, that is to say, it is an art only of India. The art of making utensils which began in India, is not oldest. Before it the art of making utensils had begun in other countries. I do not have any knowledge enabling me to say that the art of making utensils had begun in India before Arabian countries.”(E.T.C.)*

### **Glazed tiles**

“मैंने अपने शपथ-पत्र के प्रस्तर 8 की दूसरी लाईन में ग्लेज्ड टाइल्स के बारे में कहा है। यह खास तरह की टाइल्स हैं। और एक विशेष

तकनीक से बनायी जाती हैं। इस तकनीक का भारत में प्रचलन मुसलमानों के आने के साथ ही हुआ है। टाइल्स, खपड़ा नहीं होता था, बल्कि पक्की मिट्टी की बनायी जाती हैं और उसे किसी खास तकनीक से ग्लेज्ड किया जाता है और अगर टाइल्स को सिर्फ पकाया जाये और ग्लेज्ड न किया जाये तो उसे टेरीकोटा टाइल्स ही कहा जायेगा।” (पेज 126)

*“I have referred to glazed tiles in the second line of para-8 to my Affidavit. These are tiles of a particular type and are made with a particular technique. The prevalence of this technique in India began with the advent of the Muslims. Tiles were not 'Khapda' (earthen tiles); rather, they are made of baked earth and are glazed with a particular technique. If the tiles are only baked but not glazed they will only be called terracotta tiles.” (E.T.C.)*

**3975. PW- 32 ( Dr. Supriya Verma) said:**

*“I agree that the glazed wares have been found in Kushan period but the glazed ware of Kushan period are different from the glazed ware associated with later period. It differs both in terms of chemical and physical composition and appearance.” (Page 164)*

*“I cannot say as to whether glazed tiles are used in Hindu building in Gwalior Fort. I am also not aware that in Gwalior Fort, Hindu deities are depicted in such glazed tiles. I am not aware whether pre-Islamic Persina people were using glazed tiles and glazed wares or not.” (Page 164)*

*“Q. There is no contemporary sources to throw light on the production technique of glazed tiles and glazed wares?”*

*A. I am not expert of Arabic and Persian and therefore, I have not examined the sources and therefore, I*

*am not in a position to say as to whether any description of production technique is there or not.” (Page 164)*

**3976.** Sri Pandey on the contrary in his written argument submitted:

The objection of the plaintiffs that the glazed pottery often called "Muslim" glazed ware militates against the presence or construction of a temple. A tabulation of recorded glazed ware sherds according to trench and stratum was essential.... which has been entirely disregarded. How could Muslims have been using glazed ware inside a temple.

The tradition of glazing of pottery dates back to Harappan culture (2500 – 1500 B.C.) and since then it was known. During Kushan period it was a very popular ware. Gradually the tradition of glazing was lost from India but soon its imports were coming from Persia, Iran and China, where this ware has found favour. This ware is known as Indo-Sassanian Glazed ware, as it was in vogue during the Sassanian rule and later the muslims adopted it (**K. K. Mohamad; "Glaze Ware in India"** published in Puratattva No. 15 p. 105-110).

Pottery of any kind is neither Hindu nor Buddhist nor even muslim except some ritual pots which are used in rituals of particular religion. To demarcate pottery ware on religious lines speaks volumes about the oriented mindset only.

A tabulation of glazed ware is maintained in the day-to-day basis according to trench and stratum in the day-to-day register.

Glazed ware has been found mainly from the secondary deposits and not from primary context. The record of the glazed ware in the Day-to-Day register mentions their primary occurrence and tentative layer and depth. The layer identification on day-to-day basis is never final and is liable to change as the identification of pits and disturbances could not be finalized on the very day, but the records could not be changed.

Secondly, a ware has no religion and it transgresses the religious boundary.

The objection of the plaintiffs that Glazed tile are also similarly an index of Muslim habitation. 29 tiles come from Period VIII and 14 from Period VII. One decisive piece of evidence, which entirely negates the possibility of a temple, is that of bones. The statement that the site was not a habitation site from the Period IV onwards upto Period IX stands belied and negated by the animal bone evidence.

In this connection it may be submitted that at Shah-ji-Dheri, the Buddhist structure used even glazed tiles. Huein T'sang had seen many places in north India where coloured tiles were used in the roof.

It appears that the Objector has not cared to read the table from pages 164 to 172 in the context of Chapter III "Stratigraphy and Chronology" specially from pages 45 to 47, wherein the disturbances in stratigraphy has been elaborately dealt with. Not a single tile is from confirmed primary context.

**3977.** For our purposes we do not find that this aspect can

have any material impact on the question which was required to be reported by ASI and it has returned the same in the form of its report. One thing is very clear that the disputed structure was not raised on a vacant or unoccupied or a virgin land but the land in question was in frequent use for several centuries continuously having structures relating to different periods. As we have already discussed, attempt on the part of the Expert (Archaeologist) witnesses of plaintiffs (Suit-4) who described the underneath structure as a Idgah or Kanati mosque makes it very clear that the structure underneath is non religious one but it was a place connected with religious purposes. This is suffice to draw inference that there was a structure over land in question where disputed structure was constructed and that structure related to religious purposes and not non-religious purposes. Then only thing which was to be seen, whether it could be a temple or not. By the process of elimination since it was never a case of Muslim parties that there existed any Islamic religious structure at the place in dispute before construction of the disputed structure or that there existed a religious structure other than Hindus, it leads to an inference as suggested by ASI and mere titbits and minor infirmities in it, even it exist, in our view, are of no consequence, if any.

**3978.** Then there are some objections with respect to "Pottery", "Inscriptions" and under the general heading of "Other Contradictions and Discrepancies" as under:

## ***12. POTTERY***

***12.1*** *That in Chapter V on Pottery, it is highly significant that the pottery of Periods VII, 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 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, chillium 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 two 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 grounds, the Arabic inscriptions can be dated to the 13<sup>th</sup> century with as 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 lines in their lower portion 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 letters 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 Siddhamatrika 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' in "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 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, alleged on the basis of the naksh 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 Iltutamish, 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 the 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 periods 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 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.*

*14.3. That on p.44,it is stated that, "no deposit contemporary to Mughal period exist 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. 56-67 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."*

**3979.** The report of the Archaeological Survey of India, which is a report of an expert in excavation, contains all the details including details of stratigraphy, artifacts, periodisation as well as details of structures and walls. The pillar bases mentioned in the report establish beyond all doubt the existence of a huge structure. In addition to above, existence of circular shrine, stone slabs in walls with Hindu motifs and more particularly sign of Makar Pranal in wall No. 5 (wall of disputed structure), divine couple and other temple materials, etc., conclusively proves the existence of a hindu religious structure beneath the disputed structure. It is generally admitted by the witnesses that the excavation was conducted as per settled norms of archaeology in presence of parties, experts and observers and three dimensional recording, photography, videography of each and every trench, structure, artifacts, were done by the ASI during excavation in presence of all concerned. Day-to-day register, supervisor's diary and antiquity register were being regularly maintained.

**3980.** There are some more objection which we find not much of worth for the reason that the experts of Muslim parties ultimately, realizing that structure existed underneath the disputed building, hence they made out a new case in their statement. However, a new stand which is not the case of the plaintiff, not pleaded is not permissible.

**3981.** In **Ram Sarup Gupta Vs. Bishun Narain Inter College & others AIR 1987 SC 1242**, it was held:

*"It is well settled that in the absence of pleading, evidence, if any, produced by the parties cannot be considered. It is also equally settled that no party should be permitted to travel beyond its pleading and that all necessary and material facts should be pleaded by the party in support of the case set up by it. The object and purpose of pleading is to enable the adversary party to know the case it has to meet. In order to have a fair trial it is imperative that the party should state the essential material facts so that other party may not be taken by surprise. The pleadings however should receive a liberal construction, no pedantic approach should be adopted to defeat justice on hair splitting technicalities. Sometimes, pleadings are expressed in words which may not expressly make out a case in accordance with strict interpretation of law, in such a case it is the duty of the Court to ascertain the substance of the pleadings to determine the question. It is not desirable to place undue emphasis on form, **instead the substance of the pleadings should be considered. Whenever the question about lack of pleading is raised the enquiry should not be so much about the form of the pleadings, instead; the court must find out whether in substance the parties knew the case and the issues upon which they went to trial. Once it is found that in spite of deficiency in the pleadings parties knew the case and they proceeded to trial on those issues by producing evidence, in that event it would not be open to a party to raise the question of absence of pleadings in appeal.**"*

**3982. PW-16 (Surajbhan)** formed his opinion in advance

before the receipt of the ASI report and sought to explain that underneath the disputed building there appears to be an Islamic structure existing like Idgah and Kanati mosque. His statement on page 446, 521 and 527 is as under:

“यह सही है कि कुछ इश्यूज़ पर मैंने अपने विचार ए0एस0आई0 की रिपोर्ट के न्यायालय में प्रस्तुत होने के पहले अपनी जानकारी के आधार पर अपने निष्कर्ष निकाले और विचार व्यक्त किये।” (पेज 446)

*“It is true that my conclusions and views on certain issues are based on my knowledge existing prior to the submission of ASI’s report in court.” (E.T.C.)*

“ए0एस0आई0 की इस मामले में रिपोर्ट आने के पश्चात् मैंने तथा प्रो0 इरफ़ान हबीब ने यह बात आने पर कि विवादित स्थल पर मन्दिर के अवशेष मिले हैं, यह वक्तव्य दिया था कि विवादित स्थल पर नीचे पुरानी मस्जिद या ईदगाह के अवशेष मिले हैं न कि मन्दिर के। अगर यह प्रोपोगैण्डा न होता कि विवादित स्थल पर मन्दिर के अवशेष मिले हैं, तो मुझे व प्रो0 इरफ़ान हबीब को उपरोक्त वक्तव्य देने की आवश्यकता नहीं थी।” (पेज 521)

*“Consequent to submission of ASI’s report in the matter and the claim that remains of temple were found at the disputed site, I and Prof. Irfan Habib had given this statement that remains of old mosque or Eidgah had been found beneath the disputed site and not of any temple. If this propaganda that remains of temple were found at the disputed site, had not taken place, there would have been no occasion for me and Prof. Irfan Habib to give the above statement.” (E.T.C.)*

“मेरा विचार है कि विवादित भवन के नीचे दो स्टक्चर्स वाल नं0 16 व वाल नं0 17 से संबंधित भवन सल्तनत काल के थे जो किसी इस्लामिक स्टक्चर्स रहे होंगे, जैसे ईदगाह या कनाती मसिजद आदि-आदि।. . . यह दोनों दीवारें किसी हिन्दू भवन की मालूम नहीं होती थीं, बल्कि सल्तनत

पीरियड के किसी मुस्लिम भवन की रही होंगी।” (पेज 527)

*“In my view the buildings related to wall nos. 16 & 17, the two structure beneath the disputed structure, were of the Sultanate period and must have been some Islamic structures such as Eidgah or Kanati mosque etc.. . . . . Both these walls do not appear to be of some Hindu building and instead must have been of some Muslim building of the Sultanate period.” (E.T.C.)*

**3983.** Similarly, **PW-29 (Jaya Menon)** on page 157 said:

*“It was Dr. Supriya Varma and myself, who, for the first time, said that there was an Idgah under the disputed structure. I did not know that the plaintiffs of OOS no. 4 of 1989 had not claimed any Idgah under the disputed structure.” (Page 157)*

**3984.** **PW-30 (Dr. R.C.Thakaran)** on page 169 said:

*“विवादित स्थल पर मई सन् 2003 में खुदाई के दौरान मुझे यह ज्ञात हुआ कि विवादित स्थल के नीचे मस्जिद/ईदगाह थी। खुदाई के दौरान दीवार को देखने से तथा ए0एस0आई0 की रिपोर्ट देखने से मुझे ऐसा लगा कि बाबरी मस्जिद या उसके पूर्व की मस्जिद/ईदगाह बनाने में जो मैटीरियल पुनः प्रयोग में लाया गया है, वह कहीं आस-पास से लाकर इस्तेमाल किया गया है।” (पेज 169)*

*“In 2003, in course of excavation at the disputed site, I came to know that there was a mosque/Eidgah beneath the disputed site. Seeing the wall in course of the excavation and going through the ASI report, it seemed to me that the materials reused in the construction of the Babri masjid or its prior mosque/Eidgah, had been brought from somewhere nearby and then used.” (E.T.C.)*

**3985.** It is true that all these experts were representing, in fact, a particular party, they were all, in one or the other manner

connected with each other. The statement of PW-32 (Dr. Supriya Varma) is:

*“I have done my Ph. D. under Prof. Shereen Ratnagar.” (Page 72)*

*“All these chapters on archaeology were written by me and Dr. Jaya Menon.” (Page 73)*

*“Both Dr. Jaya Menon and myself are archaeologist by specialization. Dr. Jaya Menon and I are equally competent.” (Page 74)*

*(Note: Shereen Ratnagar is PW-27)*

**3986.** Normally, it does not happen but we are surprised to see in the zeal of helping their clients or the parties in whose favour they were appearing, these witnesses went ahead than what was not even the case of the party concerned and wrote totally a new story. Evidence in support of a fact which has never been pleaded and was not the case of the party concerned is impermissible in law. Suffice it to mention at this stage that even this stand of these experts make it clear that the disputed structure stood over a piece of land which had a structure earlier and that was of religious nature. Minor mistakes and irregularities in ASI report, if any, do not shake the basic finding that the disputed structure claimed was not raised on a virgin land or unoccupied land but there existed a structure and using some part thereof either in the form of foundation or using the material thereof, the disputed structure was created. Whether lime mortar or lime plaster from a particular period or not, whether glazed ware were Islamic or available in Hindustan earlier are all subsidiary questions particularly when this much at least came to be admitted by the experts of the objectionists

parties i.e. the plaintiffs (Suit-4) that there existed a structure, walls etc. used as foundation walls in construction of the building in dispute and underneath at least four floors at different levels were found with lots of several other structures.

**3987.** In these circumstances, now it would be appropriate to refer to the finding of ASI in Chapter 10 under the heading "**Summary of Results**":

*"Excavation at the disputed 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 results of the excavation are summarized as here under:*

*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 witnesses 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 a 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 50x30 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 15x15 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 or 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 the 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.) These dates are from trench G7. 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., 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 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 upto the construction of the disputed structure alongwith 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."*

**3988.** It is contented that the ASI report does not answer the question framed by this Court, inasmuch as, neither it clearly says whether there was any demolition of the earlier structure if existed and whether that structure was a temple or not.

**3989.** In our view, the conclusion drawn by the ASI in the project accomplished within an extra-ordinary brief period and with such an excellence precision and perfection deserve commendation and appreciation instead of condemnation. It normally happens when an expert body tender an opinion, the party, who finds such opinion adverse to its interest, feels otherwise and try to rid of such opinion by taking recourse to all such measures as permissible but in the present case we hoped a better response particularly when the expert body involved is a pioneer and premier archaeological body of this country having International repute. We are satisfied that the report of ASI not only deserve to be accepted but it really helps this Court in forming its opinion on an important issue in this regard. All the objections against ASI, therefore, are rejected.

**3990.** ASI, in our view, has rightly refrained from recording a categorical finding whether there was any demolition or not for the reason when a building is constructed over another and that too hundreds of years back, it may sometimes be difficult to ascertain as to in what circumstances building was raised and whether the earlier building collapsed on its own or due to natural forces or for the reason attributable to some persons interested for its damage. Sufficient indication has been given by ASI that the building in dispute did not have its own foundation but it was raised on the existing walls. If a building would not have been existing before construction of the subsequent building, the builder might not have been able to use foundation of the erstwhile building without knowing its strength and capacity of bearing the load of new structure. The floor of the disputed building was just over the floor of earlier

building. The existence of several pillar bases all show another earlier existence of a sufficiently bigger structure, if not bigger than the disputed structure then not lessor than that also.

**3991.** Learned counsel for the plaintiffs (Suit-5) vehemently contended that the disputed structure (hereinafter referred to as "DS") was raised after demolishing a Hindu temple at the site in dispute, which was believed to be a birthplace of Lord Rama in the light of the various evidence collectively taken into consideration as under:

*I. The existence of Hindu Temple at the site of DS is indicated in Historical Sketch of Faizabad, 1870, by P. Carnegy Commissioner/Settlement Officer Oudh (paper no 3 of Ramlala's Documents, Ext. OOS 5: 49) which mentions 3 important Hindu **Shrines** 'at the time of Mohammedan conquest', namely Janmasthan, Swargadwar & Treta-ka-Thakur and that at Janmasthan Emperor Babar built the Mosque (page 21). Mention of Janmasthan to be a Shrine indicates pre-existence of a Hindu Temple at the site of DS. Oudh Gazetteer of 1877 (Ext. OOS 5: 7), Millet's Report of 1888 (Ext. OOS 5: 8), Archaeological Survey of NWP and Oudh of 1889 (OOS 5: Paper 107C1/31-32), Fuhrer's account of 1891 (Ext. OOS 5: 9) and Imperial Gazetteer of 1901 (Ext. OOS 5:10), all mention pre-existence of a Hindu Temple at the site of DA.*

*II. Further recovery of the large Stone-Slab, 115 cm X 55 cm (vide Report dated 3.2.2002 Ext. OOS 5-2, of OTW 10) containing a 20 line Inscription of a Vishnu-Hari Temple. Recovery of the Stone-Slab was proved by OPW 8 Ashok Chatterji. Contents of this Inscription were proved*

by OPW 10 Dr. K.V.Ramesh, Director Epigraphy of Govt. of India/Joint Director Archaeological Survey of India. The Inscription describes construction of Vishnu-Hari Temple by Anay Chand a Governor of King Govind Chand of Gahadwal Dynasty and Dr. K.V.Ramesh proved that the period of the inscription must be around 12th Century AD. Govind Chand was the ruler of Gahadwal dynasty from 1110 to 1156 (vide Dr. Bishan Bahadur DW 13/1-3). The recovery of this stone slab is reminiscent of recovery of another stone slab from the ruins of a mosque erected by Aurangzeb known as Treta-ka-Thakur Masjid at the site of Treta-ka-Thakur Mandir in Ayodhya; the inscription on that stone slab is dated Samvat 1241 (=1184 AD) of the times of **King Jai Chand of Kannauj** and records praises of Jai Chand for erecting a Vaishnav Temple (See paper nos 6 and 7 – of 1889 & 1891 - of Ramlala's documents Ext. OOS 5: 8 & 9). The significance is that the stone slab affixed to Treta-ka-Thakur Mandir was used in the structure of Masjid erected in place of the Mandir. It is quite probable that Stone-Slab recovered from DS belonged to Hari-Vishnu Temple that stood at the site of DS hence was made use of in constructing DS; after all the builder would have needed big stones – and this Stone-Slab, 115 cm X 55 cm could easily be one. Further, admittedly 14 Kasauti Pillars bearing carved figures of Hindu gods & goddesses, standing/supporting portions of Babri Masjid structure were seen by Faizabad Civil Court Commissioner, Shiv Shanker Lal, on inspection in April 1950.

**III.** The findings of ASI Report must be appreciated in the

*light of a most important factual & legal angle of the Parties' Case. This litigation commenced in 1950. From the very beginning, it has been the case of Hindu Parties that at the spot of Babri Masjid, there had existed a Temple and that the Masjid was erected at the site of the Temple after demolishing it, while it has been the case of Muslim Parties that the site was a barren vacant piece of land which came to be vested in Babar as Emperor/Sovereign who had conquered the Delhi throne. ASI excavation revealed pre-existence of 'massive structure' underneath DS. The Muslim Parties did not amend their Pleadings to take any alternative plea to meet the discovery of the massive structure beneath DS; legally, they cannot be heard to say that there had existed some Muslim religious structure at the site in whose place Babri Masjid was erected.*

***IV. Without prejudice to detailed submissions on ASI Report elsewhere, suffice it to mention here that the Western Wall (W5) of DS stands directly over Western Wall (W16) of the Temple without any layer of earth or other strata between the two walls which should have existed at the top if there was no structure on spot when construction of Babri Masjid commenced. W5 standing directly over W16, proves that Babri Masjid was erected over and with full knowledge of pre-existence of a structure. ASI found 50 pillar bases of pillars which could support a roof (some of them inside the baulk between trenches), a Subsidiary Shrine of Lord Shiva (in the Southern portion of the disputed area), a number of walls attached to Temple's old Wall (W16), several walls running***

*East-West as well as North-South showing 'Massive Structure' below DS, mutilated Uma-Maheshwara Divine Couple stone sculpture (a typical feature of Iconoclastic behaviour) and a number of 'finds' which would typically belong to a Hindu Temple.*

*V. It was argued on behalf of Sunni Board that Wall 16 could be a Kanati Mosque or Eid-gah or some other Muslim religious structure. This contention is not acceptable for want of Pleading (indeed against their Pleading); it also fails structurally and does not explain several other walls found attached to Wall 16. The existence of a 'Mandir Janmasthan Ram Chandra at Birthpalce of Ram since ancient times with Idols of Ram Chandra ji & others installed therein' is admitted in para 27 of joint WS dt. 2.12.1950 of 5 Muslim Defendants (D1 to D5) in OOS 1 of 1989 (filed by Gopal Singh Visharad). The said Defendants had vaguely pleaded that that Temple 'existed in Ayodhya' – the exact spot was not specified. Plaintiff Gopal Singh Visharad explained in para 27 of his Replication that that Temple was situated within boundaries described by him which sets its location to be close towards North of East-West Rasta which runs abutting on the North side of disputed area. This situation is admitted by Sunni Board in **para 32 of their written statement dated 24.2'89 to Visharad's suit (see para 5 above)**. The significance of this set of pleadings is that as early as 1950, Muslims had **admitted** existence of a (i) Temple of Ram Chandra (ii) at birthplace of Ram (iii) since ancient times. It cannot be argued that the 'admission'*

*by the 5 Muslim Defendants must be accepted or rejected 'as a whole', because the pleading is designedly half-truth and it is open to Court to 'separate the grain from the chaff'. The existence of such a temple does not find mention in the earliest independent account of the locality by Tieffenthaler in 1786 although other tell-tale details were recorded as indicated in para 17 above; it would have found mention if it was reputed as a Janmasthan temple. The important aspect of these Pleadings must be appreciated. Besides the above admissions in para 27 of joint WS of the 5 Muslim Defendants, an oral pleading was made by their Lawyer under Order X CPC that Babar erected Babri Masjid on entirely barren/open land over or under which there never existed any structure of any sort. Two of these Defendants are also Co-Plaintiffs in Sunni Board's Complaint filed 10 years later; consequently the admissions made by the Muslim Defendants in OOS 1 of 1989 (written or oral) **are legally binding upon Sunni Board** in OOS 4 of 1989, and they cannot take a case of Kanati Masjid, Eid-gah or other Muslim religious structure underneath DS.*

***VI** Certain nomenclatures which have figured from time to time could call for elucidation. 'Masjid Janmasthan', prima-facie indicates a Masjid which exists at Janmasthan, otherwise it could have been named as 'Masjid Ramkot'. 'Chabutra Janmasthan', which Tieffenthaler mentioned to be indicative of place of birth of Ram and his 3 brothers cannot signify exactly the spot where the 4 brothers could have been born. Dashrath had 3 queens each of whom had*

her own palace. Carnegy's account (1870) mentions that Ramkot, the Fort had 8 royal mansions where dwelt Dashrath and his wives. Obviously, the Chabutra alone could not be the place where Dashrath, his 3 wives could live and give birth to 4 children. That is why Mahant Raghubar Das mentioned in his plaint (1885) that in Ayodhya there was Bhumi Janmasthan containing Chabutra Janmasthan, that he was Mahant of Bhumi Janmasthan and was in possession of Chabutra Janmasthan with a small Temple on it. 'Bhumi Janmasthan' could be the entire Palace situated at Ramkot including the site of DS while for reasons of caution and wisdom, 'Chabutra Janmasthan' could be called as birthplace of Ram. In any case, **the entire area within the parameter of Parikrama was treated by the devotees as hallowed by divinity**, hence worshipped as Bhumi Janmasthan, viz., the disputed area. Indeed, both the Courts in Mahant Raghubar Das' case were persuaded to reject the prayer for erecting a Temple on Chabutra Janmasthan because a Temple could not be allowed to exist in immediate vicinity of Masjid otherwise it could lead to perpetual bloodshed. That is why Hindu devotees/Mahant etc content themselves with calling the Chabutra as Janmasthan while continuing to extend their possession in the Campus and perform worship also inside DS.

**VII** The Archeological Survey of India on the basis of excavation conducted under the orders of the court within the stipulated period in presence of the parties and judge observers submitted its report in accordance with the

*settled norms confirming existence of Hindu religious structures underneath of the disputed structures and existence of divine couple in addition to various finds relating to temple including broken pieces of divine couple. It also found structural activities during post Gupta Rajput period from 7<sup>th</sup> to 10<sup>th</sup> Century A.D. as well as construction of massive structure and walls during 10<sup>th</sup> to 12<sup>th</sup> Century. Some of the walls were seen extending beyond the area excavated by ASI. In addition to existence of 50 pillar bases out of which 4 associated with the earlier structure belonging to Period IV of 11<sup>th</sup> and 12<sup>th</sup> Century A. D. were also reported. The Archeological Survey of India expressed its views that on the basis of excavation conducted on spot and finds of excavation proves existence of massive structure with 3 structural phases and 3 successive floors attached to them is proved. The pillar bases with brick bat foundation below calcrete block also establish the existence of load bearing pillar at the disputed site. It is pertinent to mention here that according to basic principle of civil engineering, the load is distributed on brackets put over the top of the pillar. The disputed structure had no foundation of its own which was constructed on and pre existing structure/ wall i.e. wall no. 16 ( 12<sup>th</sup> Century A. D. ) which too rests over wall No. 17 ( 11<sup>th</sup> to 12<sup>th</sup> Century A. D. ). During excavation by the Archeological Survey of India no feature of habitational activity was found right from Gupta period to early Rajput period. The periodization was done on the basis of archaeological principles which was also confirmed by scientific*

*investigation like carbon dating of various sites. The kind of excavation is indicative of remains of North Indian Temples.*

**VIII** *The contention of plaintiffs that use of lime mortars was started by Muslim Emperors is baseless. It is well established that Choona Surkhi (lime mortars were used by the builder of the disputed structure right from 600 B. C. The excavations at Kausambi Mathura, Karwan (Gujarat) Bhitri (Ghajipur) Nalanda Taxila Ganwaria etc. proves that Choona and Surkhi with lime plaster were commonly used. R.S. Sharma in his book "Perspectives in Social and Economic History of Early India" has expressed similar opinion. Prof. Sharma in his book referring about use of Choona Surkhi at page 181 mentions as under:-*

**IX** *"No background study of trends in the economic history of Mathura can be complete without some idea of the technological factors operating in this Period. There is little doubt that urbanism reached its climax in northern and western India in this period. Several factors contributed to it. One such factor was the change in building methods. At Mathura and Ganwaria in Basti district in north-eastern Uttar Pradesh the flooring was made of brick concrete mixed with lime. This indicates the use of Surkhi which contributed to the stability of structures. Further, baked, tiles for roofing appear in the period at several places in both the Satavahana and Kusana zones including Mathura. These innovations added to the solidity and longevity of urban structures in the early centuries of the Christian era."*

**X.** *Dr. H.C. Bhardwaj – Ex-Professor of History of Technology of B.H.U., in his article titled "Town planning, building and building materials" also expressed similar view and while referring to mortars and plaster expressed his opinion that the earliest use of lime and gypsum comes from Indus civilization.*

**XI.** *Lime mortars have been used at Kausambi from 600 B.C. to A.D. 100. But it may be emphasized that by and large only mud mortar and plaster were used. The results of the chemical analysis (Table 2 and 3) show that the content of sand in the mortar was slightly higher than that in plasters. The average ratio of sand : lime  $\text{Ca(OH)}_2$  is about 1:1, whereas in the case of mortars the average is 2:1. For mortars, probably 2 parts of sand were mixed with one part of slaked lime.*

**XII.** *Lime Plaster from Karwan (Dt. Vadodara, Gujrat) from pre-Gupta levels : From the analysis (Table 4) it is clear that two types of plaster was used. Samples 1 to 4 represent the upper coat of the plaster and 5 to 8 represent lower rough plaster. The former has higher content of lime as compared to the latter. Fine layer was laid and burnished to make it smooth and elegant.*

**XIII** *Lime plaster from Bhitari (Dt. Gazipur, U.P.) (Gupta Period) : shows low grade lime plaster (Table 5) was used at the brick temple of Gupta period. It has sand and lime ratio of 6:1. The red colour of the plaster/mortar is due to the use of ferruginous kankar for preparation of lime.*

**XIV.** *Lime plaster from excavations at Nalanda (7<sup>th</sup>-10<sup>th</sup>*

century A.D.) (Table 6) shows 3 parts of lime (calcium carbonate) and 2 parts of sand. Some of the monasteries are thickly plastered. Jars with dried up mortar and a cell used as a cistern in monastery No. 11 are indicative of the preparation of concrete.

*XV.* Lime plaster from Lingaraj temple at Bhubhaneshwar (Orissa-10<sup>th</sup> century A.D.) (Table 7) shows that lime : silica ratio was 3:1.

*XVI* At Arikamedu lime mortar is reported from historical period. Use of lime is also attested from Hullas Khera (Dt. Lucknow) from Kusan-Gupta levels and from Banagrah (Dt. Dinajpur) where use of lime and Surkhi is known from Gupta and Pala Levels. At Purana Quila lime plastered gutter connected with house drains is reported from levels datable to 8<sup>th</sup> – 9<sup>th</sup> century A.D.

*XVII.* In addition to above excavations at Arikmedu in Pandicherry proves use of like model from early historical period of 1<sup>st</sup> Century A.D. Use of lime is also proved from excavations at Hulaskhera District Lucknow from Kushan Gupta levels.

*XVIII.* It is thus fully established that lime mortar, lime plaster, Surkhi choona were in use in India continuously much before the arrival of Muslims in India. It is well established that lime and surkhi was used prior to 1<sup>st</sup> century B.C. and was in continuous use as such the objection of Sunni Central Waqf Board and others Muslim parties to the effect that lime surkhi made appearance from Islamic period is without any basis and nearly an objection for the shake of objection only.

*XIX. Moreover, on the contrary, there is not a single evidence to prove it otherwise. The objectors have used phrases 'Muslim construction' several times. What is a 'muslim construction'? Islamic architecture or Indo-Islamic architecture are better generic terms. Then the objector says "muslim built domed circular buildings" as an alternative explanation, but it gets self-negated by their own arguments in the next para of their objections.*

*XX. The report of ASI was challenged by the plaintiffs on the grounds that of the other architectural fragments, majority of these come from the dump or fill and were in many cases part of the Babari Masjid (Disputed Structure) walls; only 40 came from stratified contexts. None of which were specific to a temple and are of no significance. It is also stated that the Srivatsa is of Jainism, and Lotus design could be Buddhist but not of Islamic architecture. In this connection it may be mentioned that in early period of Islamic invasion and rule in India several mosques and other religious constructions were raised, in very short period, by the rulers, ruling elites directly or by their orders after destroying existing Hindu temples and other structures. The dressed construction material which recovered from the destruction of temples was freely utilized by the Muslim builders. In such a situation the architecture that resulted by using Indian motifs and decorations in mosques or tombs was termed Indo-Islamic, which evidently not by the choice of the ruler rather perforce of the existing situation. It was more a case of architectural conversion of Hindu temples into Islamic*

*mosques and tombs. The purpose of the construction after destruction was simple-to establish the suzerainty of Islam and terror among the native Indians. This fact was at times boldly advertised too. At Quwwat-ul-Islam mosque near Qutab Minar in Delhi where the inscription very clearly proclaim so Ardhai-din-ka-Jhopara is another example.*

*XXI. So far as Srivatsa is concerned, primarily it is a Vaishnava symbol, representing Laksmi, Consort of Vishnu. Lotus is also, primarily Vaishnava symbol.( Reference may be made by the Dictionary of Iconography)*

*XXII. The objection of the plaintiffs that the octagonal stone block having so-called floral motif has been compared with the used in Dharmachakrajina Vihar at Sarnath. There is not the least similarity between the two. Sarnath is rectangular while Ayodhya one is octagonal on plan. The Sarnath specimen depict motif in slightly low relief while on Ayodhya one it is ni very bold relief.*

*XXIII. There is similarity of decoration and purpose and functional use of the pillar or bases, they are not the exact replicas. The depth of the carved motif is no criteria for dissimilarity. It is after all hand made and that too by possibly different men. The suggested similarity is only for the aforesaid points and in them there is sufficient similarity and enough basis to arrive at a tentative date for the two.*

*XXIV. The objection of the plaintiffs that **Nagari inscription** is not to be dated with any certitude to the 11th century; its time range could be 7th-12th centuries. The Arabic inscription can be dated to 13th century with as*

*much reason as to the 16th century. The decipherment is hasty; it is Siddhmatrika script and should be dated to 7th-12th century. A.S.I. should have itself about the Pala suffix which suggests a possible reference to one of the Pala rulers of Bengal and Bihar.*

**XXV.** *In this connection it may be submitted that the date of 11th century has been reached after comparing the letters and is well researched and not arbitrary as the off-hand conclusion of the Objector. It is an unfounded possibility raised against a well-researched academic conclusion. Baseless arguments.*

**XXVI.** *The Pala suffix to names was not used only by the rulers of Bengal and Bihar. Rajput rulers also used this suffix. Dating of the inscriptions is fine. There is no necessity to draw inferences about some ruler mentioned from the five letter extant broken inscription which not even shows all letters of equal size which should have been there had it been some royal inscription.*

**XXVII.** *The objection of the plaintiff regarding successive structural activities is baseless. It may be submitted that there is some difference in the "first" and "successive" structural activities. The structural activity noticed in the early part of the Sunga level does not have any evidence continued in the succeeding phase of the Sunga level itself. It is definitely the first activity witnessed and exposed by the excavation.*

**XXVIII.** *Where as in the Kushan level the structures that are build continue in the succeeding phases and periods without any appreciable break. Learned counsels*

*are expected to appreciate the difference between the two statements.*

*XXIX. In the Tentative Periodization and Schematic Cross Section the trenches included do not belong to southern area nor there is any reference to the southern trenches. The Schematic Cross Section is west to east. It is gross misrepresentation of the facts to mislead the Court. The conclusion regarding the gradual building of partition wall and the enclosure wall is based on hard archaeological facts.*

*XXX. Most of the burial were found in the northern side out side the enclosure wall and were sealed by layer one, while on the south side the pit line of the one burial excavated was open to surface which also lies outside the enclosed area.*

*XXXI. The objection of the plaintiff that ASI has distorted evidence to suit its temple theory is shown by its treatment of mihrab (arched recess) and taq (niche) found in the western wall, which it turns into features of its imagined temple. The objection of the plaintiff is nearly for the shake of the objection to criticize the report only. During excavation recessed niches where found which have been detailed on page 68 of the report. The report described as under:-*

*XXXII. "At an interval of 4.60 m in the inner side of the wall 16 in its first phase of construction two recessed niches were found 0.20 m deep and 1.0 m wide along the face of the wall and 0.78 m wide at its deeper side with 0.02 m thick lime plaster in trenches E6 and E7. The niche*

*in E6 was exposed while the niche in E7 was found attached with the E7-E8 baulk. A similar niche was found in ZE2 in the northern area with same dimensions (Pl. 49). All of these three niches were closed during the second phase of construction when the floor level was raised and wall was raised above the ten original courses."*

**XXXIII.** *It is merely the physical description of the three "recessed niches" devoid of any suggestions or relationship, even tentative. Even the "Summary of Results" does not speak about the alleged distortions; there is no turning of these 'recessed niches' into 'features of (its) imagined temple'. However it may be noticed that temples do have niches both inside and outside its walls where subsidiary idols or images are placed.*

**XXXIV.** *So far plaintiff objection regarding mihrabs or Taq are concerned it must be noted that ASI did not used any of these expression rather simply mentioned "recessed niches". Plaintiffs have..... that expression to mean mihrab or taq. No such evidence was found during excavation as could have indicated that these three niches in wall No. 16 had any are indeed all these niches where closed during the operation of raising the floor level above to original brick courses have scraped attention of ASI when the closer of operation was notice.*

**XXXV.** *No "Taq" has been found during the excavation. Professor R. Nath, Retired Professor & Head of the Department of History and Indian Culture, University of Rajasthan, Jaipur, referring to the niche found in excavation at Ayodhya expressed his opinion*

*which was published in History Today (An archeological general) part 4 of 2003. According to him the lower part of a recessed niche has been discovered in the recent excavations at Ayodhya (The ASI report 2002-2003 , submitted to the High Court Allahabad, Plate -49: "A Niche in the north-south oriented brick walls" TR-ZE2) (Plate-1 herewith). It is built of brick masonry which was plastered over. Its plan is rectangular with a single recess (offset) making a Karnika (corner) in it. Its floor is also of brick and it is there courses (of brick masonry) higher than the floor-level of the room on which it opens, and of which it is a part.*

**XXXVI.** *According to objections wall No. 16 belongs to a pre Mughal open Kanti Mosque or Idgah. Fundamentally this claim must be thrown out of consideration because none of the Plaintiffs or objectors even pleaded that disputed structure was even erected over a pre-existing Kanti Mosque or Idgah. They did not even argued their pleading after ASI examination. A Kanti ( so called ) because it has a kanat i.e. a curtain. Mosque or Idgah has no niches. It is a straight plain wall.. In India, such an open "curtain" mosque which does not have a "Liwan" (prayer-hall) or any other paraphernalia attached to it, and is just a wall, has 5 or 7 or 11 arches, as a rule and a single arch cannot make-up a "Qanati" mosque. Technically, it is an arcade and such arcade- walls were build in Idgahs and graveyards for facilitating "Fatiha" prayer, during the whole medieval period (1192-1803 A.D.). A single arch, even if it was there, cannot be branded*

a "Qanati" mosque or "Idgah" and his claim shows that he is not, at all, conversant with the subject.

**XXXVII.** Equally important is the fact. Secondly, that a "qiblah-mihrab" (an arch in the centre of the western wall of a tomb or mosque, denoting the direction of the Ka'bah) is an arch, roofed by a half-cup shaped vault, both of which have tremendous lateral thrust. Hence, stone nook-shafts are invariably used on the corners of such a mihrab, as are there in the mosques of Jaunpur and Delhi (of the Sultanate period, 1192-1526 A.D.), for example, without any exception. But lithic nook-shafts are not there on the corners of this niche. It is architecturally inconceivable to build an arch, roofed by a vault, in a brick masonry without stone nook-shafts, and if stone nook-shafts are not there to take the load, and counter the lateral thrust of the arch and vault, there cannot be a mihrab. Structurally therefore, there was no arch or vault, and it was just a single, rectangular niche – which is what the ASI Report says.

**XXXVIII.** It has also to be noticed, thirdly, that the floor-level of this niche is three courses higher than the floor-level of the room on which it opens. This is possible only when it was made as a niche or "alaya" for placing an image, or for a similar other purpose. The mihrab and the Liwan (sanctuary or prayer-hall of a mosque) are always and without any exception, built on the same floor-level, and there is not a single example where a mihrab is built on a higher level as a niche for keeping things. Hence this cannot be identified as a mihrab in any case.

**XXXIX.** A perusal of the objection filed by the SCBW

*makes it clear that the objection has been filed on baseless and concocted facts and no material evidence has been produced by the opposite parties in support thereof. The SCBW in support of its objection has examined as much as seven witnesses out of which six witnesses namely Prof. Suraj Bhan (PW-16), Prof. Dhaneshwar Mandal (PW-24), Dr Jaya Menon (PW-29), Dr R.C. Thakran (PW-30), Dr Ashok Dutta (PW-31), Dr Supriya Verma (PW-32) are said to be experts of excavation. But a scrutiny of the cross examination of these witnesses makes it clear that except Prof. Suraj Bhan none of them has any experience of field archaeology. Prof. Suraj Bhan, who has conducted some excavations as mentioned by him in his affidavit, made it clear during cross examination that the reports of the alleged excavation have not been published so far.*

***XL.** The plaintiffs of O.O.S. No. 5 of 1989 have examined Dr. R. Nagaswamy, a renowned archaeologist and expert of temple architecture who is a retired director of ASI and had appeared as an expert archaeologist for and on behalf of Government of India in a case pending before London courts. The highest court of London recognised him as an expert archaeologist and based its judgment on his evidence. Dr. R. Nagaswamy has supported the report of ASI and proved the same to be correct and trustworthy.*

***XLI.** In addition to him Dr R.D. Trivedi who was also director in ASI and is an expert of temple architecture of North India has also been examined by the plaintiffs of O.O.S. No. 5 of 89 who on the basis of discoveries made during excavation by ASI has proved the existence of a*

*Nagar style Hindu temple then prevalent in Northern India. EW. Shri A.K. Sharma has also been examined by the plaintiffs of O.O.S. No. 5 of 89 who is undisputedly a field archaeologist and has carried on various excavations and is still carrying on excavation work and the reports of his excavation have been published in various journals.*

*XLII. Dr Rakesh Tiwari, director, U.P. State Archaeology, has been examined by the plaintiffs in support of their case. It may be mentioned here that at the time of leveling near the disputed site in June 1992, plenty of artifacts relating to Hindu temple were found near the disputed site. Dr Rakesh Tiwari in his official capacity as director has prepared a list of 263 artifacts relating to Hindu temple and has proved before the court that the artifacts found at the time of leveling prove existence of a big Hindu religious structure at the site. A perusal of the list prepared and filed in the court proves the same to be temple artifact. In addition to the above, inscriptions written in Nagari script, images of Ganesh, Lakshmi, Sadanand and Vrishabh, etc., further prove existence of Hindu temple on spot.*

*XLIII. It is pertinent to mention that the leveling work was conducted under the control and supervision of Govt. of U.P. under strict security through Government agency and the listing of artifacts found on spot and their preservation was done by the State archaeological department. The artifacts so found on the spot were tendered as evidence and are still in the custody of courts. During excavation also plenty of artifacts relating to temple structure were found as reported by ASI in its report*

*duly confirmed by all the witnesses including the ones examined by the SCBW.*

*XLIV. The Report of the Archaeological Survey of India also makes it clear that there existed temple like structure underneath the disputed structure as well as evidences of demolition of pre-existing Hindu temple are at the disputed site. It will not be out of place to mention here that before demolition of disputed shrine the artifacts recovered at the time of leveling by the Government agency also establish existence of a huge temple/religious structure in the periphery of the disputed area. The existence of temple before the construction of the disputed structure is established during excavation particularly wall No. 16 and 17 which are undisputedly prior to the construction of the disputed structure. The shape, size, length and continuity of the wall on western side in south north orientation coupled with pillar bases intervening floor 2 and 3 and also of the pillar bases of the northern side are admitted by the plaintiff.*

**3992.** Sri Pandey summarized his argument on this aspect submitting that the following facts established pre-existence of Hindu temple before construction of the disputed structure at the site in dispute.

*I. The disputed structure had no foundation of its own (Refer Wall No.5, 16 and 17). Admittedly the wall No.5 was raised on wall No. 16 which is much prior to the disputed structure, i.e., relating to old temple structure. It is also apparent and established that wall No. 16 which is resting on wall No. 17 belong to pre-existing structure and are*

about. .... wide whereas wall No.5 is about ..... wide, much lesser than the wall No. 16 and 17. Wall No.5 is not in continuation of wall No. 16 and is lying over the wall No. 16. Wall no. 16 and 17 are much longer than wall No.5. The existence of wall No. 16 is much more than 50 metres because the ending point of the wall was not discovered during excavation.

II. The in-situ existence of Makar Pranal in wall No. 5 proves that the temple materials were re-used for construction of disputed structure. It is noteworthy that existence of Makar Pranal has all along been admitted by the plaintiff and their witnesses.

III. Scientific analysis of the plasters used in the wall of preexisting structure, observations and examination of wall No. 1-15 proves that **materials used in wall No. 16, 17 onwards are much superior to the walls of the disputed structure, i.e. 1-15** wherein brick bats, and re-used material have been used.

IV. The construction of wall Nos. 1-15, i.e., its structure and texture, material used, etc., proves that the walls of the disputed structure were constructed hurriedly by re-using material of the earlier structure even without any foundation as is evident from the use of brickbats and broken bricks used in the wall which prima facie establishes demolition of pre-existing temple.

V. Existence of pillar bases on all the floor without pillar found during excavation including pillar bases found in the section of the trench further proves that the disputed structure was constructed after demolishing the temple

*including pillars and after general levelling of the disputed structure was constructed.*

*VI. The existence of pillar bases in the northern side admitted by the Plaintiff as pillar bases beyond the disputed site with foundation further proves existence of huge pre-existing religious structure extending to much more area in northern side. It is pertinent to mention that bases of the pillars were not removed whereas pillar bases found in the southern and eastern side of the makeshift structure shows existence of similar foundation of pillar bases with removal of bases.*

*VII. Pillar bases have been found below the floor level of the structure. The pillar bases No. 29, 32, 34, 35 further prove demolition of the pre-existing temple structure as is evident from perusal of the report at page No. 52 and plates 30 and 45 of the Archaeological Survey of India Report Vol. II. Figure 3 B of ASI Report Vol. I shows nine pillar bases have been exposed below the wall and floor of the disputed structure numbered as pillar base Nos. 22, 23, 25, 28, 29, 31, 32, 34 and 35. The existence of these pillar bases below the disputed structure particularly in courtyard establishes existence of temple before construction of the disputed structure.*

*VIII. 20 line inscription recovered from the wall of the disputed structure at the time of its demolition also proves existence of temple in 12th century AD, i.e., prior to construction of the disputed structure.*

*IX. Recovery of 20 line inscription on 06.12.1992 from the debris of the disputed structure proves that the same*

*was reused in the construction of the disputed structure.*

*X. Circular shrine which dates back to 4th-6th century admitted by the plaintiff proves existence of huge temple like structure on spot much before the construction of the disputed structure.*

*XI. The 11th century inscription found from the debris of trench No. J-3 at a depth of 5.75 metres below the floor level of the disputed structure indicates existence of temple below the disputed structure as reported by ASI in its report Vol. 1 at page 204, 205 and Fig. 22 as well as Pl. 137 of the report Vol. II. It is noteworthy to mention that such decorated inscriptions are always found in temple/Hindu religious structures and are never found in the residential buildings. A perusal of the behaviour of debris as shown in Fig. 22 marked as layer No.5 and 6 of trench No. J-3 also indicates that the same was created due to demolition of the temple. The lower level of the layer as shown in Fig. 22 establishes that the boulders obviously came from the demolished temple in accordance with a theory of gravitation.*

*XII. Archaeological finds like Kopot Palli, Amalak decorated bricks, decorated stone slabs in wall No.5 and 17, Srivatsha, earthen lamp below the floor of the disputed structure, Garuda Dhvaj (the pit made for erecting the Garuda Dhvaj in front of the Garbhagriha - a salient feature of northern Indian temples) shown in Pl. No. 59, 60, 63 and pit of Garuda Dhvaj in front of sanctum sanctorum*

*further confirms the pre-existence of temple on the disputed site.*

*XIII. A perusal of artifacts found during excavation as shown in Plate nos. 5, 22, 23, 24, 25, 26, 29, 30, 36, 50, 51, 52, 53, 54, 55, 62, 64, 65, 66, 67, 81, 82, 83, 87, 88, 89, 90, 93, 95 prima facie establishes pre-existing temple/temple-like structure.*

*XIV. Under any circumstances above referred artifacts may neither form part of Islamic structure nor could be used in non-religious structure. Existence of divine couple as shown in plate No. 235 and the circular shrine undisputedly proves existence of temple on spot.*

*XV. At the site in question (Rama Janma Bhumi/Baburi Masjid) right from the virgin soil, beginning with the circular Shiva Shrine up to the working floor of the disputed structure only religious structural remains associated with antiquities of religious nature have been found. The continuous nature of 10.80 meter thick deposit accounts for nine cultural periods beginning from N.B.P. level of 6<sup>th</sup> Century B.C. to 15<sup>th</sup> Century A.D. and clearly indicate that the site was never abandoned and was never used for habitational purpose. At the site four working floors have been exposed. From Floor # 3, there is a radio carbon date  $910 \pm 70$  A.D. (calibrated 900 – 1030 A.D.). This well-scientifically dated floor is below the Floor # 2 with which 50 pillar bases are associated. Over Floor # 2 is Floor # 1, i.e., the floor of the mosque. Floor # 2 with which 50 pillars bases of Mandapa are associated is evidently the floor of the temple which was demolished.*

*Typical habitational deposits such as soakage pits, ring wells, drainage system, etc., of Indo-Gangetic plain were never found (A. Ghosh – Encyclopaedia of Archaeology, Pages 134-135). When one temple fell into disuse either due to natural calamity or natural decay, immediately new religious structure was raised.*

**XVI.** *The act of continuous raising of structures only of religious nature at the site clearly indicates that the people had memory of a happening of very important nature in the distant past at the site. At the site there is no stratigraphical gap or any hiatus.*

**XVII.** *While demolishing the standing temple in 1528 A.D., Mir Baqi was well-aware of the sacred and religious importance of the site and he thought it proper to raise only a religious structure, i.e., a mosque, right over the demolished temple and did not leave it for people to occupy for habitational purpose.*

**XVIII.** *The evidence of existence of a temple in 1528 A.D. is clear from the plan of the structural remains which show Garbha Grih (where presently Ram Lala is located), Ardha-Mandapa and wide Mandapa along with Pushkarini on the North-East corner, very wide walls and even damaged structural parts of earlier temples and religious members of the last temple used in the walls of the mosque. This use of members of religious nature in their construction could be done only by persons of other faith.*

**3993.** Sri Pandey also sought to summarize his arguments on the question of demolition as under:

*I. The Mosque was built right over the walls of the*

*demolished earlier structure, i.e., temple after levelling them. No independent foundations were laid for the mosque.*

*II. In a hurry to raise the mosque, self-same material, i.e., bricks and stones of the demolished structure were used which is evident from the fragmentary nature of bricks. No full bricks have been found in the walls of the mosque. Secondly, the size and texture of the bricks (wherever length and width are available separately) tally with the size of bricks used in the demolished temple. Normally, structures of different periods have bricks of different sizes and texture. In Wall No. 15 of the mosque, many members of the temple like Makar Pranal, etc., have been used.*

*III. As right over the working floor of the demolished temple, the floor of the mosque has been laid, it shows continuous action of demolition and construction. There was no marked evidence of time gap, i.e., both the works were done by the same agency.*

*IV. In some rudimentary pillars of floor 2, signs of demolition are visible. In spite of cleaning the demolished structural remains, broken pieces of bricks, stones and other structural members were found scattered.*

**3994.** Another attempt was made by the learned experts of plaintiffs (Suit-4) by suggesting that historically they do not find any evidence that the muslim Rulers were indulged in destroying temples of idolaters and therefore a presumption that an existing temple was demolished for construction of the disputed structure should not be formed. Though it would not

have been necessary for us to tell positively that there existed a massive temple structure which was demolished by someone and thereafter the disputed structure was raised for the reason that for our purposes it was sufficient that the disputed structure has been raised on an erstwhile building of a religious nature which was non-Islamic but the kind of statement, which has been given by so many experts appearing on behalf of the plaintiffs (Suit-4) to justify their stand that temples in past were never demolished by the then muslim Rulers or invaders from Persia etc. is so blatant lie that we are reluctant to ignore it without referring to some well known historical record on these aspects particularly some of which have been written by the Muslim writers themselves.

**3995.** Sri Jilani referred to the statement of the Expert witnesses where they have said that the Mughal Emperors before Aurangzeb were not against the idolaters or idol worship and there does not exist any historical record to suggest that they demolished any Hindu temple and constructed mosque or other Islamic religious structure. Even for the Muslim Rulers or invaders before Mughals as also Aurangzeb and subsequent once it is suggested that the act of a few such demolition of temple attributed to Mahmood Gazani or Khilji's or Aurgzeb etc., was not on account of any hatred on their part against idol worshippers or for spread of religion of Islam but more on account of economic reasons since these places i.e. Hindu temples etc. had lot of wealth and for looting the said wealth those attacks were made. He also referred to certain documents constituting historical record etc. to show that neither Babar entered into such activities nor others.

**3996. Exhibit 48 (Suit-5) (Register 20, page 129)** contains a photocopy from “Memoirs Zehir-Ed-Din Muhammed Baber; Emperor of Hindustan” written by himself in the Chaghatai Turki and translated partly by John Leyden and partly by William Erskine with Notes and a Geographical and Historical Introduction published in 1807 at London. It has frontispiece and pages number 378, 379, 380 and 381 of the said book. On pages 381 of the book (paper no. 107C1/68) it deals with the description when Baber reached near Ayodhya:

*“We were still a march or two from Oudh, when a messenger arrived from Chin Timur Sultan, with intelligence that the enemy were encamped on the other side of the Siru, and that he would require to be reinforced. I dispatched to his assistance a thousand of the best men from the centre, under the command of Kazak. On Saturday, the 7<sup>th</sup> of Rajeb, I encamped two or three Kos above Oudh, at the junction of the Gogra and Siru. Till that day, Sheikh Bayezid had kept his station, not far from Oudh, on the other side of the Siru. He had sent a letter to Sultan, for the purpose of overreaching him. Sultan having discovered his insincerity, about noon-day prayers sent a person to call Karacheh to his assistance, and begun to make preparations for passing the river. When Karacheh had joined Sultan, they passed the river without delay. There were about fifty horse, with three or four elephants, on the other side, who, being unable to stand their ground, took to flight. Our people brought down some of them, and cut off their heads, which they sent me. Bikhub Sultan, Terdi Beg, Kuch Beg, Baba Chihreh, and Baki Shaghawal,*

*passed the river after Sultan. Those who had passed over first, continued till evening prayers in pursuit of Sheikh Bayezid, who threw himself into a jungle, and escaped. Chiu Timur Sultan having halted at night by a pool, mounted again about midnight, and renewed his pursuit of the enemy. After marching forty kos, he came to a place where their families and baggage had been, but they were already in full light. The light force now divided itself into different bodies, Baki Shaghawel with one division, following close upon the enemy, overtook their baggage and families, and brought in a few of the Afghans as prisoners.*

*I halted some days in this station, for the purpose of settling the affairs of Oudh and the neighboring country, and for making the necessary arrangement. Seven or eight kos above Oudh, on the banks of the river Siru, is the well-known tract called the Hunting-ground. I sent Mir Muhammad Jalehban to examine the fords of the rivers Gagra and Siru, which he did. On Thursday, the 12<sup>th</sup>, I mounted, to set off on a hunting party.”*

**3997. Exhibit 15 (Suit-5) (Register 20, pages 139-143)** contains photocopies of frontispiece and pages no. 332 and 333 of “Memoirs Zehir-Ed-Din Muhammed Baber; Emperor of Hindustan” translated by John Leyden and William Erskine (Annotated and Revised by Sir Lucas King) published in 1921 in two Volumes by Oxford University Press. It also contains the verbatim description as we have referred to from Exhibit 48 (Suit-5) at paper no. 107C1/68.

**3998. Exhibit 62 (Suit-4) (Register 12, page 367 to 405)** is a

copy of an article/ letter/ report said to be submitted by Sri R.S. Sharma, M. Athar Ali, D.N. Jha, Suraj Bhan under the title "Ramjanambhumi-Baburi Masjid A Historians Report to the Nation" along with the covering letter dated 13.5.1991 addressed to Sri Subodh Kant Sahay, Minister of State for Home, Government of India, New Delhi. A perusal of the letter and report shows that it contains signatures of only three persons, i.e., Sri R.S. Sharma, M. Athar Ali and Suraj Bhan. Sri D.N. Jha has not signed the said report.

**3999. Exhibit A-10 (Suit-4) (Register 16, pages 65-78)** is photocopy of Appendix-A list of sacred places in and about Ayodhya from the Book "A Historical Sketch of Tahsil Fyzabad, Zillah Fyzabad" by P.Carenegy.

**4000. Exhibit 90 (Suit-4) (Register 16, pages 156-162)** contains the photocopy of the title page and pages no. 51 to 53 and 62 to 65 of the book "**The Disputed Mosque-A Historical Inquiry**" by Sushil Srivastava published in 1991 by Vistaar Publications, New Delhi. The author of this book himself has appeared as witness, i.e. PW 15 and the book itself has been produced before the Court.

**4001. Exhibit 92 (Suit-4) (Register 16, pages 168-181)** contains the title page, preface, index and pages no. 12 to 34 of the book "Mughal Empire In India" by Prof. S.R. Sharma, Eleventh Edition published by Laksmi Narain Agarwal Educational Publishers, Agra. The author on page 15 of the book has given reason of Babar's invasion to India as under:

*"The great advantage of Hindustan, "Babar was aware, "besides its vast extent of territory, is the amount of gold, coined and uncoined, which may be found there." To Hindustan, therefore, he turned his wistful attention when,*

*after the conquest of Kabul, he left the need for supplies"*

**4002. Exhibit 15 (Suit-5) (Register 20, pages 139-143)** contains photocopies of frontispiece and pages no. 332 and 333 of "Memoirs Zehir-Ed-Din Muhammed Baber; Emperor of Hindustan" translated by John Leyden and William Erskine (Annotated and Revised by Sir Lucas King) published in 1921 in two Volumes by Oxford University Press. It also contains the verbatim description as we have referred to from Exhibit 48 (Suit-5) at paper no. 107C1/68.

**4003.** Sri Jain and other counsels on the contrary refuted the above arguments vehemently and referred to other documents as are:

**4004. Exhibit J-6 (Register 13, page 47-51)** is the photocopy of History of Oudh (Amir Ali Shaheed or Marke-e Hanuman Garhi) by Sheikh Mohammad Azmat Ali Kakori written by Sheikh Mohammad Azmat Ali Kakori published by Markez Adab Urdu Shahganj, Lucknow.

**4005. Exhibit J-10 (Suit 4) (Register 13, page 53-55 and 125)** is photocopy of the page no.71 of Fasanah-E Ibrat by Mirza Rajab Ali published by Marke Adab Urdu, Shahganj, Lucknow.

**4006. Exhibit J-31(Register 13, page 57)** is a copy of page No.324 Holy Quran-majeed by Maulana Saeed Farman Ali published by Matbua-e Nizami Press, Victoria Street, Lucknow.

**4007. Exhibit 87 (Suit-4) (Register 16, pages 1-6)** contains the title page, index and contents of pages 207, 218 and 221 of "History of India As Told By Its Own Historians" Vol. 6 by H.M. Elliot and John Dowson. It is part of the Chapter LI titled as "Tarikh-I-Firishta of Muhammad Kasim Hindu Shah, Firishta". As we know the above book contains the English translation of various manuscripts written in Persian, Arabic,

Urdu etc. as collected by Sir H.M. Elliot while he was in India. **"Tarikh-I-Firishta"** is work of **Mohammad Kasim Hindu Shah** who is said to be born in 1550 or 1570. Initially, he was in patronage of Murtaza Nizam Shah at Ahmadnagar wherefrom he proceeded to Bijapur sometimes in 1589 A.D. which was in the reign of Ibrahim Adil Shah. Later on, the King presented to him a copy of *Rauzatu-s Safa*, remarking that no competent person had hitherto written a general history of Muhammadans in India, except Nizamuddin Bakhshi though his work was too brief and imperfect, especially as concerned the Dakhin (south). The *Firishta* wrote history but it is quite imperfect about Indian history previous to Muhammadan invasion. He died probably in 1660. His book contains 12 chapters the details whereof have been given on page 209 of Vol. VI of the said book (The entire set of "The History of India as Told By Its Own Historians" is available to the Court and, therefore, instead of confining ourselves to the pages filed by the plaintiffs (Suit-4), we have gone through the book and have taken the contents therefrom. The translation of the book has been done by General Briggs. It is said by Elliot and Dowson on page 216/217 that General Briggs procured a copy of *Firishta* in Persian which contains several valuable annotations and corrections. This copy was carefully collated with several others. Chapter I commences with "Mahmud of Ghazni" and his attack on Anundpal, Raja of Lahore at AH 399 (A.D. 1008). At page 221, it deals with Firoz Shah Tughlik. The above pages have been placed on record to show that the Muslims came to India as long back as with the start of A.D. 1000 and odd and it is not Babar, who for the first time laid the foundation of the Muslim Emperor in the then

Hindustan. The learned counsel for the other side, however, drew out attention to page 227 last five lines:

*"Some historians state, that Sultan Feroze Shah Barbek on this occasion broke the idols of Nagrakote, and mixing the fragments with pieces of cow's flesh, filled bags with them, and caused them to be tied round the necks of Brahmins, who were then paraded through the camp."*

**4008.** Exhibit 88 (Suit-4) (Register 16, pages 7-12) are photocopies of the title page, index and pages no. 218, 239, 339 and 434 of the "The History of India As Told by Its Own Historians", Vol. 4 by H.M. Elliot and John Dowson. Page 218 and 239 are the extract of Chapter XXVIII, Tuzak-I-Babari or Wakiat-I-Babari, the Autobiography of Babar. In the Book, this Chapter runs from page 218 to 287. Page 239 shows that in the last but successful invasion, Babar proceeded to India on 17<sup>th</sup> November, 1525 (AH 932). Page 339 (Paper No. 244C1/5 is part of Chapter XXXII "Tarikh-I-Sher Shahi or Tuhfat-I-Akbar Shahi of Abbas Khan, Sarwani". This work is probably composed after AH 987 (AD 1579). It appears that the author was connected by marriage with the family of Sher Shah. We find no assistance from the said document for the purpose of this matter except that for some time, Sher Shar (Sher Khan) defeated the Mughals to take over the right of kingdom of Bengal and Bihar.

**4009.** Page 434 (Paper No. 244C1/6) is extract of Chapter XXXIII "**Tarikh-I-Daudi of 'Abdulla**" who has commenced his work with the reign of Bahlol Lodi alleging that he was the first King of the Afghan dynasty and brought down to reign of Muhammad Adali Sur and Daud Shah alleging them as last

Rulers of that reign. Learned counsel for the other side drew our attention to pages 466 and 467 narrating the reign of Sultan Sikandar Ghazi (Sikandar Lodi):

*"He founded masjids throughout all his dominions, and appointed a preacher, a reader, and a sweeper to each; to all of whom he gave regular stipends." (Page 446)*

*"He allotted lands to the infidels who submitted to the followers of Islam in their respective countries; and whoever rebelled or was contumacious, was considered guilty of treason, and was either slain or banished.*

*He was so zealous a Musulaman that he utterly destroyed divers places of worship of the infidels, and left not a vestige remaining of them. He entirely ruined the shrines of Mathura, the mine of heathenism, and turned their principal Hindu places of worship into caravanserais and colleges. Their stone images were given to the butchers to serve them as meat-weights, and all the Hindus in Mathura were strictly prohibited from shaving their heads and beards, and performing their ablutions. He thus put an end to all the idolatrous rites of the infidels there; and no hindu, if he wished to have his head or beard shaved, could get a barber to do it. Every city thus conformed as he desired to the customs of Islam." (Page 447)*

**4010. Exhibit 89 (Suit-4) (Register 16, pages 13-20)** are the photocopy of title page, index and pages no. 284, 285, 389, 476 and 477 of the "History of India As Told by Its Own Historians" Vol. 3 by H.M. Elliot and John Dowson. Pages 284 and 285 are the extract of Chapter XVI "Tarikh-I-Firoz Shahi of Shama-i-Siraj, "Asif". This work is devoted exclusively to the

reign of Firoz Shah. The author claims to be attached to the Court of Firoz Shah and accompanied him on his hunting expeditions. The two pages show the reign of Firoz Shah at Delhi.

**4011.** Page 389 is extract of Chapter XVIII "Malfuzat-I Timuri or Tuzak-I- Timuri' The Autobiography of Timur". The original work was written in Chaghatai Turki language, translated into Persian by Abu Talib Husaini, and dedicated to Emperor Shah Jahan, who began to reign in A.D. 1628. Timur came to India sometime in the end of 14<sup>th</sup> century. It is not necessary to deal into his invasion in detail since it is also a story of invasion with the object of loot and destruction of idolaters which is evident from the following extract:

*"About this time there arose in my heart the desire to lead an expedition against the infidels, and to become a ghazi; for it had reached my ears that the slayer of infidels is a ghazi, and if he is slain he becomes a martyr. It was on this account that I formed this resolution, but I was undetermined in my mind whether I should direct my expedition against the infidels of China or against the infidels and polytheists of India. In this matter I sought an omen from the Kuran, and the verse I opened upon was this, "O Prophet, make war upon infidels and unbelievers, and treat them with severity."*

*My great officers told me that the inhabitants of Hindustan were infidels and unbelievers. In obedience to the order of Almighty God I determined on an expedition against them, and I issued orders to the amirs of mature years, and the leaders in war, to come before me, and when*

*they had come together I questioned the assembly as to whether I should invade Hindustan or China, and said to them, "By the order of God and the Prophet it is incumbent upon me to make war upon these infidels and polytheists." throwing themselves upon their knees they all wished me good fortune. I demanded of the warrior chieftains whether I should direct my expedition against the infidels of Hindustan or China. At first they repeated fables and wise sayings, and then said, in the country of Hindustan there are four defences, and if any one invading this extensive country breaks down there four defences, he becomes the conqueror of Hindustan.*

*The first defence consist of five large rivers, which flow from the mountains of Kashmir, and these rivers unite in their course, and passing through the country of Sind, flow into the Arabian Sea, land it is not possible to cross them without boats and bridges. The second defence consists of woods and forests and trees, which, interweaving stem with stem and branch with branch, render it very difficult to penetrate into that country. The third defence is the soldiery, and land holders, and princes, and Rajas of that country, who inhabit fastnesses in those forests, and live there like wild beasts. The fourth defence consists of the elephants, for the rulers of that country in the day of battle equipping elephants in mail, put them in the van of their army, and place great confidence in them, and they have trained them to such a pitch that, lifting with their trunks a horse with his rider, and whirling him in the air, they will dash him on the ground.*

*Some of the nobles said in reply that Sultan Mahmud Subuktigin conquered the country of Hindustan with 30,000 horse, and established his own servants as rulers of that region, and carried off many thousand loads of gold and silver and jewels from that country, besides subjecting it to a regular tribute, and is our amir inferior to Sultan Mahmud P No; thanks to Almighty God, to-day a 100,000 valiant Tatar horsemen wait at the stirrup of our amir; if he determines upon this expedition Almighty God will give him victory, and he will become a ghazi and mujahid before God, and we shall be attendants on an amir who is a ghazi, and the army will be contented and the treasury rich and well filled, and with the gold of Hindustan our amir will become a conqueror of the world and famous among the kings of earth.*

*At this time the prince Shah Rukh said: "India is an extensive country; whatever Slultan conquers it becomes supreme over the four quarters of the globe; if, under the conduct of our amir, we conquer India, we shall become rulers over the seven climes." He then said: "I have seen in the history of Persia that, in the time of the Persian Sutans, the King of India was called Darai, with all honour and glory. On account of his dignity he bore no other name; and the Emperor of Rome was called Caesar, and the Sultan of Persia was called Kisra, and the Sultan of the Tatars, Khakan, and the Emperor of Chine, Faghfiur; but the King of Iran and Turan bore the title of Shahinshah, and the orders of the Shahinshah were always paramount over the princes and Rajas of Hindustan, and praise be to*

*God that we are at this time Shahinshah of Iran and Turan, and it would be a pity that we should not be supreme over the country of Hindustan." I was excessively pleased with these words of Prince Shah Rukh. Then the Prince Muhammad Sultan said: " The whole country of India is full of gold and jewels, and in it there are seventeen mines of gold and silver, diamond and ruby and emerald and tin and iron and steel and copper and quicksilver, etc., and of the plants which grow there are those fit for making wearing apparel, and aromatic plants, and the sugar cane, and it is a country which is always green and verdant, and the whole aspect of this country is pleasant and delightful. Now, since the inhabitants are chiefly polytheists and infidels and idolaters and worshipers of the sun, by the order of God and his prophet, it is right for us to conquer them.*

*My wazirs informed me that the whole amount of the revenue of India is six arbs; now each arb is a 100 kror, and each kror is a 100 lacs, and each lac is a 100,00 miskals of silver. Some of the nobles said, "By the favour of Almighty God we may conquer India, but if we establish ourselves permanently therein, our race will degenerate and our children will become like the natives of those regions, and in a few generations their strength and valour will diminish." the amirs of regiments (kushunat) were disturbed at these words, but I said to them, "My object in the invasion of Hindustan is to lead an expedition against the infidels that, according to the law of Muhammad (upon whom and his family be the blessing and peace of God), we*

*may convert the true faith the people of that country, and purify the land itself from the filth of infidelity and polytheism; and that we may overthrow their temples and idols and become ghazis and mujahids before God." They gave an unwilling consent, but I placed no reliance upon them. At this time the wise men of Islam came before me, and a conversation began about the propriety of a war against infidels and polytheists; they gave it as their opinion that it is the duty of the Sultan of Islam, and all the people who profess that "there is no god but Allah, and Muhammad is the prophet of Allah," for the sake of preserving their religion and strengthening their law, to exert their utmost endeavour for the suppression of the enemies of their faith. And it is the duty of every Muslim and true believer to use his utmost exertions in obedience to his ruler. When the edifying words of the wise men reached the ears of the nobles, all their hearts were set upon a holy war in Hindustan, and throwing themselves on their knees, they repeated the Chapter of Victory.*

*When I girded up my loins for the expedition, I wrote to Hazrat Shaikh Zainu-d din to the effect that I had determined on a religious expedition to Hindustan. He wrote in the margin of my letter: "Be it known to Abu-l Ghazi Timur (whom may God assist) that great prosperity in this world and the next will result to you from this undertaking, and you will go and return in safety." he also sent me a large sword which I made my sceptre.*

*In the meanwhile there came a petition from the Prince Pir Muhammad Jahangir, from the confines to*

*Kabulistan, the government of which country, from the boundaries of Kunduz and Bakalan and Kabul and Ghazni and Kandahar, was vested in him. When I looked at this petition it was thus written: "Since, according to your order, I arrived in this country, I have acted towards all the people conformably to the exalted order and wisdom-increasing counsels of the great king. When I had satisfied my mind with the conquest and settlement of this kingdom, I turned my thoughts towards the acquisition of some of the provinces of Hindustan. I enquired concerning the condition of that country, and received the following account: that the city of Dehli is the capital of the sovereigns of India, and after the death of Sultan Firoz Shah, two brother among his nobility, of whom one was named Mallu and the other Sarang, becoming very powerful, established their independence, giving the nominal sovereignty to one of the sons of Sultan Firoz Shah, by name, Sultan Mahmud, they kept the real power in their own hands, and virtually governed the empire. Mallu, the elder brother, lives at Dehli, about the person of Sultan Mahmud, and Sarang is established in the city of Multan, for the protection of that country. When I became acquainted with these matters, acting according to the practice of the great king, I wrote a letter and sent it to him (Sarang) by an ambassador, purporting that since the fame of the victories and conquests, and of the extensive empire of the great king is spread all over the world, it is certain that it must have reached him also. The great king has appointed me to the government of those provinces which*

*lie on the borders of Hindustan, and has ordered that 'If the rulers of Hindustan come before me with tribute I will not interfere with their lives, property, or kingdoms; but if they are negligent in proffering obedience and submission, I will put forth my strength for the conquest of the kingdoms of India. At all events, if they set any value upon their lives, property, and reputation, they will pay me a yearly tribute, and if not, they shall hear of my arrival with my powerful armies. Farewell.'* When the ambassador reached the presence of Sarang at Multan, he was treated with great respect and consideration; but in reply to his letter, Sarang said, *'It is difficult to take an empire like a bride to your bosom without trouble and difficulty and the clashing of swords. The desire of your prince is to take this kingdom with its rich revenue. Well, let him wrest it from us by force of arms if he be able. I have numerous armies and formidable elephants, and am quite prepared for war.'* with these words he dismissed the ambassador. But when this unsatisfactory answer was brought back to me. I issued immediate orders for the armies to assemble from all quarters, together with such of the nobles as were in my province, such as Amir Saikal Kandahari, and other amirs, and soldiers."

**4012.** The amount of wealth his army looted at Delhi is mentioned on page 446:

*"The other booty was immense in rubies, diamonds, garnets, pearls, and other gems; jewels of gold and silver; ashrafis, tankas of gold and silver of the celebrated Alai coinage; vessels of gold and silver; and brocades and silks*

*of great value. Gold and silver ornaments of the Hindu women were obtained in such quantities as to exceed all account. Excepting the quarter of the sayyids, the ulama, and the other Musulmans, the whole city was sacked."*

**4013.** On page 448, the number of the people killed by him mentions:

*"I had triumphed over my adversaries, I had put to death some lacs of infidels and idolaters, and I had stained my proselyting sword with the blood of the enemies of the faith."*

At page 476 and 477 is the narration of his return journey through Kashmir.

**4014.** Exhibit 64 (Suit-4) (Register 16, pages 80-91) contains photocopy of title page, preface and pages 1 to 9 of "Ek Drishtikon Ramjanambhoomi, Babari Masjid Vivad" by Ram Saran Srivastava, Retired District Magistrate, Faizabad. We find no matter of substance in the aforesaid document.

**4015.** Exhibit 65 (Suit-4) (Register 16, pages 93-96) contains title page and pages 27, 28 and 29 of "Ek Drishtikon Ramjanambhoomi, Babari Masjid Vivad" by Ram Saran Srivastava, Retired District Magistrate, Faizabad. It says as under:

*“ऐसा प्रतीत होता है कि बाद में हिन्दुओं के प्रबल विरोध एवं अपनी सहिष्णुता की नीति के कारण बादशाह अकबर ने भवन के आगे चबूतरा बनाने की आज्ञा दे दी थी जिस पर हिन्दुओं द्वारा मूर्तियाँ स्थापित की गईं और यहाँ नियमित पूजा होती रही। उसी स्थान से उत्तर की तरफ हिन्दुओं का लगा हुआ दूसरा पूजा स्थान था जिसे सीता रसोइया कहा जाता था और बाद में सीता पार्क कहा जाने लगा। मुस्लिम शासकों ने इसी के पास कौशल्या रसोई को भी नष्ट करने का साहस नहीं किया किन्तु हिन्दुओं के मन में क्षोभ और क्षति की भावना बनी रही और कहा जाता है कि राम*

चबूतरा या जन्म भूमि के मसले को लेकर प्रायः हिंसक संघर्ष होते रहे, विशेष कर अवध के नवाब के समय, जिनमें बहुत से लोग मारे गये थे। 1859 ई० में वाजिदअली शाह के समय में राम चबूतरा व सीता रसोई के नष्ट होने के प्रयास होते रहे यद्यपि कोई सफलता नहीं मिली। परन्तु औरंगजेब के समय में अकबर के समय बने चबूतरे को गिरा दिया गया साथ ही अयोध्या के अन्य मन्दिर भी नष्ट किये गये। फिर भी प्राचीन मन्दिर होने के कारण सैकड़ों वर्षों से हिन्दू वहाँ पूजा करते रहे। श्री मिर्जा सेन जो 1855 के जेहाद के प्रत्यक्षदर्शी थे जिसमें अयोध्या के वैरागियों से हनुमानगढ़ी छीन ली गई थी अपनी पुस्तक "हदीक ईसुहद" में स्पष्ट तौर से लिखा है।

"मुसलमानों ने फैजाबाद और अवध से नास्तिकता की गंदगी का सफाया कर दिया क्योंकि यह राम के पिता की राजधानी थी और पूजा का एक बड़ा केन्द्र था। जहाँ पर राम जन्म का एक बड़ा मन्दिर बना था वहीं एक बड़ी मस्जिद बनाई गई"। 1855 ई० के संघर्ष के दूसरे प्रत्यक्षदर्शी शेख अजमत अली, ककोरवी नवी, (811-13) ने लिखा है कि 923 में सैयद मियाँ आशिकान के संरक्षण में बाबरी मस्जिद जन्म स्थान मन्दिर (बुतखाने जन्म स्थान में) बनाई गई। उसकी पुस्तक मरगकाई खुरावी : तारीखे अवध : की एक प्रति लखनऊ की टैगोर लाइब्रेरी में है और इसका प्रकाशन 1987 में हुआ था। डा० ककोरवी ने अपनी पुस्तक मिर्जा अली वेग शुरुर (1787-1867) की पुस्तक फसाना -ई-इब्रात के उद्धरण को जोड़ा है। जिसमें बताया गया है कि बाबर के शासन काल में सीता के रसोई के पास एक बड़ी मस्जिद बनाई गई। अयोध्या पर अंग्रेजों के कब्जे के पहले एक योरोपीय यात्री टीफेनथेलर ने जो 1767 में अयोध्या आया था लिखा था कि मस्जिद के बाड़े में हिन्दू लोग नियमित रूप से पूजा अर्चना करते थे और यह भी उल्लेख किया था कि जन्मभूमि मन्दिर को तोड़कर प्रस्तुत मस्जिद बनाई गई थी। इसके पहले भी विलियम फ्रेन्च : 1608 जिसकी पुस्तक की प्रति बनारस हिन्दू विश्वविद्यालय के पुस्तकालय में मौजूद है में उल्लेख किया गया है कि जन्म स्थान व राम कोट क्षेत्र के अन्य मन्दिरों को बाबरी मस्जिद बनाने के लिये तोड़ा गया था। इस लिये यह कहना कि यह झगड़ा अंग्रेजों ने अपनी "फूट डालो और राज्य करो" के नीति के तहत जबरदस्ती खड़ा किया था महज आँखों में पट्टी बँध लेने के समान है। मौलाना अब्दुल हई जैसे विद्वान धर्मोपदेशक से यह आशा नहीं की जा

सकती थी कि उन्होंने अंग्रेजों से प्रेरणा लेकर लिखा होगा। उन्होंने स्पष्ट लिखा है कि बाबर ने रामचन्द्र के जन्म स्थान पर बाबरी मस्जिद बनवाई थी। इसके अतिरिक्त मार्टिन : 1838 ईस्टर्न इंडिया सर्जन, जनरल एडवर्ड वेलफेयर इनसाईक्लोपीडिया आफ इंडिया 1858, अवध गजेटियर 1877 और अलेक्जेंडर कनिंघम 1862 के साक्ष्यों पर संदेह व्यक्त करने का कोई कारण नहीं है कि बाबरी मस्जिद जिसे मध्ययुगीन मुसलमानी दस्तावेजों में मस्जिद—ई—जन्मस्थान कहा गया है राम जन्म भूमि स्थान के मन्दिर को तोड़कर बनाई गई थी। अंग्रेज शासकों के लिये हिन्दू मुसलमानों में फूट डालने के लिये एक विवाद का झूठा मूठा हौवा खड़ा करने का कोई कारण नहीं था क्योंकि इस मसले पर दोनों समुदायों में विवाद व आपसी संघर्ष मुगल शासन में ही प्रारम्भ हो चुका था और तब से वह चल रहा था। जैसा कि इतिहास बताता है कि औरंगजेब की पुत्री भी इस तथ्य से अवगत थी कि मन्दिर को तोड़कर उसके ऊपर मस्जिद बनाई।”

**4016.** From Exhibit 19 (Suit-4) (Register 10, Page 21), we find that the Babar though defeated Ibrahim Lodhi in the battle of Panipat in 1526 AD, but he himself noticed several local Amirs having declared themselves independent even before his defeat of Ibrahim Lodi:

*“When I first arrived in Agra, there was a strong mutual dislike and hostility between my people and the men of the place.*

*The peasantry and soldiers of the country avoided and fled from my men. Afterwards, everywhere, except only in Delhi and Agra, the inhabitants fortified different posts, while the governors of towns put their fortifications in a posture of defence, and refused to submit or obey.”* the nature of the situation he was confronted with, after his victory at Panipat, is best described in his own words:

(a) 'Kasim Sambhali was in Sambhal;

(b) 'Nizam Khan in Bayana;

(c) *'the Raja Hasan Khan Mewati himself in Mewat: that infidel was the prime mover and agitator in all these confusions and insurrections;*

(d) *'Kanauj, with the whole country beyond the Ganges, was entirely in the possession of refractory Afghans, such as, Nasir Khan Lohani, Ma'ruf Farmuli, and a number of other Amirs who had been in a state of open rebellion for two years before the death of Ibrahim.*

*'At the period I defeated that prince, they had overrun, and were in possession of Kanauj and the country in that quarter, and had advanced and encamped two or three marches on this side of Kanauj. They elected Bihar Khan (or, Bhadur Khan), the son of Darya Khan, as their King, and gave him the name of Sultan Mahmud. When I came to Agra we could not find grain or provendor, either for ourselves or for our horses. The villagers, out of hostility for us, had taken to rebellion, thieving, and robbery. The roads became impassable.*

*'I had not time, after the division of treasure, to send proper persons to occupy and protect the different parganas and stations.'*

*To make matters worse, the heat was abnormal that year, and many of Babur's men dropped down dead. Not a few of his Begs and best men began to lose heart, objected to remaining in Hindustan, and even began to make preparations for retreat. .... The final subjugation of the Afghans had to be deferred in the face of a more*

*formidable foe."*

**4017.** However, Sri Hari Shankar Jain placed before the following passage from page 22 of the book:

*"But Babur himself looked upon this only as holy war against the infidel, with whom had joined some Muslim apostates. This is indicated by his assumption of the title of Ghazi after the victory: 'After this victory. I used the epithet of Ghazi, in the Imperial titles.' this was necessary to arouse his dispirited and home-sick followers. Babur was a master of the art of persuasion, with a keen eye for the dramatic."*

**4018.** The Afgan Rabels were sought to be taken by Babar in February, March 1528, but after persuing them upto Avadh, he returned to Agra by 13<sup>th</sup> March 1528 as is evident from page 25 of the book as follows:

*"Afghan Rebels. On February 2, 1528. Babur set out to punish the Afghan rebels who had advanced from Bihar into Doab, stormed Shamsabad, and driven the Imperial garrison out of Kanauj. At Babur's approach, the enemy crossed the river Ganges and mustered on its left bank to dispute, Babur's passage. The Emperor reached the great river, on February 27, built a bridge across its broad stream, by March 13, put the insurgents to headlong fight, and hotly pursued them as far as Oudh. After this Babur returned to Agra for the rainy season."*

**4019.** Sri Jain placed before us the following extract from page 32 and 33:

*"Babur was, with all his virtues, a Musalman Emperor. When he had killed the Pagans (as he called the*

*Hindus) he piled up a pyramid of their skulls, at least for the delectation of his orthodox followers. He considers the war against the Rajputs as jihad or 'holy war' and assumed the title of Ghazi, after his victory at Khanua. He spoke of the self-immolation of the Rajputs at Chanderi as 'going to hell'. When he remitted the tamgha after his penitence and vow to renounce wine, it was only Musalmans who were exempted from it, and not the Hindus. After the fall of Chanderi, as Ferishta tells us, he "did not fail to rebuild and repair the mosques in Chanderi, Sarangpur, Rantambhor and Raisen, which had been partly destroyed and otherwise injured by being converted into cattle-sheds, by Medini Rai's orders." Babur himself stated on his conquest of Chanderi, that he converted 'the mansion of hostility' into 'a mansion of faith.' All these facts make it difficult to accept the too liberal policy outlined in the Bhopal MS. ascribed to Babur.*

*But to say this is not to allege the contrary. Babur was beyond question a man of deep faith in God; but his belief in Islam must have sat comparatively light on his mind. He had abjured his orthodoxy and became a Shia to win the support of the Shah of Persia to his cause. At the same time, he had refused to persecute his quandom orthodox co-religionists at the command of his newly accepted suzerain. There is no evidence of his ever having destroyed a Hindu temple or otherwise persecuted the Hindus on account of their religion. On the other hand, there is at least one reference to his equal recognition of the Hindu and Turki Amirs who had enlisted in his service."*

**4020. Exhibit 102 (Suit-4) (Register 16, pages 183-196)** contains photocopy of the title page, preface, index and pages no. 259 to 281 of the “History of India As Told By Its Own Historians” Vol. 2 by H.M. Elliot and John Dowson. Page 259 onwards is Chapter VIII of the book providing English translation of **Minhaju-S 'Siraj's Tabakat-I Nasiri'** from the earliest time upto 658 AH (AD 1529). Page 269-270 deals with the Mahmud Ghazni's invasion of Somnath and also conversion of a thousand of idol temples into mosque. It says that the idol of Somnath was broken into four parts, one part he deposited in the Jami' Masjid of Ghazni, one he placed at the entrance of the royal palace, third he sent to Mecca and fourth to Medina.

**4021. Exhibit 24 (Suit-5) (Register 22, page 415-511)** is a photocopy of the book "**Sri Ram Janambhumi (Sachitra, Pramanik Itihas**" written by Dr. Radheyshyam Shukla published in 1986 by Bal Krishna Goswami, Ayodhya. The author of the book has given his qualification as M.A., Ph.D. from Oudh Vishwavidyalaya, Faizabad. He is journalist and has worked in some daily newspaper in 1970-85 as co-editor, editor and free lance writer. It has been heavily relied by Sri R.L.Verma, Counsel for plaintiffs (Suit-3), Sri Ravi Shankar Prasad, Senior Advocate, counsel for plaintiffs (Suit-5) and Sri P.N.Mishra, Advocate appearing for defendant no.20 (Suit-4). From internal page 1 to 33 i.e. paper no.107C1/154/5-37, sought to be relied by Sri Verma, we place hereat some extract thereof to have an idea as to what the author has said to consider its acceptability and reliability:

*“सम्पूर्ण मानव जाति के लिये आदर्श के प्रेरणास्रोत मर्यादा पुरुषोत्तम भगवान राम का जन्म कहाँ हुआ था इसकी जानकारी का प्राचीनतम*

साहित्यिक स्रोत महर्षि बाल्मीकि का रामायण है। महर्षि बाल्मीकि के अनुसार भगवान श्रीराम का प्रादुर्भाव (जन्म) जिस लोकविश्रुत अयोध्या नगरी में हुआ था वह कोशल जनपद की राजधानी थी तथा सरयू नदी के दक्षिण तट पर बसी हुई थी। वर्तमान उपलब्ध रामायण जिस समय रची गयी उस समय भगवान राम की कथा तो लोक में प्रसिद्ध थी किन्तु अयोध्या की कोई पहचान शेष नहीं रह गयी थी। इसका स्पष्ट कारण भी था। लोक विश्वास तो यह मानता है कि श्रीराम अब से करीब 9 लाख वर्ष पूर्व त्रेता युग में पृथ्वी पर क्रीड़ा किये थे लेकिन यदि इक्ष्वाकुवंशीय पौराणिक वंशावली के आधार पर गणना करें तो भी भगवान राम अबसे करीब चार हजार वर्ष पूर्व (ई.पू. लगभग 2350 से 1950 के बीच) हुए थे। अबकि वर्तमान रामायण का रचनाकाल विद्वान ई.पू. 300 से ई. 200 के बीच मानते हैं। लोक विश्वास भी मानता है कि अयोध्या कई बार बसी कई बार उजड़ी। ऐसे में अगर दो हजार वर्ष बाद उसकी भौगोलिक पहचान खो जाय तो कोई आश्चर्य नहीं।

भगवान बुद्ध के समय (ई.पू. छठी शताब्दी) में सरयू के दक्षिण तट पर बसा यह नगर 'साकेत' के नाम से प्रसिद्ध था। उस समय अयोध्या नाम को कोई नगर था ही नहीं। लेकिन इस क्षेत्र के राजवंश तब भी अपने को ऐक्ष्वाकु (इक्ष्वाकुवंशी) कहते थे। साकेत ही अयोध्या है, इसकी पहचान कब किसने की इसका कोई पता नहीं चलता किन्तु इतना निश्चित है कि महाकवि कालिदास के समय साकेत और अयोध्या एक ही नगर का नाम था। रघुवंश नामक अपने महाकाव्य में उन्होंने साकेत और अयोध्या का पर्यायवाची के रूप में इस्तेमाल किया है। अब से करीब डेढ़ हजार वर्ष पूर्व (पांचवी शताब्दी ई. का मध्य) के कालिदास जैसे विद्वान की पहचान को आज चुनौती देने का प्रश्न ही नहीं उठता। इस तरह साकेत के रूप में अयोध्या की पहचान हो जाने के बाद भी श्रीराम जन्मभूमि की पहचान की समस्या का समाधान नहीं हुआ क्योंकि साकेत के भी उजड़ने-बसने की श्रृंखला जारी रही। बुद्धकालीन भारत के छः श्रेष्ठतम महानगरों में से एक साकेत भी काल प्रवाह के आगे टिक नहीं सका। जब कोशल जनपद मगध साम्राज्य का अंग हो गया तो इसका महत्व घटने लगा। नन्दवंश (ई. पू. चौथी शताब्दी) के समय इसका महत्व एक सैनिक छावनी भर का रह गया। शुंग वंश तथा कुषाणकाल में भी एक धार्मिक नगर के रूप में इसकी प्रसिद्धि थी लेकिन उसके बाद की एक दो शताब्दियों में तो यह सम्भवतः और महत्वहीन हो गया।

### विक्रमादित्य द्वारा अयोध्या की खोज

अयोध्या की लोक परम्परा में यह विश्वास सदियों से चला आ रहा है कि सम्राट विक्रमादित्य ने उजड़ी अयोध्या की पुनः खोज की, भगवान राम की जन्मभूमि तथा अन्य तीर्थ स्थलों का पता लगाया तथा वहां पर मन्दिर बनवाया। ये विक्रमादित्य कौन थे यह पता नहीं है। इतिहास का जिज्ञासु केवल विक्रमादित्य नाम सुनकर सन्तुष्ट नहीं हो पाता क्योंकि इतिहास में एक दर्शन से भी अधिक विक्रमादित्य हो चुके हैं। इनमें प्राचीनतम ज्ञात विक्रमादित्य पहली शताब्दी ई.पू. के हैं तथा नवीनतम बारहवीं शताब्दी के। अयोध्या के लोगों में प्रचलित विश्वास को सर्वप्रथम 'मार्टिन' नामक अंग्रेज विद्वान ने ऐतिहासिक विवरणों में शामिल किया। उसने लिखा है कि "अयोध्या के लोग मानते हैं कि वृहदबल की मृत्यु के बाद उनकी नगरी (अयोध्या) उजड़ गयी और उज्जैन के विक्रमादित्य के समय तक उजड़ी पड़ी रही। उज्जैनी के विक्रमादित्य ने सर्वप्रथम इसकी खोज की और यहां 'रामगढ़' नामक किला बनवाया। उन्होंने खण्डहरों को ढकने वाले जंगल को साफ कराया तथा भगवान राम, उनकी भार्या सीता, उनके अनुज लक्ष्मण तथा उनके सेनापति महावीर के असाधारण कार्यों के स्मृति स्थलों पर 360 मन्दिरों का निर्माण कराया।" 'मार्टिन' ने जो कुछ सुना उसे लिख दिया। प्रसिद्ध पुराविद तथा इतिहासकार 'जनरल कनिंघम' तथा पी० कारनेगी ने भी इसी कथा को दुहराया है। किसी ने इस कहानी को ज्ञात इतिहास की कसौटी पर परखने का काम नहीं किया।" (पेज 421-423)

### "प्रथम श्रीराम मन्दिर का निर्माण

ऊपर उल्लेख आ चुका है कि विक्रमादित्य स्कन्दगुप्त ने शारंगिन (धनुषधारी) विष्णु का मन्दिर बनवाया था। मेरा विश्वास है कि यही श्रीराम जन्मभूमि पर बना प्रथम मन्दिर था। इस मन्दिर का स्वरूप कैसा था इसकी आज केवल कल्पना भर की जा सकती है। परम्परा से ज्ञात है कि काले पत्थर के उत्कीर्ण चौरासी खम्भों पर मन्दिर का मध्य मण्डप खड़ा था। काले पत्थर के इन उत्कीर्ण स्तम्भों में से 16 अभी भी अयोध्या में उपलब्ध हैं। इन स्तम्भों के काल के बारे में विद्वानों में मतभेद है। कुछ विद्वान इसे दसवीं-ग्यारहवीं शताब्दी का मानते हैं तो कुछ विक्रमादित्य कालीन। इनके काल निर्धारण का कोई पुष्ट आधार नहीं है। परम्परा पर विश्वास करें तो इनका काल भी विक्रमादित्य (स्कन्दगुप्त) का काल ही मानना पड़ेगा। जो

विद्वान यह नहीं मानते उनका तर्क यह है कि गुप्तकाल में मन्दिर निर्माणकला अभी अपने शैशव काल में थी। गुप्तकालीन जिन मंदिरों के अवशेष आज प्राप्त हैं उनमें से किसी को भव्य नहीं कहा जा सकता। और इस तरह उत्कीर्ण प्रस्तर स्तम्भों वाला तो कोई भी तत्कालीन मंदिर ज्ञात नहीं है। लेकिन यह स्मरण रखना चाहिए कि इस राम मंदिर का निर्माणकर्ता गुप्त सम्राट था जो बल पराक्रम में अपनी तुलना राम से करता था। उसने निश्चय ही अपने समय का श्रेष्ठतम मंदिर बनवाया होगा। यह ध्यान देने योग्य है कि ऐसे काले पत्थर के उत्कीर्ण स्तम्भ केवल श्रीराम की जन्मभूमि पर ही उपलब्ध हैं पूरे देश में अन्यत्र कहीं नहीं। श्रीराम जन्मभूमि के दक्षिण पार्श्व तथा पृष्ठ भाग में कराये गये पुरातात्विक उत्खनन की जो रिपोर्ट प्रकाशित हुई है उससे पता चलता है कि ग्यारहवीं शताब्दी के आस पास यहां नयी बस्तियां बसीं इसलिये संभवतः श्रीराम जन्मभूमि का वह मन्दिर—जिसमें काले पत्थर के ये स्तम्भ लगे सन् 1000 या उसके कुछ बाद में बना। इन विद्वानों का यह भी तर्क है कि ग्यारहवीं शताब्दी के हिन्दू तीर्थों का विवरण देने वाले लक्ष्मीधर न तो अयोध्या का उल्लेख करते हैं न श्रीराम जन्मभूमि का। लेकिन लक्ष्मीधर अयोध्या को लोकनाथ का निवास बताते हैं। लोकनाथ भगवान विष्णु के विभवों में से एक हैं। सम्भव है यह लोकनाथ जगतपति श्रीराम के लिए ही आया हो। लक्ष्मीधर के विवरणों से यही अनुमान लगाया जा सकता है कि उनके समय तक अयोध्या की तीर्थ रूप में प्रसिद्धि न रही हो किन्तु इसका यह अर्थ नहीं कि यहां श्रीराममंदिर था ही नहीं। ह्वेनत्सांग ने अपने यात्रा विवरण में यहां दस देव मंदिरों की चर्चा की है। वह सातवीं शताब्दी के पूर्वार्ध में यहां आया था इससे इतना तो प्रमाणित हो ही जाता है कि यहां हर्ष के समय से पहले भी अनेक देव मंदिर थे, लक्ष्मीधर की तीर्थ—सूची में न आने मात्र से इससे इन्कार नहीं किया जा सकता।

जन्मभूमि के निकट हुए पुरातात्विक उत्खननों से निर्माण के कम से कम तीन स्तरों का पता चलता है। इससे जाहिर है कि श्रीराम जन्मभूमि का कम से कम तीन बार निर्माण हुआ। पहला निर्माण यदि स्कन्दगुप्त ने कराया तो सम्भव है चार—पांच सौ वर्षों में वह निर्माण जीर्ण हो गया हो जिसका मध्य काल (दशवीं—ग्यारहवीं—शताब्दी) में पुनर्निर्माण कराया गया। तीसरी बार मुगल सम्राट बाबर के शासनकाल में उसके सबूदार मीरबाकी ने मंदिर को ध्वस्त करके मस्जिद बनवाया जो काल—क्रम में स्वतः मंदिर में

बदल गयी। ग्यारहवीं शताब्दी में श्रीराम जन्मभूमि मंदिर का जीर्णोद्धार किसने कराया इसकी भी स्पष्ट जानकारी नहीं है किन्तु हम जानते हैं कि उस समय अंतिम गहड़वाल नरेश जयचन्द्र का शासनकाल था जिसने अयोध्यामें कई मंदिरों का निर्माण कराया। बहुत सम्भव है श्रीराम मंदिर का जीर्णोद्धार उसी ने कराया हो। लाला सीताराम ने अपने अयोध्या के इतिहास में उल्लेख किया है कि जयचन्द्र ने श्रीराम जन्मभूमि पर विक्रमादित्य का प्रस्तर अभिलेख हटवाकर अपना पत्थर लगवाया था। यह पत्थर जीर्णोद्धार के उपरान्त ही लगाया गया होगा।” (पेज 429-431)

“विदेशी आतताइयों के हमले ई. सन् 1000 के लगभग महमूद गजनवी के नेतृत्व में काफी तेज हो गये थे। महमूद ने स्वयं अनेक हमले करके कन्नौज तक को लूटपाट कर तहस-नहस कर दिया था। मसूद के नेतृत्व में तुर्क हमलावरों ने बाराबंकी तक पहुंचकर अपना पैर जमा लिया था लेकिन अयोध्या पर मुसलमानों का पहला प्रभावी हमला मुहम्मद गोरी के समय (लगभग ई. 1194) हुआ। गोरी का एक सिपहसालार मखदूशाह जूरान गोरी ने सम्भवतः पहला हमला किया और यहां स्थित प्रथम जैन तीर्थंकर आदिनाथ के मन्दिर को ध्वस्त कर डाला। किन्तु श्रीराम जन्मभूमि का मन्दिर जाने कैसे उसके हाथ से बचा रहा। उसके बाद भी अयोध्या लगातार मुस्लिम शासकों के नियंत्रण में रही लेकिन श्रीराम जन्मभूमि को किसी ने कोई क्षति पहुंचाने का उपक्रम नहीं किया। मुगलों के आगमन के पूर्व तक श्रीराम जन्मभूमि का मन्दिर शान से अपना माथा ऊंचा किये खड़ा रहा।

मुगल विजेता जहीर-उद्-दीन मुहम्मद बाबर हिजरी संवत् 934 (ई. 1527) में अयोध्या आया। बाबर ने अपनी डायरी (बाबरनामा) में स्वयं लिखा है कि वह पहलीबार 29 मार्च 1527 को अयोध्या (अउद) पहुंचा। अयोध्या (अउद) सूबे के मामलों को निपटाने के लिये वह कुछ दिन यहां रुका। बाबरनामा में इसका कोई उल्लेख नहीं है कि उसने अयोध्या में कोई मंदिर तोड़वाकर मस्जिद बनवाया। यह उल्लेख हो सकता है कि इसलिए भी न प्राप्त हो कि 2 अप्रैल 1527 के बाद के डायरी के पन्ने ही गायब हैं। डायरी फिर 18 सितम्बर 1528 से शुरू होती है इसी बीच में श्रीराम जन्मभूमि का मन्दिर गिरवाकर वहां पर मस्जिद बनवा दी गयी। यह पता नहीं चलता कि बाबर मस्जिद निर्माण के दौरान अयोध्या में था अथवा दिल्ली वापस लौट गया था। बाबरनामा के अनुवादक ब्रेवेरिज़ ने शाही पुस्तकालय से प्राप्त एक

फटे पन्ने का अनुवाद दिया है। यह पन्ना शायद बाबरनामे का एक हिस्सा है जो अयोध्या से सम्बद्ध लगता है और 934 हिजरी के लुप्त अभिलेख की कुछ सूचनाएं समेटे है। शाही पुस्तकालय से प्राप्त यह हिस्सा सम्भवतः मूल लेख का फारसी अनुवाद है। इस अंश में लिखा है— “इस स्थल पर जहां बगीचे, बहता पानी, सुन्दर भवन, वृक्ष विशेषकर रसाल वृक्ष तथा रंगीन पक्षियों का बाहुल्य है, कुछ आनन्दपूर्व बिताने के बाद गाजीपुर की ओर बढ़ने का आदेश दिया।” इससे जाहिर होता है कि बाबर न केवल अयोध्या आया बल्कि यहां कुछ दिन निवास भी किया।

इस समय श्रीराम जन्मभूमि पर बाबर या उसके सूबेदार मीरबाकी द्वारा जो मस्जिद खड़ी की गयी उसके भीतर तथा बाहर दो पद्य वद्ध अभिलेख अंकित हैं। फारसी लिपि में अंकित इस अभिलेख से इसके निर्माण के इतिहास पर कुछ प्रकाश पड़ता है। भीतर का अभिलेख इस प्रकार है।

ब फरमूदाये शाह बाबर की अदिलस

बना ईस्त ता कारव—ए—गरदू मुलाकी ।।1।।

बना कर्दे ई महबतें कुदसियां

अमीरे सआदत निशां मीरबांकी ।।2।।

बुवद खैर बांकी चुशाले बनाइस

इयां शुद की गुफ्तम—बुवद खैर बाकी ।।3।।

इसका हिन्दी अनुवाद इस प्रकार होगा—

“बाबर शाह की आज्ञा से, जिसके न्याय की ध्वजा आकाश तक पहुंचती हुई है, नेक दिल मीरबाकी ने फरिस्तों के उतरने के लिए, यह स्थान बनाया है। उसकी कृपा सदा बनी रहे। कि बुवद खैर बाकी।

‘बुवद खैर बाकी’ इस वाक्य से इस मस्जिद के निर्माण की तिथि 935 हिजरी (1528 ई.) भी निकल आती है।”

मस्जिद के बाहर वाले (प्रवेश द्वार के ऊपर) अभिलेख की केवल 6 पंक्तियाँ किसी तरह पढ़ी जा सकती हैं बाकी अब अपठनीय हो गयी हैं। हिन्दी लिपि में इस अभिलेख का पाठ इस प्रकार है—

ब नामे औकि दानाहस्त अकबर

कि खालिक जुमला आलम लामकानी

दुरुदे मुस्तफा बादज सतायश

कि सरदर अम्बेयाये दोजहानी

फसाना दर जहां बाबर कलंदर

कि शुद दर दौर गेती कामरानी

इस अभिलेख में कमशः ईश्वर (खुदा), हजरत मुहम्मद तथा बाबर की प्रशंसा की गयी है। पहले शेर में कहा गया है – सम्पूर्ण जगत का सृष्टिकर्ता (ईश्वर) स्वयं निवास रहित है। दूसरे शेर में हजरत मुहम्मद को दोनों जहान तथा पैगम्बरों का सरदार कहा गया है। तीसरे शेर में बाबर को कलंदर कहकर उसकी प्रशंसा की गयी है किन्तु अगली दो पंक्तियां (जो अपठनीय हैं) के बिना उसका साफ अर्थ नहीं निकलता।

बाबर के समय तक अयोध्या की प्रतिष्ठा बहुत बढ़ गयी थी भगवान राम की जन्मभूमि भारतीय यात्रियों के आकर्षण का मुख्य केन्द्र बन चुका था सम्भवतः स्थानीय मुसलमानों के भड़काने से ही बाबर ने इस मंदिर को तोड़वा कर मस्जिद बनवाने की आज्ञा दी होगी क्योंकि हिन्दू तीर्थ यात्री के केन्द्र के रूप में इसका विकास मुसलमान पीरो-फकीरों की आंख में चुभने लगा था। स्थानीय परम्परा स्वीकार करती है कि पीर फजल अब्बास मूसा आसिकान ने बाबर को इसके लिए भड़काया कि वह मंदिर को तोड़वा कर वहां मस्जिद बनवाये। इस फजल अब्बास मूसा आसिकान की कब्र अभी भी श्रीराम जन्मभूमि के पश्चिम-दक्षिण करीब आधे किलोमीटर की दूरी पर है। इस कब्र में पूर्व मंदिर के वैसे ही दो स्तम्भ लगे हैं जैसे कि चौदह स्तम्भ मस्जिद में लगे हैं।

उपर्युक्त अभिलेख तथा पीर की कहानी से इतना स्पष्ट हो गया है कि पीर फजल अब्बास मूसा आसिकान के भड़काने में आकर बादशाह बाबर ने अपने सूबेदार मीरबाकी को श्रीराम जन्मभूमि मन्दिर गिराकर वहां मस्जिद बनवाने का आदेश दिया जिसने आदेश का पालन किया और मंदिर को ध्वस्त करके मस्जिद का निर्माण कराया। बाबरनामें जिस अवधि (2 अप्रैल 1527 से 18 सितम्बर 1528) के पन्ने गायब हैं उसी अवधि में कभी मन्दिर को गिराकर मस्जिद बनवाने का काम सम्पन्न हुआ होगा। बाबर ने निश्चय ही सारी कहानी को अपनी डायरी में लिखा होगा किन्तु बाद में उसके वंश के ही किसी व्यक्ति ने उस हिस्से को निकाल दिया होगा क्योंकि बाबर का वह विवरण भारत में मुगल सल्तनत के लिए हानिकर सिद्ध हो सकता था।

**फकीर की कारस्तानी-** ऐतिहासिक दस्तावेजों में तो जन्म भूमि की तात्कालिक स्थिति तथा पीरों-फकीरों की भूमिका का कोई उल्लेख नहीं मिलता किन्तु स्थानीय श्रुति परम्परा में सारी कहानी बहुत कुछ सुरक्षित है।

बाबर जिस समय अयोध्या आया था उस समय जन्मभूमि पर महात्मा श्यामानन्द जी रहते थे। मन्दिर की देख-रेख उन्हीं के जिम्मे थी। समाज में उच्चकोटि के सिद्ध सन्त के रूप में उनकी ख्याति थी। ये सच्चे साधु थे तथा ऊँच-नीच की भावना से मुक्त थे। उनके शिष्यों में अनेक मुसलमान भी थे। बताया जाता है कि फजल अब्बास उनके सान्निध्य में आकर रहने लगा। उसी समय एक और फकीर जलालशाह भी वहीं आ गया। श्रीराम जन्मभूमि की प्रतिष्ठा को देखकर इन दोनों फकीरों ने सोचा अगर यह स्थल उनके कब्जे में आ जाय तथा यहां मन्दिर के बजाय मस्जिद खड़ी हो जाय तो भारत में इस्लाम की धाक तो जम ही जायेगी उसके विस्तार का भी मजबूत आधार मिल जायेगा। इन फकीरों के सामने निश्चय ही बहराइच का उदाहरण रहा होगा जहां बालार्ककुण्ड नामक भारतीय तीर्थ को पटवा कर उस पर सैय्यद सालार मसूद का मकबरा बनवा दिया गया लेकिन फिर भी लाखों हिन्दू कुण्ड की जगह उस मकबरे को पूजने लगे। इन फकीरों को विश्वास था कि यदि यहां मस्जिद बन जाय तो मुसलमानों के अलावे बहुसंख्यक हिन्दू भी उनकी शरण में आने लगेंगे। दैवयोग से ऐसे अवसर पर बाबर अयोध्या आ गया। फिर क्या था इन फकीरों ने अन्य स्थानीय मुसलमानों को मिलाकर बाबर को बाध्य करके अपनी मनचाही करवा ली। ऐसी भी जनश्रुति है कि सिद्ध स्थली जानकर फकीर भी जन्मभूमि पर बैठना चाहते थे। मूसा आसिकान भी नित्य जन्मभूमि मन्दिर में जाकर बैठा करता था। एक दिन किसी ने उसे मंदिर से उठाकर बाहर कर दिया जिससे उसने शपथ लिया कि वह इस मन्दिर का ध्वस्त करवाकर छोड़ेगा। जो भी सत्य हो वह अपने संकल्प को पूरा करने में सफल रहा जिसका प्रमाण उसकी कब्र में लेगा ध्वस्त मन्दिर का स्तम्भ है। अयोध्या में प्रचलित सारी किंवदन्तियां मन्दिर तोड़वाने का मुख्यदोषी धर्मांध मुस्लिम फकीरों को ही मानती है। मुसलमान भी यही मानते हैं कि फकीरों के कुचक्र में पड़कर बाबर ने यह पाप किया। 'तारीख पारीना मदीनतुल औलिया' नामक उर्दू के ग्रंथ में भी फकीरों और मीरबाकी को इस कार्य का जिम्मेदार ठहराया गया है। इस फकीर ने बाबर को कैसे प्रभावित किया इसकी भी एक कहानी है जो परिशिष्ट में दी गयी है।

#### जन्मभूमि का प्रथम रक्तभिषेक

पुजारियों का रक्तदान— फकीरों का षड्यन्त्र अत्यन्त गोपनीय था किन्तु श्यामानन्द जी को अपने शिष्यों की कारस्तानी की भनक लग गयी थी। अब

उन्हें पता चला कि मुस्लिम सेना मंदिर को कभी भी ध्वस्त कर सकती है क्योंकि बादशाह का ऐसा आदेश मिल गया है तो उन्होंने मंदिर की बड़ी प्रतिमा को सरयू में डाल दिया और छोटी प्रतिमा को लेकर उत्तराखण्ड की ओर निकल गये। लेकिन मन्दिर के अन्य पुजारियों तथा भक्तों ने प्राण रहते मंदिर की रक्षा करने का संकल्प लिया। जब शाही कुमक मन्दिर के द्वार पर पहुंची तो पुजारियों ने रास्ता रोक लिया। धर्मन्ध आक्रामकों ने तुरन्त उनका शिर काट लिया। श्रीराम जन्मभूमि की चौखट पहलीबार शहीदों के रक्त में डूब गयी। मूर्ति भंजकों की उन्मादी भीड़ अन्दर घुस गयी लेकिन वहां उन्हें कोई प्रतिमा नहीं मिली। बाहर निकल कर तोपों की मार से उन्होंने मन्दिर को जमीन पर सुला दिया। मंदिर को गिराने की खबर आग की तरह आस-पास के इलाकों में फैल गयी। प्रशासन ने पूरी चुस्ती बरती कि उत्तेजित हिन्दू अयोध्या न पहुंचने पायें लेकिन फिर भी बड़ी संख्या में लोग यहां धर्म की वेदी पर अपनी प्राणाहुति देने के लिए पहुंचे। परम्परा के अनुसार मन्दिर को ध्वस्त करने के विरोध में एक लाख छिहत्तर हजार हिन्दू मारे गये। यह संख्या अतिशयोक्तिपूर्ण हो सकती है किन्तु ऐसा नहीं है कि मीरबाकी ने निर्विरोध अपना कार्य सम्पन्न कर लिया हो। भारी खून खराबे के बाद ही वह शाही आदेश को पूरा कराने में सफल हो सकता होगा। किसी लेखक का यह कथन सही है कि जलालशाह ने हिन्दुओं के खूर का गारा बनाकर उस पर लखैरी ईंटों की नींव मस्जिद बनवाने के लिए दी। यह सहज अनुमान का विषय है कि हिन्दू समुदाय ने यों ही मंदिर की जगह मस्जिद नहीं बन जाने दिया होगा लेकिन तत्कालीन संघर्षों की कहानी जानने का कोई ऐसा आधार नहीं है जिससे प्रामाणिक ब्यौरा दिया जा सके।

**महताब सिंह का बलिदान—** परम्परा के ज्ञात कहानियों के अनुसार जिस समय मीरबाकी मन्दिर को ध्वस्त करने चला उसी समय भीटी रियासत के राजा महताब सिंह (फैजाबाद जिले के अन्तर्गत अयोध्या से 40 किमी० पूर्व-दक्षिण) बद्रीनाथ धाम की तीर्थयात्रा के क्रम में अयोध्या पहुंचे। जब उन्हें इस घृणित प्रयास की सूचना मिली तो उन्होंने तीर्थ यात्रा का अभियान छोड़ा और श्रीराम जन्मभूमि की रक्षा के अभियान में जुट गये। उन्होंने अपने आदमियों से कहा कि बद्रीधाम नहीं अब स्वर्गधाम के यात्रा की तैयारी करनी है। उन्होंने जितना जल्दी हो सका अपने आदमियों को बटोरा और जन्मभूमि की रक्षा के लिए टूट पड़े लेकिन शाही सेना सतर्क

थी। बताया जाता है कि राजा महताब सिंह ने सत्तरह दिनों तक घोर संग्राम किया। इस धर्मयज्ञ में उन्होंने पूरी सेना समेत अपनी आहुति दे दी। वे जानते थे कि शाही सेना का मुकावला आसान नहीं है लेकिन शरीर में प्राण रहते उन्होंने मंदिर को एक खरोंच नहीं लगने दी।” (पेज 432-438)

### “मुक्ति के लिए हुए खूनी संघर्ष

(1528से 1947 ई. तक)

राजा महताब सिंह श्रीराम जन्मभूमि मंदिर की रक्षा तो नहीं कर सके लेकिन उनके बलिदान से उठी आग से तमाम भारतीय वीरों का खून उबल उठा। सीमित शक्ति, छोटी ताकत होने के बावजूद ये वीर लगातार शाही सेना से टकराते रहे और मर्यादा पुरुषोत्तम के आदर्शों की वेदी पर अपनी प्राणाहुति देते रहे। महताब सिंह के बाद बाबर के मात्र दो वर्षों के सीमित शासनकाल में श्रीराम जन्मभूमि की मुक्ति के लिए तीन बड़े संघर्ष हुए। और उसके बाद तो अकबर के समय तक लगातार तब तक संघर्ष होते ही रहे जब तक कि भारतीयों को मस्जिद प्रांगण में पूजा करने का अधिकार नहीं मिल गया। अकबर की शांतिप्रिय धार्मिक नीति के कारण तनाव कम हुए जिसके परिणाम स्वरूप जहांगीर तथा शाहजहां के समय शांति रहीं। किन्तु कट्टरपंथी औरंगजेब के शाहंशाह बनते ही स्थिति बदल गयी। उसने उस चबूतरे को ही खुदवा डाला जहां हिन्दू पूजा पाठ करते थे। अंतिम खूनी संघर्ष अंग्रेजों के शासन काल में 1934 में हुआ। बाबर के समय से लेकर स्वतन्त्रता प्राप्ति के समय तक हुए प्रमुख संघर्षों का विवरण नीचे दिया जा रहा है।

### मुगलकाल

**देवीदीन पाण्डेय का प्रहार—** अभी मस्जिद बन नहीं पाई थी कि पं० देवीदीन पाण्डेय ने आस-पास के क्षत्रियों को ललकारा और जन्मभूमि पर टूट पड़े। पण्डित देवीदीन पाण्डेय अयोध्या से 1 किमी० पूर्व स्थित ग्राम सनेथू के निवासी बताये जाते हैं। वे पुरोहित थे। उन्होंने आस-पास के रियासतों के क्षत्रिय वीरों को संगठित किया और शाही सेना पर एका-एक हमला कर दिया। पण्डित देवीदीन शास्त्र के ही नहीं शस्त्र के भी पण्डित थे। उनके आकस्मिक प्रहार से एक बार तो मीरबाकी घबड़ा गया। लेकिन फिर जमकर युद्ध हुआ। पांच दिन तक युद्ध के बाद छठे दिन मीरबाकी के अंगरक्षक द्वारा फेंकी गयी एक ईंट पण्डित जी के सिर में लगी उन्होंने शिर को पगड़ी से कस कर बांधा और दूने उत्साह से तलवार चलाने लगे।

उन्होंने एक ही वार में ईंट चलाने वाले अंगरक्षक का शिर धड़ से अलग कर दिया और घोड़े को एड़ लगाकर सीधे मीरबाकी के हौदे पर हमला किया जो हाथी पर सवार था। मीरबाकी वार बचाकर हौदे में छिप गया और उसमें से उसने देवीदीन पर बन्दूक से गोली चला दी। इस गोली के आघात से जन्मभूमि की धरती पर बलिदान होने का उनका संकल्प पूरा हुआ। उनके शव का अंतिम संस्कार बिल्वहरिघाट (अयोध्या से अकबरपुर मार्ग पर पूरा बाजार के निकट) पर हुआ। श्रीराम जन्मभूमि के प्रथम रक्तरंजित इतिहास के लेखक पण्डित रामगोपाल पाण्डेय 'शारद' के अनुसार पण्डित देवीदीन का यह हमला 3 जून 1528 को हुआ था और उनका बलिदान 9 जून 1528 को दिन के दो बजे हुआ। इनके वंशज उपर्युक्त सनेथू ग्राम के ईश्वरी पाण्डेय के पुरवा में अब भी मौजूद हैं।

**राणा रणविजय सिंह का हमला—** पण्डित देवीदीन की मृत्यु के मात्र दो सप्ताह बाद हंसवर (यह रियासत भी फैजाबाद के पूर्वांचल में स्थित है) के राजा रणविजय सिंह ने भारी सेना लेकर जन्मभूमि पर अधिकार के लिए हमला किया। दस दिन की मुठभेड़ में इस राजा ने भी अपने सभी सैनिकों के साथ इस पवित्र धरती को अपने रक्त से सींचकर स्वर्ग के लिए प्रस्थान किया।

**स्त्रियां भी पीछे नहीं रहीं** – संकट की घड़ी में राजपूतानों की क्षत्राणियां आत्महत्या का रास्ता (जौहर) अपनाती रही हैं लेकिन अयोध्या की क्षत्राणियों ने अपने पति की आहुति का बदला लेने के लिए स्वयं लोहा अपने हाथ में उठाया और लकड़ी की आग में नहीं रण की आग में कूदकर जौहर किया।

उपर्युक्त हंसवर नरेश रणविजय सिंह की स्वर्गयात्रा के बाद उनकी पत्नी रानी जयराज कुमारी ने अपने पति के संकल्प को पूरा करने का बीड़ा उठाया। इस वीरबाला ने तीन हजार स्त्रियों को संगठित करके नारी-सेना बनायी और शाही सेना के साथ छापा-मार युद्ध शुरू किया। जयराज कुमारी का हमला लगातार हुमायूँ के समय तक जारी रहा। बताया जाता है कि हुमायूँ के समय में इस रानी ने एक बार तो शाही सेना को खदेड़कर जन्मभूमि पर कब्जा कर लिया किन्तु थोड़े ही समय में नई शाही कुमक आ गयी और उसके साथ लड़ते हुई इस वीरांगना ने भी अपने रक्त को अपने पति की रक्तधारा में मिलाकर अपना संकल्प पूरा किया।

इस युद्ध में रानी के गुरु सन्यासी स्वामी महेश्वरानन्द जी भी

शामिल रहे। अपनी शिष्या के साथ लड़ते हुए उन्होंने भी शाही सेना को भारी क्षति पहुंचाकर वीरगति प्राप्त की।

**साधुओं का पहला हमला**— महेश्वरानन्द की मृत्यु से इस अंचल के साधु सन्यासियों में भी जोश भर उठा। महेश्वरानन्द के बाद स्वामी बलरामाचारी ने युद्ध को आगे बढ़ाया उन्होंने न केवल साधु सन्यासियों को एकत्र किया बल्कि गांव-गांव घूमकर हिन्दुओं की एक जबरदस्त सेना तैयार की। इन्होंने कई हमले किये। परम्परा के अनुसार इन्होंने करीब बीस बार हमला किया। कई बार वे जन्मभूमि पर अधिकार करने में सफल रहे किन्तु उनकी सफलता स्थाई नहीं हो पाती थी। नयी शाही कुमुक के आ जाने पर उन्हें भागना पड़ता। फिर भी बलरामाचारी ने अयोध्या क्षेत्र के पूरे अंचल में ऐसी चेतना लगा दी थी कि श्रीराम जन्मभूमि के लिये प्राणोत्सर्ग करने के लिये उत्सुक वीरों की टोली ने मुगल शासन को तंग कर दिया।

**मस्जिद के आंगन में मन्दिर**— यह स्वामी बलरामाचारी के शौर्य का परिणाम था कि तत्कालीन मुगल बादशाह अकबर को मस्जिद के प्रांगण में मन्दिर स्वीकार करना पड़ा। बताया जाता है कि स्वामी बलरामाचारी ने ही लड़ भिड़कर अकबर से मस्जिद के प्रांगण में एक चबूतरा बनवाने का अधिकार ले लिया जिस पर खस की टट्टियों का तीन फिट ऊँचा एक मन्दिर बनवाया गया। बलरामाचारी को यह अधिकार दिलाने में अकबर की धार्मिक उदारता के साथ-साथ उसके दो दरबारी रत्नों राजा टोडरमल तथा वीरबल के सहयोग ने भी काम किया। उसी स्थल पर अब भी छोटा सा मन्दिर है जिसमें पूजा पाठ होता है।

**पूजा भी अजान भी**— अकबर के समय से हिन्दू और मुसलमान दोनों इस भवन में समान रूप से आने-जाने लगे। मुसलमान प्रायः शुक्रवार (जुमा) को भीतर आकर नमाज अदा करते थे हिन्दू बाहरी चबूतरे पर नित्य पूजा-पाठ दर्शन करते थे और अपने उत्सव आदि मनाते थे। इस समय यह मस्जिद बाबरी मस्जिद के अलावे जामा मस्जिद या मस्जिद जन्मस्थान भी कहलाती थी।

**शांति तथा सद्भाव का काल**— 1528 में मन्दिर की जगह मस्जिद के निर्माण से नफरत की जो दीवाल खड़ी हुई थी अकबर के समय (1556-1605 के मध्य) वह बहुत कुछ ढह गयी और शाहजहाँ के समय तक (1627-1658 ई.) सद्भाव और शांति का वातावरण बना रहा। करीब 69-70 वर्ष की इस अवधि में जन्मभूमि के लिए किसी संघर्ष का पता नहीं चलता।

हिन्दू श्रद्धा से इस भूमि पर आते थे और पूजा-पाठ करते थे। मुसलमान प्रति जुमे को नमाज पढ़ने आते थे लेकिन हिन्दुओं के मन्दिर की ओर से जूता पहनकर नहीं जाते थे। यद्यपि मुस्लिम फकीरों को यह बात खटकती थी लेकिन शासन का रुख भिन्न देखकर वे भी कोई कदम उठाने की हिम्मत नहीं रखते थे। किन्तु जब शाहजहां के बाद औरंगजेब मुगल सिंहासन पर बैठा तो धर्मान्ध फकीरों ने फिर अपनी चाल चलनी शुरू कर दी। जिन फकीरों ने नेकदिल बाबर को मन्दिर तोड़ने तक के लिए मजबूर कर दिया उनके लिए औरंगजेब को धर्मान्धता के रंग पर लाने में कितनी देर थी।

### **औरंगजेब का काल : फिर संघर्ष छिड़ा**

भारतीय (हिन्दू) स्वभावतः सहिष्णु होते हैं। वे छोटे से चबूतरे को लेकर सन्तुष्ट थे। वे मस्जिद में भी अपने राम को विराजमान मानते थे। मुस्लिम नमाज से भी उन्हें कोई चिढ़ नहीं थी। लेकिन इस्लामी कट्टरपंथियों को मस्जिद के प्रांगण में घंटा, घरियालियों, शंख तथा कीर्तन की गूँज तनिक नहीं सुहाती थी। जब औरंगजेब जैसा कट्टर इस्लामी शासक मुगलिया तख्त पर आसीन हुआ तो इन कट्टरपंथियों ने दिल्ली दरबार में पहुंचकर बादशाह से फरियाद की। बताया जाता है कि औरंगजेब ने आदेश भेजा कि हिन्दू मस्जिद में कोई धार्मिक उत्सव न करें। उसने अपने सिपहसालार जांबाज खां को सेना के साथ अयोध्या भेजा। लेकिन यहां भी बैरागी व हिन्दू रियासतों के क्षत्रिय सतर्क थे। उस समय समर्थ गुरु रामदास के शिष्य बाबा वैष्णव दास अयोध्या के अहिल्याघाट स्थान पर स्थित परशुरामठ में आसन जमाये थे। उनके साथ हजारों चिमटाधारी साधुओं का जत्था था। बाबा वैष्णव दास के साथ गुप्तारगढ़ी के सशस्त्र साधुओं का एक दल भी तैयार खड़ा था। "शारद" जी के इतिहास के अनुसार हिन्दू रजबाड़ों तथा बाबा वैष्णवदास के चिमटाधारी साधुओं ने उर्वसी कुण्ड के पास जांबाज खां की सेना का मुकाबला किया और उसे मार भगाया।

बताया जाता है कि इस पराजय के कारण औरंगजेब ने जांबाज खां को हटा दिया और उसकी जगह सैय्यद हसन अली को नियुक्त किया। सैय्यद हसन अली एक बहुत बड़ी सेना लेकर तोपखानों के साथ अयोध्या के लिए रवाना हुआ। वैष्णव दास को जब इसकी खबर मिली तो उन्होंने सिख गुरु गाविन्द सिंह को पत्र लिखकर अयोध्या बुलवाया। गोबिन्द सिंह फौरन यहां पहुंचे। सैय्यद हसन के मुकाबले के लिए हिन्दू सेना के तीन

भाग कर दिये गये और शाही सेना का मुकाबला तीन स्थानों—रुदौली (फैजाबाद—बाराबंकी सीमा पर), सआदतगंज (फैजाबाद नगर का पश्चिमी नाका) तथा जालपा (अयोध्या की वर्तमान दूध डेयरी के पास) पर करने का निश्चय किया। सआदतगंज में सिखों का दस्ता खेतों के पास छिप गया। (बताया जाता है इसके पास छोटा सा एक तोपखाना भी था) क्षत्रियों का दस्ता रुदौली में जा डटा। वैष्णव दास का चिमटाधारी गिरोह जालपा के पास सरपतों की झुरमुट में जम गया। शाही सेना पर पहला प्रहार रुदौली में हुआ। तब तक मुगल सैनिक संभलते क्षत्रिय मारकाट कर भाग निकले। शाही सेना जब सआदतगंज पहुंची तो सिखों ने धावा बोल दिया। पीछे से क्षत्रियों ने भी हमला कर दिया। इस दुहरे हमले में शाही सेना तहस—नहस हो गयी और सैय्यद हसन अली खां भी मारा गया। गुरु गोविन्द सिंह अयोध्या में थोड़े दिन ब्रह्मघाट पर ठहरे थे जहां कभी गुरु नानक देव भी पधारे थे।

श्रीराम जन्मभूमि पर हिन्दुओं का सबसे बड़ा उत्सव राम—जन्म का हुआ करता था। उस समय लाखों साधु तथा गृहस्थों की उपस्थिति में स्थानीय कट्टरपंथी मुसलमान कुछ नहीं कर पाते थे लेकिन वे बादशाह के कान अवश्य भरते रहते थे। अंततः 1664 में औरंगजेब स्वयं एक बड़ी सेना के साथ अयोध्या आया और जन्मभूमि पर हमला बोल दिया। इस हमले में हिन्दुओं के पैर नहीं टिक सके। तत्कालीन पुजारी प्रतिमा लेकर भाग खड़े हुए। औरंगजेब की सेना ने चबूतरे पर खड़े फूस के मंदिर को नोच डाला और चबूतरे को खोदकर गड़ढा कर दिया। यह विनाशलीला आठ दिनों तक चलती रही। औरंगजेब ने अयोध्या के दो और विष्णु मंदिरों को गिरवाकर वहां मस्जिदें कायम कर दी। जन्मभूमि पर झोपड़ी रखकर पूजा करने का भी अधिकार हिन्दुओं को नहीं रह गया।

बताया जाता है कि बाबा वैष्णवदास जी के साथ दस हजार चिमटाधारी साधु रहा करते थे। औरंगजेबी शासनकाल में वे लगातार शाही सेना की नाक में दम किये रहे लेकिन अंत में इनका क्या हुआ पता नहीं चलता।

### नवाबी राज

औरंगजेब के बाद दिल्ली सल्तनत कमजोर होती चली गयी। अवध के सूबे में भी स्थानीय रियासतें स्वतन्त्र हो गयी थी। दिल्ली के बादशाह मुहम्मदशाह ने अपने रिस्तेदार सआदत खां मुहम्मद अमीन बुरहानुलमुल्क

को (सितम्बर 1722) अवध का सूबेदार बनाकर भेजा। उसने सूबेदारी बचाने के लिए अवध पर हमला किया। अमेठी (सुल्तानपुर जिले की एक रियासत) के राजा गुरुदत्त सिंह ने नवाब का मुकाबला किया। इस युद्ध में सूबेदार विजयी रहा हिन्दू संगठन छिन्न-भिन्न हो गया।

### हिन्दुओं को पूजा अर्चना का फिर अधिकार मिला

अमेठी के राजा गुरुदत्त सिंह तथा पिपरा के राजा राजकुमार सिंह ने सआदतअली खां के समय में भी श्रीराम जन्मभूमि पर अधिकार के लिए संघर्ष जारी रखा। बैरागी साधु भी बीच-बीच में हमला कर दिया करते थे। इससे आजिज आकर उसने श्रीराम जन्मभूमि पर हिन्दुओं को पहले की तरह पूजा पाठ का अधिकार दे दिया। इसका उल्लेख गजेटियरों में आया है। कर्नलहण्ट ने लिखा है कि हिन्दुओं के हमले से ऊबकर नवाब ने मस्जिद में हिन्दुओं को भी पूजा-पाठ करने की इजाजत दे दी तब जाकर कुछ झगड़ा शान्त हुआ।

सआदतअलीखां के बाद उसका दामाद अबुलमंसूरअलीखां 'सफदरजंग' अवध का सूबेदार (1739 ई.) बना। उसके समय में अयोध्या में शान्ति बनी रही। सफदरजंग के बाद उसका बेटा सुजाउद्दौला अवध का नवाब हुआ (6 अक्टूबर 1754)। सफदरजंग के मन्त्री नवल राय तथा सुजाउद्दौला के मन्त्री बालकृष्ण दोनों धार्मिक प्रकृति के थे। उनके काल में किसी तरह का साम्प्रदायिक वैमनस्य नहीं खड़ा हुआ। सुजाउद्दौला ने अयोध्या से पश्चिम हटकर एक नये नगर की नींव डाली जिसका नाम फैजाबाद रखा गया। (इस समय फैजाबाद जनपद का मुख्यालय है)। इससे पहली बार प्रशासनिक मुख्यालय अयोध्या से खिसककर फैजाबाद गया। सुजाउद्दौला के बाद उसके बेटे आसफुद्दौला ने (1775 ई.) में अपनी राजधानी फैजाबाद से हटाकर वहां से 120 किमी. पश्चिम लखनऊ में बनाया। आसफुद्दौला को भी टिकैत राय जैसे योग्य मन्त्री का सहयोग मिला। टिकैत राय ने हिन्दू-मुस्लिम सद्भाव की स्थापना में अभूत-पूर्व योगदान किया। टिकैत राय के प्रयत्नों से ही वर्तमान हनुमानगढ़ी बनी थी। नवाब ने उसके लिए पूरा सहयोग किया था। इसी काल में जन्मभूमि पर मस्जिद प्रांगण में वह चबूतरा फिर बना जिसे औरंगजेब ने खुदवा दिया था। नवाबों के काल में साम्प्रदायिक सद्भाव पूरी तरह बना रहा किन्तु नवाब नसीरुद्दीन हैदर के शासनकाल (1827-37 ई.) में श्रीराम जन्मभूमि को पुनः पूर्व रूप देने की कोशिश हुई। मकरही के तालुकेदार के नेतृत्व में हिन्दुओं

की भीड़ ने तीन बार जन्मभूमि पर हमला बोला। अन्तिम बार वे मस्जिद पर कब्जा करने में सफल भी हो गये किन्तु मात्र तीन दिनों बाद शाही सेना ने फिर उनसे मस्जिद छीन ली।

### वाजिदअलीशाह के समय हिन्दू-मुस्लिम संघर्ष

नवाब वाजिदअलीशाह के शासनकाल में (सन् 1855ई.) गुलाम हुसेन नामक एक सुन्नी फकीर ने दंगा करा दिया। विडम्बना यह कि ये गुलाम हुसैन साहब हनुमानगढ़ी पर पलते थे। ये हनुमान जी के सामने तुरही बजाया करते थे। किसी बात को लेकर उसका महान्त से विवाद हो गया इस पर उसने सुन्नी मुसलमानों को यह कहकर भड़काना शुरू कर दिया कि हनुमानगढ़ी के भीतर औरंगजेब ने जो मस्जिद बनवाई थी उसे वैरागियों ने गिरा दिया है। मुसलमान उसके बहकावे में आ गये और संगठित होकर हनुमानगढ़ी पर हमला बोल दिया लेकिन हनुमानगढ़ी के साधु भी संगठित थे। उनकी मार के आगे मुसलमान भाग चले। साधुओं ने उनका पीछा किया वे सब जाकर जन्मभूमि मस्जिद में छिप गये। साधुओं ने मस्जिद का फाटक तोड़ डाला। दोनों ओर से जम के संघर्ष हुआ। इस संघर्ष में 11 साधु तथा 75 मुसलमान मारे गये।

अयोध्या के तत्कालीन कोतवाल मिरजा मुनीमबेग ने झगड़ा निपटाने की बहुत कोशिश की लेकिन नाकामयाब रहे। संघर्ष के बाद नायब कोतवाल नासिर हुसैन ने सभी शवों को एक ही जगह दफन कर दिया।

**वाजिदअली की निष्पक्षता**— अयोध्या में हुई इस मारपीट की फरियाद मुसलमानों की ओर से नवाब वाजिदअलीशाह के सामने की गयी उनसे कहा गया कि हिन्दुओं ने मस्जिद का दरवाजा ढहा दिया है इसलिये उन्हें मस्जिद में आने से रोक दिया जाय तथा उनके चबूतरे को हटवा दिया जाय। यह बाबरी मस्जिद है उसमें मूर्तिपूजा नहीं होनी चाहिये। बादशाह ने अपने दरबारियों से सलाह मशविरे के बाद मुसलमानों की दरखास्त पर एक शेर लिख दिया—

हम इश्क के बन्दे हैं मजहब से नहीं वाकिब।

गर काबा हुआ तो क्या बुतखाना हुआ तो क्या।।

(हम तो प्रेम के पुजारी हैं, मजहब क्या है हम नहीं जानते, चाहे मन्दिर हो चाहे मस्जिद, मेरे लिए दोनों में कोई फर्क नहीं है)।

**जेहाद की घोषणा**— उसके इस ऐतिहासिक फैसले की चतुर्दिक मुक्त कंठ से प्रशंसा हुई। किन्तु कट्टरपंथी मुसलमान इस फैसले से और

नाराज हुए। अमेठी के मीर-मौलवी अमीरअली नामक मुसलमान ने क्रोध में भर कर स्वयं धर्मयुद्ध (जेहाद) करने का निश्चय किया। उसने धर्मरक्षा के नाम पर मुसलमानों का एक विशाल दल सजाया तथा श्रीराम जन्मभूमि पर हिन्दुओं का चबूतरा और फूस का मन्दिर ध्वस्त करने के लिए कूच किया। नवाब की ओर से मुसलमानों को रोका गया लेकिन वे नहीं माने। नवाब ने देखा कि मुसलमान नहीं मान रहे हैं तो अमीरअली को रोकने के लिए उसने भी अपनी एक सैनिक टुकड़ी भेज दी। इधर हिन्दू राजाओं ने भी जेहाद का मुकाबला करने की तैयारी की। रुदौली या रौनाही के पास अमीरअली की फौज के साथ नवाब की फौज का मुकाबला हुआ। हिन्दू सेना भी पहुंच गयी थी। इस युद्ध में अमीरअली मारा गया। हिन्दुओं की ओर से भीटी के राजकुमार जयदत्त सिंह भी इस अभियान में शामिल हुए। इस घटना का विवरण 'मदीनतुल-औलिया' नामक ग्रन्थ में भी आया है। इसके अनुसार 'मौलवी अमीर अली जुमा की नमाज पढ़कर 170 आदमियों को लेकर जेहाद के लिए रवाना हुए। सन् 1271 से 1272 हिजरी तक वायदा मोक़िद हुआ। जेहाद का नाम सुनकर सैकड़ों मुसलमान शरीक जिहादीन (जेहाद में शामिल) हुए। तकरीबन दो हजार की जमेयत होगी जो रौनाही के पास जंग करते हुए शहीद हुए।'

'गुमगस्ते हालात अयोध्या' ने भी इस घटना का विवरण दिया है। इसमें अमीरअली को कसबा अमेठी (लखनऊ) का निवासी बताया गया है। नवाब ने उसे अपने अहलकार मिर्जा मुनीम बेग इत्यादि द्वारा फसाद करने से रोकना चाहा किन्तु वह नहीं माना। आखिरीबार 1855 में उसने जबर्दस्त तैयारी की जिसमें संडीला, रामपुर तथा दरियाबाद (बाराबंकी) के मुसलमान तालुकेदारों और मौलवियों ने हाथ बंटया। यह देखकर अंग्रेजी रेजीडेंसी के मुख्याधिकारियों ने लखनऊ के नवाब से सम्पर्क किया कि अमीरअली और उसके साथी आतंककारियों को रोका जाय। नवाब ने शाही फरमान जारी करके उन्हें रोका, परन्तु जब वह नहीं माने तो अंत में शाही सेना और अंग्रेजों की सेना भेजी गयी। राजा शेरबहादुर सिंह ताल्लुकेदार कर्मियर गोण्डा की भी एक सेना गयी। राजा शेरबहादुर सिंह की सेना ने अमीरअली के साथियों का सफाया किया।

### ब्रिटिश शासनकाल

1857 के प्रथम स्वतंत्रता संग्राम के बाद अवध क्षेत्र ब्रिटिश शासन क्षेत्र में आ गया। यद्यपि इस काल में जन्मभूमि पर कोई विवाद नहीं था,

मुसलमान हर शुक्रवार को अपनी नमाज अदा करते थे तथा हिन्दू चबूतरे पर बने अपने फूस के मन्दिर में पूजा-पाठ, लेकिन दोनों भीतर-भीतर इस कोशिश में लगे रहते थे कि दूसरे का वहां से बिल्कुल सफाया कर दें, इसलिए छिटपुट संघर्ष होते रहते थे। ई. 1857 का वर्ष ऐसा रहा जब कि हिन्दू और मुसलमान कंधे से कंधा मिलाकर अंग्रेजों के विरुद्ध युद्ध में लगे थे। साम्प्रदायिक द्वेष की खाइयां पट रही थीं। ऐसे में यह स्वाभाविक था कि मुसलमानों की ओर से जन्मभूमि का मस्जिद समेत पूरा क्षेत्र हिन्दुओं को सौंप दिये जाने का प्रस्ताव आता। मुस्लिम नेता अमीरअली ने अयोध्या-फैजाबाद के सभी मुसलमानों को एकत्र करके उन्हें समझाया कि वे हमारे सम्राट बहादुरशाह जफर को अपना सम्राट मानकर जिस तरह युद्ध कर रहे हैं उससे हमें भी आगे बढ़कर ऐसा कुछ करना चाहिए जिससे दोस्ती और मजबूत हो। इसके लिए जरूरी है कि श्रीरामचन्द्र जी की जन्मस्थली हिन्दुओं को सौंप दी जाय। वातावरण सौहादर्य का था सभी मुसलमानों ने एक स्वर से समर्थन किया। लेकिन जब अंग्रेजों का यह पता चला तो वे घबड़ा गये। वे नहीं चाहते थे कि हिन्दू और मुसलमान दोस्त बन जाय। इस समय अयोध्या में अंग्रेजों के विरुद्ध संघर्ष करने वालों में बाबा रामचरणदास प्रमुख थे। रामजन्मभूमि के हस्तान्तरण की मनोभूमि तैयार करने में उनकी भी महत्वपूर्ण भूमिका बतायी जाती है। अंग्रेजों ने षडयन्त्र पूर्वक अमीरअली तथा बाबा रामचरणदास को बागी घोषित कर दिया तथा 18 मार्च 1858 को कुबेर टीला पर एक इमली के पेड़ में अमीर अली तथा बाबा रामचरणदास दोनों को फांसी दे दी गयी। स्थानीय जनता बहुत दिनों तक इस इमली के पेड़ की पूजा करती रही। अंग्रेजों ने जब यह श्रद्धा देखी तो उसने इस इमली के पेड़ को भी कटवा दिया।

**रानी विक्टोरिया का हस्तक्षेप—** जन्मभूमि और बाबरी मस्जिद के विवाद की जानकारी जब ब्रिटिश महारानी विक्टोरिया को हुई तो उसने इस मस्जिद का एक नक्शा अपने पास मंगाया और उसके आंगन के बीच एक रेखा खींच दी और आदेश दिया कि आंगन के बीच में इस रेखा पर एक दीवाल खींच दी जाय मुसलमान अन्दर नमाज पढ़ें, हिन्दू बाहर के चबूतरे पर अपना पूजा पाठ करें। ब्रिटिश अधिकारियों ने आदेश का पालन किया और मस्जिद के आंगन में करीब आठ फिट ऊँची एक दीवाल खड़ी कर दी गयी जिसमें बीच-बीच में लोहे की जालियां लगा दी गयी तथा लोहे के ही दो दरवाजे लगाये गये। यह दीवाल आज भी इसी तरह बरकरार है।

**अंग्रेजी राज में पहला दंगा**— अंग्रेजी राज में श्रीरामजन्मभूमि को लेकर दो बाद दंगा हुआ पहला 1912 में दूसरा 1934 में। 1912 के दंगे में सैकड़ों हिन्दू और मुसलमानों की जान गयी। इस दंगे के पीछे कारण मुसलमानों द्वारा गाय की कुरबानी बतायी जाती है। दंगा बकरीद के अवसर पर भड़का था। बकरीद के त्यौहार पर आमतौर से मुसलमान कुरबानी देते हैं इस अवसर पर मस्जिद श्रीरामजन्मभूमि में नमाज के लिए मुसलमानों को शासन से विशेष अनुमति लेनी पड़ती थी जो प्रायः मिल जाती थी। बताया जाता है कि इस दंगे के दौरान निर्मोही अखाड़े के तत्कालीन महान्त नरोत्तमदास जी दिल्ली गये और वायसराय को अयोध्या ले आये। उन्होंने पूरी स्थिति का अध्ययन करने के बाद अयोध्या की पंचकोशी परिक्रमा के भीतर पशु हत्या विशेषकर गोहत्या पर पूरी तरह पाबन्दी लगा दी।

**अंग्रेजी राज में दूसरा दंगा**— अंग्रेजों के शासनकाल में दूसरा दंगा 1934 में हुआ। यह भी कुरबानी को लेकर हुआ। यह दंगा सबसे अधिक भयंकर था। इस दंगे में प्रत्यक्षदर्शी अभी बहुत से लोग अयोध्या में जीवित हैं। कुछ ऐसे भी लोग हैं जिनकी इस दंगे में सक्रिय भूमिका थी। प्रत्यक्ष दर्शियों के अनुसार 24 मार्च 1934 दिन मंगलवार को दोपहर बाद दंगा भड़का। उस दिन पता चला अयोध्या के दक्षिणी अंचल में स्थित गांव शाहजहांपुर में कुरबानी हुई है। सूचना मिलते ही हनुमानगढ़ी के कुछ साधु वहां पहुंचे। गांव के मुसलमानों ने उनका मुकाबला किया। यह खबर आग की तरह अयोध्या में फैल गयी। आगजनी और मारकाट का बाजार गर्म हो गया। सुतहटी (रामकोट के दक्षिण एक मुहल्ला) पर बाबा रामसरनदास नामक एक पहलवान साधु ने एक फकीर की हत्या कर दी। बताया जाता है ये फकीर नवाबूशाह थे जिनकी मजार अभी भी बनी है दंगे में दोनों पक्षों को क्षति पहुंची। वैरागियों तथा गृहस्थों का एक दल जन्मभूमि बाबरी मस्जिद पर चढ़ आया और उसके गुम्बदों को खोद कर गिरा दिया। हमले में मन्दिर के भीतर तीन मुसलमान मारे गये। इस परिस्थिति में मुस्लिम समुदाय की शिकायत पर फैजाबाद से राजकीय सेना की एक टुकड़ी अयोध्या भेजी गयी। पूरे नगर में कर्फ्यू लागू कर दिया गया। सैकड़ों लोग गिरफ्तार किये गये। गिरफ्तार किये गये लोगों में विरक्त साधु अधिक थे। फैजाबाद के निवासी राजा मोहन मनूचा ने इन सबकी जमानत ली। मुकदमा चलने पर सबके सब निरपराध छूट गये। गिरफ्तार किये गये लोगों में प्रमुख थे— महान्त रघुवर प्रसाद (बड़ा स्थान) बाबा सियाराम दास

(राजगोपाल) महान्त रामकिशोर दास (जन्मस्थान) महान्त रामटहल दास, बाबा मंगलदास पहलवान, बाबा शत्रुघ्न दास, बाबा यमुना दास (सभी हनुमानगढ़ी) तथा तपस्वी जी की छावनी के अधिकारी।

अंग्रेज कमिश्नर जे०पी०नेकल्सन ने अयोध्या पर इस दंगे के कारण दन्डात्मक कर (प्युनिटिव टैक्स) लगाया। जिससे पचासी हजार रुपये की आय हुई। इस रुपये से मस्जिद की मरम्मत की गयी तथा उसके गुम्बदों का पुनर्निर्माण कराया गया। मस्जिद के भीतर एक पत्थर पर अंकित अभिलेख में इस मरम्मत का जिक्र है, जिसे तहव्वर खां ठेकेदार ने कराया था। अभिलेख इस प्रकार है— “27 मार्च 1934 मुताबिक 11 जिलहज्ज सन् 1352 हिजरी बरोजे बलवा हिन्दू बलवाई मस्जिद शहीद करके असली कुतबा उठा ले गये। जिसको तहव्वर खां ठेकेदार ने निहायत खूबी के साथ तामीर कराया।” (पेज 439-451)

**4022.** Most of the contents of the said book are unauthenticated. The credentials of the author are not known. On page 436 and 437, there are footnotes no.1 respectively on each and the same reads as under:

“1. बाबर यद्यपि मुसलमान आक्रामक था लेकिन वह महमूद गजनवी या मुहम्मद गोरी की तरह आतताई नहीं था। वह धर्मभीरु था लेकिन धर्मान्ध नहीं। वह भारत में अपना साम्राज्य स्थापित करने आया था जेहाद करने नहीं। अपनी साम्राज्य स्थापना की लालच में वह सभी सन्तों-सिद्धों-फकीरों की दुआएं प्राप्त करने की कोशिश करता था। उसकी इस कमजोरी का लाभ ही फकीर फजल अब्बास मूसा आसिकान तथा जलालशाह ने उठाया। अन्यथा वह हिन्दू धर्म या उनके पूजागृहों के प्रति द्वेष रखने वाला नहीं था। इसका सबसे बड़ा प्रमाण यह है कि अयोध्या में दन्तधावन कुण्ड स्थान के आचार्य श्री स्वामी शत्रुघ्न जी को बाबर ने पांच सौ बीघा लमीन की काफी दी थी। यह स्थान अभी भी है और इनके पास उस प्राचीन दान के दस्तावेज भी हैं। बताया जाता है कि श्री शत्रुघ्न सिद्धयोगी थे और बाबर जब यहाँ आया था तो वह उनके दर्शनार्थ भी गया था। इस भूमि की प्राप्ति के बाद ही दन्तधावनकुण्ड मठ की स्थापना हुई। आज भी यहां स्थित अयोध्या का यह प्राचीनतम वैष्णव मठ है जिसके महान्त इस समय स्वामी नारायणाचार्य जी हैं

सिद्धों का दर्शन करके उनका आशीर्वाद प्राप्त करने के उद्देश्य से

ही वह फजल अब्बास के पास भी गया था तो उसने अपनी सिद्धार्थ की धाक जमाकर उसे श्रीराम जन्मभूमि मन्दिर तोड़ने के कुचक्र में फांस दिया।” (पेज 436)

“1. “मार्डन रिव्यू” नामक अंग्रेजी की पत्रिका के 6 जुलाई 1924 के अंक में जाने माने लेखक स्वामी सत्यदेव परिव्राजक का एक लेख छपा था जिसमें उन्होंने एक शाही फरमान की प्रति को उद्धृत किया था। उनके अनुसार शाही मुहर युक्त यह फरमान उन्हें पुराने कागजातों की छानबीन के दौरान मुगल कालीन शाही कागजातों के साथ मिला था। यह फरमान बादशाह बाबर की ओर से जारी किया गया था जो श्रीराम जन्मभूमि के सम्बन्ध में था। यह फरमान अब कहीं है या नहीं इसकी कोई जानकारी नहीं है। किन्तु आजकल की प्रकाशित पुस्तकों में छपा उसका प्रारूप इस प्रकार है “शाहशाहे हिन्द मालिकूल जहां बादशाह बाबर के हुक्म से हजरत जलालशाह के मर्जी के मुताबिक अयोध्या में राम की जन्मभूमि को मिसमार करके उसकी जगह उसी के मसाले से मस्जिद तामीर करने की इजाजत दे दी गयी है बजरिये इस हुक्मनामें के तुमको बतौर इत्तिला के आगाह किया जाता है कि हिन्दुस्तान के किसी भी गैर सूबे से कोई हिन्दू अयोध्या न जाने पावे जिस सख्स पर यह सुबहा हो कि वह जाना चाहता है, उसे फौरन गिरफ्तार करके दाखिल कारागार कर दिया जाय। हुक्म की सख्ती से तामीर हो फर्ज समझकर।” (पेज 437)

**4023.** The correctness of the facts stated in the two footnotes could not be supported or authenticated by any of the learned counsels and in respect to the footnote on page 437, in fact no counsel on behalf of Hindu parties claimed that any such Farman ever existed. The author of the book has not been shown to be a known historian or expert on the subject. The preface of the book i.e. paper no.107C1/154-3 (Register 22, page 419) shows that the book was written in hurry meaning thereby the author had no occasion to make any in-depth research on the subject. There is no mention that the author had earlier or at any point of time ever made research on the subject. He has also mentioned in preface:

“फिर भी यत्र—तत्र किंवदन्तियों तथा परमपराओं का सहारा लेना पड़ा है।”

This is self speaking. In our view, no credence can be laid to the above document and this book loses trustworthiness for lack of supporting reference and material.

**4024.** Reliance has been placed on "**Sri Ram Janambhumi Ka Rakt Ranjit Itihas**" written by **Late Pt. Sri Ramgopal Pandey "Sharad"**, published by Pt. Dwarika Prasad Shivgovind, Ayodhya (1987). Photocopy of the frontispiece and pages 14, 15, 31, 33, 34, 95 and 96 of the said book have been filed as Exhibit 128 (Suit-4), Register Vol. 19, pages 33-40. The relevant part from pages 20 to 34 referred to by Sri R.L. Verma, Advocate says:

“इस सम्बन्ध में मार्टन रिव्यू में राम की अयोध्या शीर्षक एक लेख उक्त पत्र के ता० 6 जुलाई सन् 1924 के अंक में प्रकाशित हुआ था। इस लेख के लेखक थे श्रीस्वामी सत्यदेव परिव्राजक। स्वामी श्रीसत्यदेव परिव्राजक एक ख्याति प्राप्त व्यक्ति हैं। उनसे हिन्दी संसार पूर्णतया परिचित है। श्रीस्वामीजी ने कई बार विदेशों में भ्रमण कर भारतीय संस्कृति के अमर सन्देश का महामन्त्र अंग्रेज इतिहासज्ञों के बीच में भी फूका था। आपकी लिखी पुस्तकें “मेरी कैलाश यात्रा” “संगठन का बिगुल” हिन्दी संसार में पर्याप्त ख्याति प्राप्त कर चुकी हैं। आपको दिल्ली में किसी पुराने कागजातों की छानबीन में प्राचीन मुगल कालीन सरकारी कागजातों के साथ फारसी लिपि में लीथो प्रेस द्वारा प्रकाशित शाही मुहर संयुक्त बाबर का एक शाही फरमान प्राप्त हुआ था। जो अयोध्या में स्थित श्रीराम जन्मभूमि के समय उसे गिराकर मसजिद बनाने के सम्बन्ध में शाही अधिकारियों के पास जारी किया गया था। आपने अंग्रेजी में उसे मार्टन रिव्यू में 6 जुलाई सन् 1924 ई० में अपने उस धारावाही रूप से प्रकाशित होने वाले लेख के साथ छपवाया था जिसे वे उस समय “श्रीराम की अयोध्या” शीर्षक देकर निकाल रहे थे। हम उस फरमान का अविकल हिन्दी अनुवाद नीचे दे रहे हैं।

#### **श्रीरामजन्मभूमि**

श्रीरामजन्मभूमि को गिराकर उसके स्थान पर बाबरी मसजिद निर्माण करने के लिए आज्ञा प्रदान करने के लिए बाबर को बाध्य करने वाला

प्रसिद्ध तारसुवी मुसलमान फकीर कजल अब्बास मूसा आशिकान कलन्दर साहब जिसने अयोध्या को मुसलिम तीर्थ खुर्द मक्का का स्वरूप देना चाहा था।

**शाहशाहे हिन्द कालिकुल जहां बादशाह बाबर के हुक्म से।**

हजरत जलाल शाह के हुक्म के बमूजिब अयोध्या में राम की जन्मभूमि को मिसमार करके उसकी जगह उसी के मसाले से मसजिद तामीर करने की इजाजत दे दी गई है। बजरिये इस हुक्मनामे के तुमको बतौर इत्तिला के आगाह किया जाता है कि हिन्दुस्तान के किसी भी गैर सूबे से कोई हिन्दू अयोध्या न जाने पावे जिस शख्स पर यह सुबहा हो कि यह जाना चाहता है फौरन गिरफ्तार करके दाखिले जिन्दाकर दिया जाय। हुक्म की सख्ती से तामील हो फर्ज समझ कर।

(शाही मुहर)

इससे यह पता लगता है कि उस समय की सरकार भी यह समझती थी कि राम को जन्मभूमि को तोड़ कर उस जगह मसजिद खड़ी कर देना आसान काम नहीं है। इसका प्रभाव सारे हिन्दुस्तान पर पड़ेगा। सोई हुई हिन्दू जाति एक बार अँगड़ाई लेकर खड़ी हो जायगी। फिर तो उससे टकराकर दिल्ली का सिंहासन चूर चूर हो जाएगा और सारी राजसत्ता धूल में मिल जायगी।

इस फरमान के निकलने का क्या परिणाम हुआ। भारत के हिन्दू जन्मभूमि के उद्धार के लिए कुछ कर सके या नहीं, इसका हमारे पास कोई प्रमाण नहीं है। किन्तु कनिंघम की लखनऊ गजेटियर में प्रकाशित रिपोर्ट यह बतलाती है कि युद्ध करते हुए एक लाख चौहत्तर हजार हिन्दू जब मारे जा चुके, उनकी लाशों का ढेर लग गया तब बाबर के वजीर मीर बांकी खॉ ने तोप के द्वारा जन्मभूमि का मन्दिर गिराया। यह रिपोर्ट कनिंघम ने किस आधार पर दी है इसका भी हमारे पास कोई प्रमाण नहीं है। लेकिन उसकी यह रिपोर्ट कम से कम हिन्दुओं के मारे जाने की है। इसी से पाठक यह जान सकते हैं कि समस्त भारतीय जनता इस अन्याय से कुद्ध थी और अपनी समस्त शक्तियों से जन्मभूमि की रक्षा करने के लिये कृत संकल्प थी। हैमिल्टन तो बाराबंकी गजेटियर में यहां तक लिखता है कि जलालशाह ने हिन्दुओं के खून का गारा बनाबर उसपर लाहौरी ईंटों की नींव मसजिद बनवाने के लिये दी थी।

बाबर अपने बाबरनामें में लिखता है—

हजरत कजल अब्बास मूसा आशिकान कलन्दर साहब की इजाजत से जन्मभूमि मन्दिर को मिसमार करके मैंने उसी के मसाले से उसी जगह यह मसजिद तामीर की।

बाबरनामा पृष्ठ 173

मसजिद के बन जाने पर भी हिन्दू शान्त नहीं बैठे, वे येन केन प्रकार से रामजन्मभूमि को पुनः प्राप्त करने के लिये कृत संकल्प रहे। हुमायूँ के समय में अयोध्या के पास स्थित सराय सिरसिण्डा, और राजेपुर नामक ग्राम के सूर्यवंशीय क्षत्रियों में एक बार पुनः जोश आया और दस हजार की संख्या में एकत्रित होकर उन्होंने पुनः जन्मभूमि पर धावा बोल दिया। स्थानापन्न सारी शाही छावनियों काट डाली, तम्बू फूंक दिए और मसजिद का अगला द्वार तोड़ फोड़ कर बरबाद कर दिया किन्तु तीसरे ही दिन शाही कुमक आ गई और सब क्षत्री युद्ध करते हुए मारे गये उनके गांवों में आग लगा दी गई किन्तु उनके वंशज इस पर भी शान्त नहीं हुये। अकबर के राज्य काल में उन्होंने फिर संगठित रूप से जन्मभूमि पर हमला किया। शाही सेना सावधान थी। बड़ी भयंकर मारकाट हुई। जब यह समाचार दिल्ली पहुँचा तो राजा बीरबल और टोडर मल ने अकबर को बहुत समझाया। हिन्दुओं ने अपनी भयंकर मार से शाही सेना के पाँव उखाड़ कर एक चबूतरा मसजिद के सामने बना लिया था, अकबर ने उसी पर भगवान के स्थापित करने की आज्ञा दे दी। दीवाने अकबरी में लिखा है—

जन्मभूमि को वापस लेने के लिए हिन्दुओं ने 20 हमले किये। अपनी हिन्दू रियाया की दिल शिकमी न हो इसलिये शाहशाहे हिन्द शाह जलालुद्दीन अकबर ने राजा बीरबल और टोडरमल की राय से उनको बाबरी मसजिद के सामने चबूतरा बनाकर उस पर एक छोटा सा राम मन्दिर तामीर कर लेने की इजाजत बख्श दी, और यह हुक्म दिया कि कोई भी शख्स उनके पूजा-पाठ में किसी तरह की रोक टोक न करे।

(दीवाने अकबरी से)

इस नीति से कुछ दिनों के लिये यह झगड़ा शान्त हो गया। उस चबूतरे पर स्थित भगवान की मूर्ति का पूजन पाठ बहुत दिनों तक अबाधगति से चलता रहा। अकबर की कठोर आज्ञा के कारण मुसलमान उनके घड़ी घंटा आदि बजाने और पूजन पाठ में कोई विक्षेप नहीं करते थे। यही क्रम शाहजहाँ के समय तक रहा। जहांगीर और शाहजहाँ ने भी इस सम्बन्ध में हिन्दुओं का कोई विरोध नहीं किया। सन् 1640 में जब दिल्ली

के सिंहासन पर हिन्दू धर्म द्वेषी औरंगजेब बैठा तब जन्मभूमि के इतिहास के पृष्ठ में एक क्रान्तिकारी नया अध्याय आरम्भ हुआ।

### औरंगजेब का आक्रमण

राजसिंहासन पर बैठते ही सबसे पहले औरंगजेब का ध्यान अयोध्या की ओर गया। प्रायः देखा गया है कि जैसा राजा होता है वैसे ही उसके कर्मचारी एवं अधिकारी वर्ग हो जाते हैं। जहां अकबर के समय में हिन्दू जाति के प्रति सहानुभूति रखने वालों की अधिकता थी वहां औरंगजेब के समय में हिन्दू धर्म द्वेषियों का प्राबल्य हो गया, सिंहासन पर बैठते ही मुल्लाओं ने औरंगजेब के कान भरने शुरू किये उसका ध्यान राम जन्मभूमि की ओर दिलाया औरंगजेब ने अपने सिपहसालार जाबांज खॉ की अध्यक्षता में एक जबरदस्त सेना भेज दी। वह सेना अयोध्या आ पहुँची। पुजारियों को पहले ही यह मालूम हो गया था अतः उन्होंने पुनः भगवान की मूर्ति एवं पूजा का सामान छिपा दिया तथा रातों रात देहातों में घूम घूम कर मन्दिर पर आक्रमण होने की सूचना हिन्दुओं को दे दी और रात ही रात हिन्दुओं का एक जबरदस्त दल मन्दिर की रक्षार्थ श्रीराम जन्मभूमि पर आ डटा, उन दिनों अयोध्या में अहिल्याघाट पर परशुराम मठ में स्थित वैष्णवदास नाम के एक महात्मा निवास करते थे दक्षिण प्रान्त के समर्थ गुरु श्रीरामदास जी महाराज के शिष्य थे और उन्हीं की आज्ञानुसार सम्पूर्ण उत्तरीय भारत में हिन्दू संस्कृति के प्रचार एवं विधर्मियों से देश का उद्धार करने के लिये घूम रहे थे। इनके साथ दस हजार चीमटाधारी साधुओं का एक जबरदस्त गिरोह था। उस गिरोह के साधु प्रचार, योग साधना, जासूसी, युद्ध विद्या आदि सभी कार्यों में निपुण थे, जन्मभूमि पर औरंगजेबी आक्रमण का समाचार जब इन साधुओं को मिला तो यह साधुओं की जबरदस्त सेना हिन्दुओं के दल से मिल गई और इस जबरदस्त दल ने उर्बसी कुण्ड पर मुगल सेना का डटकर सामना किया। सात दिन तक लगातार घोर संग्राम होने पर साधुओं के चीमटों की मार से शाही सेना के धुरे उड़ गये और वह मैदान छोड़कर भाग खड़ी हुई।

मुगल सेना को पराजित कर भगा देने के पश्चात् यह साधुओं का दल भाऊ के जंगलो में छिप गया। हिन्दुओं का गिरोह भी जहां तहां अन्तर्ध्यान हो गया और चबूतरे पर स्थित मन्दिर की रक्षा हो गई। इस पराजय का समाचार जब औरंगजेब के पास पहुंचा तो वह अत्यन्त क्रुद्ध हुआ और जाँबाज खॉ को पदच्युत करके उसके स्थान पर सैय्यद हसन

अली को सिपहसालार बनाकर पचास हजार सेना देकर जन्मभूमि को तहस नहस कर डालने के लिये भेजा।

मगर साधुओं का दल भी असावधान नहीं था। इस गिरोह के कुछ आदमियों को पत्र देकर वैष्णवदास ने गुरु गोविन्द सिंह के पास भेजा। गुरु गोविन्द सिंह अपने अधीनस्थ सिक्खों की एक जबरदस्त सेना लेकर उन दिनों आगरे की ओर मुगल सेना की हेंकड़ी भुला रहे थे। वे वैष्णवदास के साथ आकर मिल गये और ब्रह्मकुण्ड पर अपना अड्डा जमाया। वैष्णवदास के जासूस कदम 2 पर मुगल सेना की टोह ले रहे थे। जब उन्हें पता चला कि हसनअली की अध्यक्षता में पचास हजार मुगल सेना आँधी की तरह अयोध्या की ओर बढ़ती चली आ रही और उसके साथ एक तोपखाना भी है तो सिक्ख और साधुओं की सेना ने अपने तीन दल कर दिये। एक दल सिक्खों का एक छोटे से तोपखाने के साथ फैजाबाद के वर्तमान शहादतगंज के पास खेतों में छिप गया। दूसरा दल गृहस्थ क्षत्रियों का था जिसने रुदौली में डटकर शाही सेना का सामना किया। और वैष्णवदास का चीमटाधारी गिरोह जालपा पर सरपत के जंगलो में छिपकर मुगल सेना की प्रतीक्षा करने लगा।

शाही सेना का पहला मुकाबला रुदौली में क्षत्रियों से हुआ जिसमें साधारण लड़ाई के बाद पूर्व निश्चित कार्यक्रम के अनुसार वे हट गये और आकर सिक्खों के दल से चुपचाप मिल गये। मुगल सेना ने समझा हिन्दू पराजित होकर भाग गये, अतएव वह निश्चिन्त होकर आगे बढ़ी। जैसे ही वह शहादतगंज के पास पहुँची वैसे ही सिक्खों का दल भूखे बाघ की तरह उन पर टूट पड़ा। पीछे से हिन्दुओं के दल ने भी धावा बोल दिया। सिक्खों ने आगे बढ़कर सबसे पहिले शाही तोपखाने पर ही अधिकार कर लिया। इस दोहरी मार से मुगल सेना घबरा उठी और साहस छोड़कर भाग निकली। सरदार हसनअली भी इस युद्ध में मारे गये। इस पराजय का औरंगजेब पर ऐसा असर पड़ा कि लगातार 4 वर्ष तक उसने जन्मभूमि पर आक्रमण करने का नाम तक नहीं लिया।

चार वर्ष तक लगातार आक्रमण न होने के कारण हिन्दू असावधान थे। इससे लाभ उठाकर सन् 1664 में औरंगजेब ने पुनः श्रीजन्मभूमि पर आक्रमण कर दिया। यह समाचार पाकर हिन्दुओं ने मुकाबला किया किन्तु शाही सेना के सामने उसकी एक न चली पुजारियों के प्रयत्न से मन्दिरस्थ भगवान की प्रतिमा छिपा दी गई। इस अचानक आक्रमण में दस हजार

हिन्दुओं का बध हुआ। मारे गये हिन्दुओं की लाशें मन्दिर के पूर्वीय द्वार पर स्थित नवकोण का एक कन्दर्प कूप नामक कुवों था उसमें भर दी गई और चारों ओर से चहारदिवारी उठाकर उसे घेर दिया गया। आज भी वह कन्दर्प कूप "गंज शहीदा" के नाम से मन्दिर के पूर्व द्वार पर स्थित है जिसे मुसलमान अपनी सम्पत्ति बतलाते हैं।

### आठ दिन तक रात दिन घोर संग्राम

शाही सेना ने जन्मभूमि का चबूतरा खोद डाला। बहुत दिनों तक वह चबूतरा गढ़े के रूप में वहां पर स्थित था। हिन्दू जनता श्रीराम नौमी के दिन भक्ति भाव से उसी गढ़े में जल अक्षत पुष्प चढ़ा दिया करती थी। जब लखनऊ की नवाबी का उदय हुआ और लखनऊ की नवाबी की मसनद पर नवाब सहादतअली खॉ तख्तनशीन हुआ तो एक बार फिर हिन्दुओं ने जन्मभूमि पर आक्रमण किया किन्तु इस बार भी दुर्भाग्य से उन्हें सफलता नहीं मिली।

नवाब नासिरुद्दीन हैदर के समय में फिर हिन्दुओं का जबरदस्त आक्रमण हुआ। इस बार हिन्दू संगठित थे। अबकी बार डटकर नवाबी सेना का सामना हुआ। आठवें दिन हिन्दुओं की शक्ति क्षीण होने लगी। जन्मभूमि के मैदान में हिन्दू और मुसलमानों की लाशों का ढेर लगा हुआ था। शाही सेना के सैनिक अधिक संख्या में मृतक हुए थे। इस भयानक संग्राम में भीटी हसवर, मकरही, खजुरहट, दियरा, अमेठी के राजा गुरुदत्त सिंह आदि भी सम्मिलित थे। शाही सेना इन्हें पछाड़ती हुई हनुमानगढ़ी तक ले आई। हनुमानगढ़ी तक आने पर साधुओं की चीमटाधारी जमात हिन्दुओं से आ मिली। इस जमात में खाकी साधुओं के साथ बड़े बड़े महन्त भी थे। अबकी बार डटकर घोर संग्राम हुआ। इस युद्ध में शाही सेना के चिथड़े उड़ गये और उसे रगेदती हुई हिन्दू सेना ने जाकर जन्मभूमि पर अधिकार कर लिया।

किन्तु यह अधिकार अधिक दिनों तक नहीं रहा। जबरदस्त शाही सेना ने आकर फिर इनके हाथ से जन्मभूमि छीन ली।

नवाब वाजिदअली शाह के समय में पुनः हिन्दुओं ने जन्मभूमि के उद्धारार्थ आक्रमण किया। अबकी बार के आक्रमण में अवध के दो चार राजाओं को छोड़कर सभी हिन्दू राजा सम्मिलित थे। फैजाबाद गजेटियर में कनिंघम लिखता है कि इस बार शाही सेना एक ओर खड़ी तमाशा देखने लगी। हिन्दू और मुसलमानों को यह छूट दे दी गई कि वे लड़कर आपस

में निपट लें। यह संग्राम ऐसा भयानक था कि वर्णन करना शक्ति के बाहर है। दो दिन के रात दिन तक होने वाले भयंकर युद्ध में बुरी तरह मुसलमान पराजित हुए। क्रुद्ध हिन्दुओं की भीड़ उनके मकान फूँकने और कबरें तोड़ फोड़ कर बरबाद करने एवं मसजिदों को मिसमार करने लगी। यहाँ तक कि मुर्गियों तक को जिन्दा नहीं छोड़ा। केवल उन्होंने स्त्रियों और बच्चों को कोई हानि नहीं पहुँचाई। सारी अयोध्या में प्रलय मच गया, मुसलमान अयोध्या छोड़कर अपनी जान लेकर भाग निकले। इतिहास लेखक कनिंघम लिखता है कि यह अयोध्या का सबसे बड़ा हिन्दू मुसलिम बलवा था। मुसलमानों की इस प्रकार की दुर्दशा देखकर शाही सेना ने जिसमें अधिकतर अंग्रेज थे। स्थिति को काबू में किया। सारे शहर में करफ्यू आर्डर की घोषणा कर दी गई। उस समय अयोध्या के महाराज मानसिंह ने नबाब वाजिदअलीशाह से कह सुनकर चबूतरा फिर से हिन्दुओं को बनवा लेने की आज्ञा दिलवाई और चबूतरे पर तीन फीट ऊँची खस की टट्टियों का एक छोटा सा मन्दिर बना जिसमें पुनः भगवान की स्थापना की गई।

#### **अंग्रेजी, राज्य में जन्मभूमि पर हमला।**

अंग्रेजी राज्य में दो बार जन्मभूमि पर आक्रमण हिन्दुओं द्वारा हुए। पहला आक्रमण सन् 1912 में और दूसरा आक्रमण सन् 1934 में हुआ। पहले आक्रमण में तो बाबरी मसजिद को हानि नहीं पहुंची किन्तु दूसरे आक्रमण में बाबरी मसजिद तोड़ फोड़ कर बरबाद कर दी गई किन्तु फ़ैजाबाद के डिप्टी कमिश्नर जे० पी० निकल्सन ने मसजिद पुनः बनवा दी।

बाबरी मसजिद में एक जगह लिखा है—

27 मार्च सन् 1934 मुताबिक 11 जीउल हिज्जा सन् 1352 हिजरी बरोजे बलबा हिन्दू बलबाई मसजिद शहीद करके असली कुतवए उठा ले गये जिसको तहव्वर खॉ ठेकेदार ने निहायत खूबी के साथ तामीर किया।

(बाबरी मसजिद से)

#### **मुसलमानों द्वारा श्रीरामजन्मभूमि के उद्धार का प्रयत्न**

सन् 18 सौ सत्तावन के विप्लव में जब बहादुर शाह को सम्राट घोषित कर विद्रोह का नारा बुलन्द किया गया तो अयोध्या के हिन्दू, राजा देबीबख्श सिंह गोंडा नरेश तथा बागी रामचरणदास की अध्यक्षता में संगठित हो गए। उस समय बागी मुसलमानों के नेता अमीरअली ने अयोध्या और फ़ैजाबाद के समस्त मुसलमानों को इक्ठ्ठा करके कहा कि बिरादराने वतन बेगमों के जवरातों को बचाने में हमारे हिन्दू भाइयों ने जिस कदर

अंग्रेजो से लड़कर बहादुरी दिखाई है इसे हम भूल नहीं सकते? सम्राट बहादुर शाह ज़फर को अपना बादशाह मानकर हमारे हिन्दू भाई अपना खून बहा रहे हैं, इसलिये फर्जे इलाही हमें मजबूर करता है कि हिन्दुओं के खुदा श्रीराम चन्द्र जी की पैदाइशी जगह पर जो बाबरी बनी है वह हम इन्हे बखुशी सुपुर्द कर दें क्योंकि हिन्दू मुसलिम नाइत्तफाकी की सबसे बड़ी जड़ यही है ऐसा करके हम इनके दिल पर फतह पा जायेंगे।

कहना नहीं होगा कि अमीरअली के इस प्रस्ताव का सारे मुसलमानों ने एक स्वर से समर्थन किया। किन्तु अंग्रेजों को यह बात मंजूर नहीं थी। वे चाहते थे कि मसजिद बनी रहे जिससे हिन्दू और मुसलमानों के दिल आपस में मिलने न पाएँ, क्योंकि बाबरी मसजिद के हिन्दुओं को मुसलमानों द्वारा वापस किए जाने की खबर फेल चुकी थी। अंग्रेजों में जो घबराहट इससे फैली इसका प्रमाण हम सुल्तानपुर गजेटियर में प्रकाशित पृष्ठ 36 पर कर्नल मार्टिन की रिपोर्ट को उद्धृत करके देते हैं।

अयोध्या की बाबरी मसजिद को मुसलमानों के द्वारा हिन्दुओं का वापस दिए जाने की खबर सुनकर हम लोगों में घबराहट फेल गई। और विश्वास हो गया कि हिन्दुस्तान से अब अंग्रेज खतम हो जायेंगे। लेकिन अच्छा हुआ कि गदर का पास पलट गया और अमीरअली तथा बलवाई बाबा रामचरणदास को फॉसी पर लटका दिया गया जिनके बाद फ़ैजाबाद के बलवाइयों की कमर टूट गई और तमाम फ़ैजाबाद जिले पर हमारा रोब गालिब हो गया। क्योंकि गोंडा का राजा देबीबख्श सिंह पहले ही फरार हो चुका था। इस काम में राजा मानसिंह मेहदौना वाले ने हमारी बड़ी मदद की।

कहना नहीं होगा कि अमीर अली का यह सत्प्रयत्न अंग्रेजों की कूटनीति के कारण विफल हो गया और 18 मार्च सन् 1858 को कुबेरटीला पर स्थित इमली के पेड़ पर बाबा रामचरणदास और अमीरअली दोनों को फॉसी पर लटका दिया गया। बहुत दिनों तक जनता इस इमली के पेड़ पर उन दोनों देश भक्तों को फॉसी दे दी गई थी। फूल अच्छत चढ़ाती रही। जब अंग्रेजों ने जनता की इतनी जबरदस्त श्रद्धा उन देश-भक्तों के प्रति देखी तो उनके अन्तिम स्मारक उस इमली के वृक्ष को भी कटवा डाला। इस प्रकार मुसलमानों द्वारा श्रीजन्मभूमि उद्धार किया गया प्रयत्न अंग्रेजों की कूटनीति से व्यर्थ हो गया।

जन्मभूमि के उद्धार के लिए बाबर के शासन से लेकर आज तब

छिहत्तर बलवे हुए जिनकी सुची क्रमबद्ध नीचे दी जा रही है।

1. बाबर के समय में – 4
2. हुमायूँ के समय में – 10
3. अकबर के समय में – 20
4. औरंगजेब के समय में 30
5. नबाब शहादतअली के समय में – 5
6. नासिररुद्दीन हैदर के समय में – 3
7. वाजिदअली के समय में – 2
8. अंग्रेजों के समय में – 2

कुल योग – 76

सबसे अन्तिम भयानक युद्ध जिसमें शाही सेना खड़ी तमाशा देखती थी और हिन्दू मुसलमान आपस में लड़कर फ़ैसला कर रहे थे वह सन् 1856 में हुआ था, जिसमें सबसे बड़ कर हानि मुसलमानों की हुई थी।”

**4025.** We do not find any reference for the supporting material of the said book. On page 33, however, reference has been made to Cunningham's report but the facts which are alleged to have been written by Cunningham do not find mention in the work of Cunningham which we have already referred in some detail. The alleged *Farman* of Babar, which is mentioned by the author in support of his work that Babar issued order for desecration of the birth place of Lord Rama, has not been shown to exist anywhere. Despite our query, the learned counsel could not place his hand even to suggest about the very existence of any such *Farman*. Again the quote from page 173 of Babarnama is also perverse as no such fact is mentioned anywhere in the Babarnama written by various writers and the learned counsel Sri Verma could not support the said work.

**4026.** Ex facie, we are clearly of the view that whatever have been written in his work mostly is imaginary and the

creation of the author himself instead of having any factual authenticity. We, therefore, find it difficult to believe on the said narration in the absence of any supporting and corroborating material particularly when it is not shown by Sri R.L. Verma that author of the said booklet was a historian or in any case an expert in the subject having special skill and resources to collect such historical facts.

**4027. Exhibit 114 (Suit-5) (Register 23, Page 535-577)** is a copy of article/paper by Dr.S.P.Gupta, Director, Allahabad Museum being Presidential address in XXIII Annual Conference of the India Archaeological Society held on 22<sup>nd</sup> December, 1989 at Guntur (State of Andhra Pradesh). The subject of the paper is **"Ram Janmabhumi Controversy : Passion Apart What History And Archaeology Have To Say On This Issue"**. The paper only shows the personal opinion of the author. The aforesaid author has appeared as witness O.P.W. 3 on behalf of plaintiffs (Suit-5). We find no reason to take into account the aforesaid opinion when he himself has appeared before us and has deposed as an expert witness (Archeologist).

**4028. Exhibit 115 (Suit-5) (Register 23, Page 579-587)** is another article by Dr. S.P.Gupta, Former Director, Allahabad Museum, Allahabad on the subject **"Ram Janambhoomi-Babri Masjid Revisited"**. This document also does not require any further comments and we do not find any reason to consider it since it is at the best an opinion of an expert and when the expert himself has deposed his statement, it is better to consider that statement instead of his ex parte opinion.

**4029. Exhibit 132 (Suit-5) (Register 23, Page 593-603)** is a photocopy of the frontispiece, Foreword and two photographs

at page 601 and 603 of "Catalogue of Historical Documents in Kapad Dwara, Jaipur" by G.N.Bahura and C.Singh. Item 179 paper no.107 C1/195 has been relied on by Sri P.N.Mishra and Sri H.S.Jain. It reads:

*"Map of Ayodhya, painted on white cotton fabric: early 18<sup>th</sup> Century: size: 213x178 cm.*

*The map was acquired through a Swami of Ayodhya at a price of Rs.5/-. This kind of maps were made for pilgrims and were presented to kings and nobles by saints. Important religious places are depicted prominently, for example:- Chakratirth. Devi of Ayodhya, Bharatkund, gufa of Bharatji, palaces of Dashrath, Kalpavriksha, Janaki kund, seat of Swami Raghodas, Sumeru Parvat, jaunpur town 40 kos from Ayodhya, Vibhishan pol, Chauki of Angad, Chauki of Sugriva, Patshahi qila, Lakshman kund, Saptasagar where Sri Ram left for his heavenly abode, Gorakhpur 40 kos from Ayodhya, river Tilottama, Mahavidya-kund where Sri Ram took lessons, Janmasthan (birth-place) of Sri Ram, Agni-kund where Sita entered into fire, Vairagpur, Hanuman-kund, Apsara-kund, Ramdwara, Ramghat and the river Sarayu."*

**4030. Exhibit 51 (Suit-5) (Register Vol. 28, page 217-225)** is a copy of a Article written by Sri Ajay Mitra Shastri under the title "Ayodhya and God Rama" said to have been published sometime after December 1992. The author was Head of Ancient Indian History and Archeology Department, Nagpur University, Nagpur, Maharashtra, who has expressed his opinion that the building in dispute was constructed by Babar in 1528 as is evident from the inscriptions fixed on the said building built

after demolition of a Hindu Temple and in support of this opinion, he has relied on (a) the Chandravati plates of the Gahadavala King Chandradeva, dated Vikram Samvat 1150 (AD 1092-93); (b) the research work of Hans Bakker; (c) inscription of Jayachachandradeve, dated AD 1184 said to have been seen by him when he claimed to have visited Ayodhya in 1992; (d) the stone inscription said to have been found at the time of demolition of the disputed building on 6<sup>th</sup> December 1992.

**4031. Exhibit 129 (Suit-5) (Register Vol. 28, page 227-281; 289-325)** claimed to be an Article read by Sri S.P. Gupta in a Conference at Ayodhya in October, 1992. The author himself has appeared in witness box and, therefore, we would consider his evidence along with his oral deposition.

**4032. Exhibit 131 (Suit-5) (Register Vol. 28, page 283-285)** is a copy of a map of the disputed site at Ayodhya which was part of the Article of Sri S.P. Gupta, i.e., Exhibit 129 (Suit-5) and shall accordingly be dealt with along with his oral deposition.

**4033. Exhibit 130 (Suit-5) (Register Vol. 28, page 327-353; 369-387)** is a copy of another Article of Sri S.P. Gupta expressing his opinion about the disputed site and the building which we may discuss along with his oral deposition.

**4034. Exhibit 128 (Suit-5) (Register Vol. 28, page 355-367)** claimed to be copy of the resolution of archaeologists, historians, epigraphists and scholars of allied disciplines participated in seminars held between 10<sup>th</sup> to 13<sup>th</sup> October, 1992 at Ayodhya.

**4035.** Though expert witnesses produced on behalf of plaintiffs (Suit-4), have sought to claim that history does not say

demolition of religious structure by Rulers of one religion and nothing is there to show discrimination between the followers of different religions, we find that the said averments are mere in the nature of a deliberate attempt to misguide the people and the Court about historical information which already is present in black and white in various historical literature. Even some of the corresponding writers have admitted and mentioned these things. The first source, we find more reliable than other is, the translation of the work of a number of Muslim writers given in the book **“History of India As told by its own Historians”** by **H.M. Elliot and John Dowson** published in eight volumes.

**4036.** Henry Miers Elliot was born in 1808 at Westminster in England. Due to consolidation of British power in India, the East India Company felt extreme deficiency of civil servants and, therefore, sought reinforcement from England by resorting to an emergence summary kind of recruitment and it is pursuant thereto Mr. Elliot was nominated as a candidate by Campbell Marjoribanks and was appointed directly in civil services to be sent to India. He sought to specialize in oriental languages and during the Training Examination, secured honorary classes. Initially, he was appointed an Assistant to the Magistrate and Collector of Bareilly and thereafter he worked in the capacity of Assistant to the Political Agent and Commissioner at Delhi, Assistant to the Collector and Magistrate of Mooradabad, Secretary to the Sudder Board of Revenue for the North West Provinces. In 1847 he became Secretary to the Government of India in the Foreign Department. He died in an early age of 45 while seeking to restore his broken health in the soothing climate of Cape of Good Hope.

**4037.** In 1846, Mr. Elliot got printed first volume of his “Supplement to the Glossary of Indian Terms” and in 1849 published the first volume of his “Bibliographical Index to the Historians of Mohammedan India”. It appears that Mr. Elliot had collected a large number of manuscripts mostly from Muslim writers containing history of Indian territory of the periods since when the Islamic followers got attracted to India hearing stories of its huge wealth on account whereof one of the Muslim writer termed it “**Meadows of Gold**”. All the work was either in Persian or Arabic. Elliot got translated it either himself or through others. After his death the material which he had collected was taken by his widow to England and thereafter Prof. John Dowson of Staff College, Sandhurst got it edited, and also, wherever necessary, made corrections in translation etc. The said work has been published in eight volumes under the title “**The History of India As told by its own Historians**”. The above book basically therefore contains the English translation of a large number of manuscripts which are the work of several Muslim and other authors. The antiquity of the work relates back to the period of Mahmud Ghaznavi. Besides, in the form of Appendix, the authors have analysed the Indian history of more than a thousand years which was relevant in connection with Muslims with Indian sub-continent.

**4038.** In Appendix A, Page 403 and onwards, (Vol. 2) of the book “History of India”, the author has referred to what has been said by Abu Rihan al Biruni in his work “*Tarikhu-I—Hind*” written in Arabic stating that Kabul was earlier governed by Hindu Kings. It says :

*“Kabul was formerly governed by princess of Turk lineage.*

*It is said that they were originally from Tibet. The first of them was named Barhtigin, and the Kingdom continued with his children for sixty generations. The last of them was a Katorman, and his minister was Kala, a Brahman. This minister was favoured by fortune, and he found in the earth treasures which augmented his power. Fortune at the same time turned her back upon his master. The Katorman's thoughts and actions were evil, so that many complaints reached the minister, who loaded him with chains, and imprisoned him for his correction. In the end the minister yielded to the temptation of becoming sole master, and he had wealth sufficient to remove all obstacles. So he established himself on the throne. After him reigned the Brahman(s) Samand, then Kamlua, then Bhim, then Jaipal, then Anandpal, then Nardajanpal, who was killed in A.H. 412. His son, Bhimpal, succeeded him, after the lapse of five years, and under him the sovereignty of Hind became extinct, and no descendent remained to light a fire on the hearth. These princes, notwithstanding the extent their dominions, were endowed with excellent qualities, faithful to their engagements, and gracious towards their inferiors. The letter which Anandpal wrote to Amir Mahmud, at the time enmity existed between them, is much to be admired. 'I have heard that the Turks have invaded your dominions, and have spread over Khurasan; if you desire it, I will join you with 5,000 cavalry, 10,000 infantry, and 100 elephants, but if you prefer it, I will send my son with twice the number. In making this proposal, I do not wish to ingratiate myself with you. Though I have vanquished you, I do not*

*desire that any one else but myself should obtain the ascendancy. This prince was a determined enemy of the Musulmans from the time that his son, Nardajanpal, was taken prisoner; but this son was, on the contrary, well-disposed towards them."*

**4039.** The author, however, made minor corrections in the above extract which was initially translated and published by M. Reinaud and instead of word 'Katorman', in translation this line is, "The last of them was a name, which represents the name of a tribe, or prince of that tribe, as well as the name of the country in which that tribe resided. He also observed that Turkish dynasty at Kabul which is said to have lasted for sixty generations should mean that it must have continued in the same family or tribe and they appear to have reigned upto AD 850. Further, history and genealogy of the rulers of Kabul and nearby areas has been considered thereafter which we do not find of much relevance to discuss in detail. However, in order to see the extent of reliability and the so called historical narrations in the books of different languages written by innumerable writers, we find useful to refer some discussion made in Vol.-2, Appendix Note C which relates to the history of Ghaznivides and reads as under :

*"The contents of this volume relate more especially to the history of the Ghaznivides. It therefore seems expedient to take a general review of the authors who have particularly treated of that dynasty.*

*First in order come 'Utbi, who has already been sufficiently noticed. It may be remarked generally that he is deficient in dates, and, though the chief and earliest*

*authority on all which relates to the early invasions of India, be evidently had no personal knowledge of that country, a circumstance which of course greatly detracts from his value. He is fuller in the reign of Subuktigin and the transactions in Turkistan than any of his successors.*

*Thirty years later come Abu-l Fazl Baihaki, of whose voluminous and important work only a portion has come down to us.*

*After an interval of more than two centuries follows the Nizamu-t Tawarikh, composed in 674 H., about a century after the extinction of the dynasty. The short notice which this work devotes to the Ghaznivides has been translated as an extract from that work, but it is of little authority, and confuses dates irremediably towards the close of the dynasty, in which the transactions were carried on too far eastward to be within the foreign ken of the author. Indeed he confesses that he knows nothing of their successors, the Ghorians, beyond the names of three of their kings.*

*The next, but after a period of two hundred years from 'Utbi is the Tabakat-i Nasiri, the chief value of which is that it quotes the lost volumes of Abu-l Fazl Baihaki. It is for this reason, however, greatly to be regretted, especially as he is one of the earliest Muhammadan authors who wrote in india, that his notice of Mahmud's reign is so very curt; for it is that in which we most feel the want of Baihaki's familiar gossiping narrative. It is true he is quoted in the Jami'u-l Hikayat, Tarikh-i Guzida, Rauzatu-s Safa, and Firishta; yet it may be doubted if any except the*

*author of the first ever saw his Tarikh-i Nasiri, which is mentioned by name in the Tabakat. In some of the other Ghaznivides reigns, this work differs from others, as will be seen from the passages which are extracted in the article TABAKAT-I NASIRI in this volume.*

*The great copyist and extractor, Rashidu-d din, follows after the lapse of about twenty years. In this Jami u-t Tawarikh, he follows 'Utbi implicitly, as far as the Yamini extends, taking not only this facts, but giving a literal translation of that work, even to the images and similes. So little does he attempt to improve upon the Yamini, that he even leaves out the important expedition to Somant, which was undertaken after the close of that work. This resource fails him altogether in the later reigns, which are consequently very unsatisfactorily disposed of in the Jami u-t Tawarikh.*

*About twenty years later follows the Tarikh-i Guzida of Hamdu-lla Muatauff – although he mentions the Makamat of Abu Nasr Miskati, and the Mujalladat of Abu-l Fazl Baihaki, he does not appear to have read them: at least he gives no information derived from them, and altogether his account of Mahmud's reign is very meagre. He mentions the names of the towns taken by him, omitting , however, all notice of Somnat, and without stating the dates of their capture. He is so often quoted by Mirkhond, Khondamir, and Firishta, that he has had more credit than he deserves in this portion of his universal history.*

*After a long interval of about a century, we have*

*Mirkhond, who in his Rauzatu-s Safa has given us the first detailed account of the history of the Ghaznivides. It is founded in the early portion upon the Yamini, but in later reigns rests upon some other authorities which are not quoted. Those which are mentioned, as the Nasiri and Guzida, are too meagre to have furnished the fuller information found in the Rauzatu-s Safa. This portion has been translated by F. Wilken into latin, and published with the original text at Berlin in 1832, under the title of Historia Gasnevidarun. He has added in footnotes passages from Firishta and Haidar Razi, where the details are more complete than in the Rauzatu-s Safa. Haidar Razi, however, is no original authority. I have found all the passages, except two, quoted by Wilken to be word for word the same as the Tarikh-i Alfi, even where other authorities are quoted, as Ibn Asir, Ibn Kasir, and Hafiz Abru. The chief omission to be noted in Mirkhond's account is that of the expeditions to India intervening between those of Kanauj and Somnat, and the attack upon the Jats of Jud after Mahmud's return from Somnat.*

*Mirkhond is followed by his nephew Khondamir in the Khulasatu-l Akhbar and the Habibu-s Siyar. The former has been translated by Price with additions from Firishta, and from the latter a translation will be found in a later volume of this work. He follows the Rauzatra-s Safa closely, and has no new authorities, omitting some passages, but dealing more copiously with the biographies of contemporary poets and ministers. Altogether, Mirkhond's narrative is preferable, and in this, as well as*

*in many other portions of his history Khondamir might have saved himself the trouble of attempting to rival his uncle.*

*The next authority of any value is the Tarikh-i Alfi. Like as in other portions of that work, it is, in the history of the Ghaznivides, also somewhat deficient in connexion, and troublesome, from adopting a new era; but, altogether, it is copious and correct. 'Utbi and Mirkhond are the chief authorities of the Tarikh-i Alfi, but something is added from the less known histories, which have already been mentioned as being quoted at second hand by Haidar Razi. It is to be regretted that Abu-l Fazl Baihaki is not amongst them. Here also we have no detailed account of the Indian expeditions between those of Kanauj and Somnat, and that to Thanesar is not mentioned.*

*Nizamu-d din Ahmad, in his Tabakat-i Akbari, gives a succinct account of the history of the Ghaznivides, and is particular in mentioning his dates. He notices very curiously the events in Turkistan, Sistan, and 'Irak, confining his attention principally to what related to India. In his work we, for the first time, find mention of several expeditions to India, which are passed over by his predecessors; and it is, therefore, to be regretted that he does not signify on what authority he relates them. The only probable source, among those mentioned as his general authorities, is the Zainu-l Akhbar. Nizamu-d din is followed closely by Firishta.*

*'Abdu-l Kadir, in his Tarikh-i Badauni, follows Nizamu-d din implicitly; but, in order to show the*

variations, he occasionally quotes the *Nizamu-t Tawarikh*, and the *Lubbu-t Tawarikh*. He adds also, some verses of poets who were contemporary with Ghaznivides.

*The Muntakhabu-t Tawarikh* of Kahki Shirazi is very brief, and scarcely deserves notice. It is chiefly follows the *Habibu-l Siyar*.

We next come to the history of *Firishta*, which gives the most complete and detailed account which we have of the Ghaznivides. Dr. Bird complains of the author's ignorance of the geography of Upper India; but he has exhibited no more than his predecessors, and in one or two instances attempts corrections. His chief resource is the *Tabakat-i Akhbari*, but he has also used the *Tarikh-i Yamini*, the *Tarikh-i Guzida*, the *Rauzatu-s Safa*, and the *Habibu-s Siyar*. Some of the other works which he quotes there is reason to believe he never saw. The translation by Briggs is generally correct and faithful in this portion, and there are no omissions in it of any great consequence.

*The Khulasatu-t Tawarikh* discusses this history in a peculiar fashion of its own. It omits all notice of transactions on the frontiers of Persia and Turkistan, and confines itself solely to India, insomuch that it leaves out whole reigns in which the sovereign had no connection with India: and, in consequence, preposterously confines the whole number of reigns to seven only. There is no other novelty in this chapter, except that it substitutes two new readings of places, which if they are derived from the history of Mahmud by 'Unsuri, which is quoted in the preface, may be considered authentic.

*These are all the authorities which it seems necessary to notice, as all the subsequent ones follow in the wake of Firishta. Abu-l Fida, Ibn Shuhna, Ibn Asir, Ibn Kasir, Nikbi, and Lari, have had all that is valuable in them extracted by the diligence of European authors, who have translated, abridged, or commented on the reigns of the Ghaznivides. The Turkish histories of the period, such as the Nakhbatu-t Tawarikh, and the work of Munajjim Bashi, we may fairly presume to have been exhausted by the industry of Hammer-Purgstall amongst the fourteen different histories which he quotes as authorities upon Mahud's reign – so that the only hope now left us for ascertaining any new fact with respect to the history of the Ghaznivides is in the recovery of the missing volumes of Memoirs, which we know to have been written by contemporary writers, and to have been in existence less than two centuries ago – such as those of Abu-l Fazl Baihaki, Abu Nasr Mishkani, and Mulla Muhammad Ghaznawi. The Makamat of Abu Nazr Mishkati (Mishkani) is mentioned by Firishta (Briggs I. 32 and 97), and the same author is referred to in Wilken (Gasnevidarum, p. 189). Firishta quotes from him the anecdote about Masud, which has been given from the Tabakat-i Nasiri (Supra, p. 271), and which is there also attributed to Abu Nasr Mishkan. The Tarikh-i Mulla Muhammad Ghaznawi is mentioned by 'Abdu-r Rahman, who wrote the Mir-atu-l Asrar and Mir-at-i Masudi, in Jahangir's time. The author was contemporary with Sultan Mahmud, of whom his work is said to give an ample account.”*

**4040.** Regarding the expeditions of Mahmud Ghaznavi in India with which the real Muslim history of invasions commenced as is widely known, we find that the European authors noticed the same in the 17<sup>th</sup> Century and probably the first publication came from D' Herbelot, a French author under the title **“Bibliotheque Orientale, Art. “Mahmood.”** Paris, published in 1697. Modern history writers tell us about seventeen expeditions of Mahmud Ghaznavi to India but in *“Tabakat-i-Akbari”* written by Nizamu-d-din Ahmad, the period of expedition mentioned twelve which has been reiterated by some subsequent writers. This discrepancy has been noticed by “Dowson” in Appendix, Note B, on page 434-435 (Vol.-2) as under :

*“It has been usual to consider the number of Mahmud's expeditious to India to be twelve. The first authority for this number is Nizamu-d din Ahmad in the Tabakat-i Akbari; and as Dow has also numbered them as twelve, the most English authors following him as the standard, have entertained the same persuasion. But it is curious to observe that, while Nazamu-d din mentions that there were altogether twelve, in recording them seriatim, he enumerates no less that sixteen; and Dow, while he marginally notes twelve, records no less than fifteen different ivasions. Even Elphinston though he notes twelve, records more. The Khulasatu-t Tawarikh gives twelve, and confines itself to that number, or in reality only to eleven, as by some mistake an expedition to Kashmir and Kalinjar are placed in one year, and the tenth expedition is omitted. The Akhbar-i Muhabbat follows it in both errors.”*

**4041.** Dowson, thereafter, proceeded to consider expeditions period-wise individually and has shown total seventeen expeditions which took place in 1026 AD (AH 417). The author has not hesitated in giving the details of the battles fought by Ghazani and his determination to destroy Hindu religious places as well as the idols. The first expedition started in 1000 A.D. (AH 390) when Mahmud Ghaznavi captured many forts, provinces in the northern territory of India and established his Governors thereat. Various Volumes of **“History of India”** by Elliot and Dowson (supra) give details of various subsequent Muslim rulers and about their act of demolition of Hindu temples which included similar orders having been issued even during the reign of Jahangir, Shahjahan and Aurangzeb etc.

**4042.** Sri Hari Shankar Jain sought to place before us **"The History and Culture of the Indian People; The Delhi Sultanate"** publish by Bharatiya Vidya Bhavan (1<sup>st</sup> published in 1960, 4<sup>th</sup> Edition 1990) forwarded and edited by K.M.Munshi, R.C.Majumdar, A.D.Pusalker and A.K.Majumdar. On page 617 in the Chapter titled as "Hindu Muslim Relations" Status of the Hindus has been discussed. The learned authors referred to a passage from an article written by Sir Jadunath Sarkar, historian as under:

*"The poison lay in the very core of Islamic theocracy. Under it there can be only one faith, one people, and one all overriding authority. The State is a religious trust administered solely by His people (the Faithful) acting in obedience to the Commander of the Faithful, who was in theory, and very often in practice too, the supreme General of the Army of militant Islam (Janud). There could be no*

*place for non-believers. Even Jews and Christians could not be full citizens of it, though they somewhat approached the Muslims by reason of their being "People of the Book" or believers in the Bible, which the Prophet of Islam accepted as revealed.*

*"As for the Hindus and Zoroastrians, they had no place in such a political system. If their existence was tolerated, it was only to use them as hewers of wood and drawers of water, as tax-payers, "Khiraj-quzar", for the benefit of the dominant sect of the Faithful. They were called Zimmis or people under a contract of protection by the Muslim State on condition of certain service to be rendered by them and certain political and civil disabilities to be borne by them to prevent them from growing strong. The very term Zimmi is an insulting title. It connotes political inferiority and helplessness like the status of a minor proprietor perpetually under a guardian; such protected people could not claim equality with the citizens of the Muslim theocracy.*

*"Thus by the basic conception of the Muslim State all non-Muslims are its enemies, and it is the interest of the State to curb their growth in number and power. The ideal aim was to exterminate them totally, as Hindus, Zoroastrians and Christian nationals have been liquidated (sometimes totally, sometimes leaving a negligible remnant behind) in Afghanistan, Persia and the Near East.*

*"The Quran (IX.29) calls upon the Muslims 'to fight those who do not profess the true faith, till they pay jizya with the hand in humility (ham sagkhirun)'. This was a*

*poll-tax payable by Hindus (and also Christians) for permission to live in their ancestral homes under a Muslim sovereign.*

*"In addition to the obligation to pay this poll-tax, the Hindu was subjected to many disabilities by the very constitution of the Muslim theocracy. He must distinguish himself from the Muslims by wearing a humble dress, and sometimes adding a label of a certain colour to his coat. He must not ride on horse-back or carry arms; though wearing the sword was a necessary part of the dress of every gentleman of that age. He must show a generally respectful attitude towards Muslims. The Hindu was also under certain legal disabilities in giving testimony in law-courts, protection under the criminal law, and in marriage. Finally, in the exercise of his religion he must avoid any publicity that may rouse the wrath of the followers of the Prophet.*

*"Under the Canon Law, as followed in Islamic countries, a man who converts a Muslim to some other faith is liable to death at the hands of any private Muslim, and so also is the apostate from Islam."*

**4043.** Thereafter the authors further said:

*"Sir Jadunath's exposition of the Islamic theory, and in particular his view of the nature of the jizya, has been opposed by some. But his views are fully borne out by the following passage in the Zakhirct-ul-Muluk by Shaikh Hamadani:*

*"The is another mandate relating to those subjects who are unbelievers and protected people (zimmis). For their*

*governance, the observance of those conditions which the Caliph 'Umar laid in his agreement for establishing the status of the fire-worshippers and the People of the Book (Jews and Christians) and which gave them safety is obligatory on rulers and governors. Rulers should impose these conditions on the zimmi of their dominions and make their lives and their property dependent on their fulfilment. The twenty conditions are as follows:*

*1. In a country under the authority of a Muslim ruler, they are to build no new homes for images or idol temples.*

*2. They are not to rebuild any old buildings which have been destroyed.*

*3. Muslim travellers are not to be prevented from staying in idol temples.*

*4. No Muslim who stays in their houses will commit a sin if he is a guest for three days, if he should have occasion for the delay.*

*5. Infidels may not act as spies or give aid and comfort to them.*

*6. If any of their people show any inclination towards Islam.*

*7. Muslim are to be respected.*

*8. If the zimmi are gathered together in a meeting and Muslims appear, they are to be allowed at the meeting.*

*9. They are not to dress like Muslims.*

*10. They are not to give each other Muslim names.*

*11. They are not to ride on horses with saddle and bridle.*

*12. They are not to possess swords and arrows.*

13. *They are not to wear signet rings and seals on their fingers.*

14. *They are not to sell and drink intoxicating liquor openly.*

15. *They must not abandon the clothing which they have had as a sign of their state of ignorance so that they may be distinguished from Muslims.*

16. *They are not to propagate the customs and usages of polytheists among Muslims.*

17. *They are not to build their homes in the neighbourhood of those of Muslims.*

18. *They are not to bring their dead near the graveyards of Muslims.*

19. *They are not to mourn their dead with loud voices.*

20. *They are not to buy Muslim slaves.*

*At the end of the treaty it is written that if zimmi infringe any of these conditions, they shall not enjoy security and it shall be lawful for Muslims to take their lives and possessions as though they were the lives and possessions of unbelievers in a state of war with the faithful.*

*It is unnecessary for our present purpose to enter into any further discussion about the correctness of Sir Jadunath's interpretation of the Muslim scripture, but there is no doubt that he correctly represents the view accepted, both in theory and practice, by the Muslim rulers and theologians in India during the period under review. And this is really more relevant to the present issue."*

**4044.** Sri Jain also referred to the following narration contained in pages 620 as under:

*"Reference has already been made above to the position of the Hindus in Muslim State according to Islamic theory as explained by the 'wise men', and particularly Qazi Mughis-ud-din of Bayana, to Ala-ud-din Khalji, and the earnestness with which the Sultan carried it into practice.*

*Muhammad bin Tughlaq is generally, and perhaps rightly, regarded as a man of liberal views. The Chinese Emperor asked for his permission to build a temple at Samhal, a place of pilgrimage in the Himalayan hills frequented by the Chinese, which the Muslim army "had seized, destroyed and sacked". But the Sultan, who accepted the rich presents sent by the Chinese Emperor, wrote to him a reply to this effect: "Islam does not allow the furthering of such an aim and the permission to build a temple in a Muslim country can be accorded only to those who pay the jizya."*

*It has been already stated above, that Firuz Tughlaq, who also looked upon India as a Muslim country, held more bigoted views, for he would not permit the erection of new temples even by those who paid the jizya. He, however, realized this tax with utmost rigour even from the Brahmans who were up to that time exempted from it.*

*The true nature of the jizya is further revealed by the opposition of the orthodox Muslims to the idea that the Hindus should be allowed to perform their religious ceremonies simply by the payment of the jizya. The historian Ziya-ud-din Barani, a contemporary of the two*

*Tughlaq emperors, mentioned above, wrote in righteous indignation.*

*". . . . Should the kings consider the payment of a few tankas by way of jizya as sufficient justification for their allowing all possible freedom to the infidels to observe and demonstrate all orders and details of infidelity, to read the misleading literature of their faith and to propagate their teachings, how could the true religion get the upper hand over other religions and how could the emblems of Islam be held high. . . ."*

*It would thus appear that an orthodox section of the Muslims chafed at the Hanafite doctrine which was officially accepted by the Muslim rulers in India. As Qazi Mughis-ud-din pointed out to 'Ala-ud-din Khalji, 'it was Hanifa alone who assented to the imposition of the juzuya on the Hindus. Doctors of other schools allow no other alternative but 'Death or Islam'. As has been stated above, Sultan Mahmud followed this policy, and evidently Barani and men of his ilk yearned for its restoration in the fourteenth century. Barani gave vent to this feeling in the following passage in his Fatawa-i-Jahandari. "If Mahmud . . . had gone to India once more, he would have brought under his sword all the Brahmans of Hind who, in that vast land, are the cause of the continuance of the laws of infidelity and of the strength of idolators, he would have cut off the heads of two hundred or three hundred thousand Hindu chiefs. He would not have returned his "Hindu-slaughtering" sword to its scabbard until the whole of Hind had accepted Islam. For Mahmud was a Shafi'ite, and*

*according to Imam Shafi'i the decree for Hindus is "either death or Islam"-that is to say, they should either be put to death or embrace Islam. It is not lawful to accept jizya from Hindus as they have neither a prophet nor a revealed book." The same book shows how Barani chafed at the idea that the "desire for the overthrow of infidels and the abasing of idolators and polytheists does not fill the hearts of the Muslim kings", who "permit the banners of infidelity to be openly displayed in their sapital and in the cities of Muslims, idols to be openly worshipped ." "How", asks the Indignant historian, "will the true faith prevail if rulers allow the infidels to keep their temples, adorn their idols, and to make merry during their festivals with beating of drums and dhols, singing and dancing?"*

*If a learned historian and a distinguished Muslim felt no scruple in openly expressing such views in writing, in the fourteenth century A.D., i.e. six hundred years after the Muslims first settled in India, one can well understand why the gulf between the Hindus and the Muslims could never be bridged.*

*A perusal of the history of Afif, another great historian of the period, conveys the same lesson. He puts in the mouth of the wazir of Firuz Tughlaq a long speech in which he frankly says that a State should have only two ends in view, namely (1) prosperity of the kingdom and protection of the people, etc.; and (2) destruction of the infidels and expansion of the kingdom."*

**4045.** He also refers to page 627 of the book, the 'Traveller's Account' of 'Ibn Batutah', who came to India about

the middle of the 14<sup>th</sup> century A.D. during the reign of Muhammad bin Tughlaq has been dealt with and refers to the following:

*"Ibn Batutah confirms the general statement, made above, particularly about forcible conversion, mass-enslavement, and the inferior status of the Hindus as zimmi. Thus he remarks that "other nations embraced Islam only when the Arabs used their swords against them."*

**4046.** The Muslims and non Muslims peoples were also treated differently. One of such illustration has also been noticed by J.S. Grewal, Director, Indian Institute of Advanced Study, Shimla in his book **"The New Cambridge History of India II.3 The Sikhs of the Punjab"** and in Chapter 2 thereof, which is under the heading "Foundation of The Sikh Panth", it says :

*"The rulers are unjust; they discriminate against their non-Muslim subjects by extorting jizya and pilgrimage tax. The ruling class is oppressing the cultivators and the common people. The rajas prey like lions and the muqaddams eat like dogs; they fall upon the raiyat day and night. Notwithstanding the association of non-Muslims with the administration at subordinate levels, contemporary rule is occasionally equated with 'Muslim' rule."*

**4047.** The historical events as they took place are fait accompli. In our view today whether we appreciate or condemn, like or dislike, the practice, policy, individual acts or omissions on the part of a Ruler, who invaded India or his successor who ruled India in the past, we cannot forget that whatever they have done is a matter of history and will always remain so. After this length of period, we are not able to understand as to how

this Court is competent either to comment upon the genuity or ingenuity, justification or injustice, correctness or incorrectness, cruelty or liberality etc. on their part. One side while condemning the acts of any of such invader and/or Ruler may find obstruction as a track of rocks difficult to break. Similar attempt on the part of other side either to justify such acts or to otherwise glorify the same would be of no help. If something is wrong *ex facie* it was always so but the concept of wrongness is a relative one. Something which may be wrong at one point of time for some individual may not be so at another point of time or for other set of individuals. It depends on a variety of factors, which we find difficult to place in a strait jacket formula or to codify. It is a historical fact that before independence of India in 1947, most of the geographical area of this Country had to face a large number of invasions either from a north west side or from Europe from different directions. Mainly these warring incursions were with the motive of syphoning off the huge wealth this Country had. Some times those invaders decided to make it a source of regular earning and left their Governors/ Representatives/ Commanders in their conquered territory to rule. The religious background those invaders had, came along with them but all the individuals did not come from their native place. The situation was exploited by creating such circumstances so that the native people of the conquered territories of this Country would have no option but to convert their religion so as to avail favour of Rulers. These are some of the historical illustrations which this Country had experienced in last more than a millennium. In our view, this by itself would not be a relevant factor to decide or adjudicate an

issue in the present day territory governed by a written and codified law including a written Constitution. All the persons irrespective of their religion, faith, customs, etc. who were residing in the territory of India set out in our Constitution at the time of its promulgation became citizens of this Country besides those who have born or otherwise have acquired citizenship as per the procedure laid down in the Constitution and the statute concerned. They are governed by the statutes as are in force in this Country. A Court of law is also bound to decide a matter in accordance thereof. Neither the Rulers several hundred years back were governed by these statutes we are confronted or governed nor they can be under the authority of judicial review of a Court of a judicial system which came into existence later on and is governed by a different system in-vogue subsequently.

**4048.** For our purpose it is not at all necessary to go into this larger question and the manner in which it has been raised since certain facts are the matters of history and all those who have some idea of history are well aware. Whether an act of past should be seen in a different context colour or texture may be a subject matter of debate and discussion amongst the intellectual of this country whose approach is also tainted with their own mind set and this is really unfortunate part that we are still looking for only unbiased independent and objective historians who may give us a correct and clear picture of historical evidence but whatever we had to do suffice it to conclude that the incidence of temple demolition are not only confined to past but is going in continuously. The religion which is supposed to connect all individuals with the brotherly feeling has become a tool of hatred and enmity. For the purpose of the present case we

can stop on this aspect by simply observing that the justification sought to be canvassed by some of the expert witnesses of Muslim parties is that in the history the people who attacked the Indian continent from its northern borders of Panjab etc. in the last more than thousand years and odd have acted according to their understanding and policies as the case may be but they are totally irrelevant in the present day time where this country is governed by a written constitution which clearly declares against discrimination merely on the ground of religion.

**4049.** Some of the learned counsel for the parties sought to rely on the Constitution Bench decision in **Dr. M. Ismail Faruqui (supra)** by reading certain passages in a manner as if the Apex Court has expressed its opinion on certain aspects which are contentious issues before this Court in the suits pending before us and said that the said observations are binding on this Court and, therefore, those aspects cannot be looked into.

**4050.** Sri Iyer, Senior Advocate sought to read the aforesaid judgement where the contents of the White Paper issued by the Central Government quoted to suggest that these are the findings of the Government of India having taken note by the Apex Court and, therefore, should be treated to be concluded. It is suggested that the issues, if any, in those matters should be deemed to be concluded by the judgement of the Apex Court.

**4051.** We, however, find no force in the submission. The Constitution Bench considered the validity of Ayodhya Act, 1993 whereby certain land at Ayodhya including the land which was subject matter in these suits sought to be acquired by the Government of India. Further, the Apex Court was considering

the special reference made by the President of India on 7th January, 1993 under Article 143 of the Constitution seeking opinion of the Apex Court on the following question:

"Whether a Hindu temple or any Hindu religious structure existing prior to the construction of Ram Janma Bhumi-Babari Masjid (including the premises of the inner and outer courtyard of said structure) in the area on which the structure stood."

**4052.** In the context of the above matters the Apex Court refers in detail the contents of the White Paper published by the Government of India in February, 1993. In the context of the question as to whether certain provisions of the Act, 1993 are valid or not, the Court considered several aspects and repelled the argument that the Act is discriminatory containing provisions more favourable to Hindus by observing that certain rights of Hindus also stand adversely affected.

**4053.** It is in this context that certain facts placed on record are mentioned therein but it cannot be said that those facts stood adjudicated by the Apex Court for the reason that those facts neither were in issue before the Court nor actually have been adjudicated. The only question which has specifically been considered and decided that was necessary in the light of challenge thrown to the power of acquisition of land over which a mosque existing. It appears that pro-mosque parties raised a contention that a mosque cannot be acquired because of special status in Mohammedan Law irrespective of its significance to practice of the religion of Islam. This argument in the context of acquisition of land was considered from para 68 (AIR) and onwards in the judgement. The Court has held that the right to

worship of Muslims in a mosque and Hindus in a temple was recognised only as a civil right in British India. Relying on the Full Bench decision of Lahore High Court in **Mosque Known as Masjid Shahid Ganj Vs. Shiromani Gurdwara Prabandhak Committee, Amritsar, AIR 1938 Lahore 369** where it was held that a mosque if adversely possessed by non muslims it will loose its sacred character as mosque, the Apex Court held that, "*the view that once a consecrated mosque, it remains always a place of worship as a mosque was not the Mahomedan Law of India as approved by Indian Courts.*" The Lahore High Court also held that, "*a mosque in India was an immovable property and the right of worship at a particular place is lost when the right to property on which it stands is lost by adverse possession.*" Both these views were approved by the Privy Council and the Apex Court followed the said view. Besides, independently also the Court took the view that the sovereign power of the State empowers it to acquire property. It is a right inherent in every sovereign to take an appropriate private property belonging to individual citizens for public use. This right is described as eminent domain in American Law and is like the power of taxation or offering of political necessity and is supposed to be based upon an implied reservation by the Government that private property acquired by its citizens under its protection may be taken or its use can be controlled for public benefit irrespective of the wishes of the owner. The Court also considered the right of worship whether a fundamental right enshrined under Article 25 or 26 of the Constitution and observed, "*while offer of prayer or worship is a religious practice, its offering at every location where such prayers can be*

*offered would not be an essential or integral part of such religious practice unless the place has a particular significance for that religion so as to form an essential or integral part thereof. Places of worship of any religion having particular significance for that religion, to make it an essential or integral part of the religion, stand on a different footing and have to be treated differently and more reverentially".* Ultimately the law has been laid down by the Constitution Bench by majority that under the Mohammedan Law applicable in India title to a mosque can be lost by adverse possession. If that is the position in law, there can be no reason to hold that a mosque as a unique or special status, higher than that of the places of worship of other religions in secular India to make it immune from acquisition by exercise of the sovereign or prerogative power of the State. A mosque is not an essential part of the practice of religion of Islam and namaz (prayer) by Muslims can be offered anywhere even in open. The Court also held that unless the right to worship at a particular place is itself an integral part of that right, i.e., the place is of a particular significance, its alienability cannot be doubted. The Apex Court having answered the various questions on the validity of the Act 1993 declined to answer the reference and returned the same as such as it is. The suits having been revived due to striking down of Section 4(3) of the Act, this Court trying the original suits has to decide the entire matter on merits unless it can be shown that a particular issue which is engaging attention of this Court in trial of the original suit has already been raised, argued and decided by the Apex Court. The learned counsels for the parties have not been able to show any such finding in respect to the matters which are involved in

various issues before this Court and, therefore, we are not in agreement with the counsels for the parties as argued otherwise.

**4054.** The mere fact that some facts have been noticed by the Government of India in White Paper and those facts have simply been noticed by the Apex Court while referring to the facts mentioned in the White Paper, it cannot be said that those facts can be construed as if they have been accepted by the Apex Court to be correct and stand adjudicated. The law of precedence is well known. The authority of the superior Court laying down a law is binding on the Courts below provided a matter has been decided by the Court. An issue can be considered to be decided by a superior Court when it was raised, argued and decided and only then it is a binding precedent for the other courts.

**4055.** The ultimate inference, which can reasonably be drawn by this Court from the entire discussion and material noticed above, is:

- (i)** The disputed structure was not raised on a virgin, vacant, unoccupied, open land.
- (ii)** There existed a structure, if not much bigger then at least comparable or bigger than the disputed structure, at the site in dispute.
- (iii)** The builder of the disputed structure knew the details of the erstwhile structure, its strength, capacity, the size of the walls etc. and therefore did not hesitate in using the walls etc. without any further improvement.
- (iv)** The erstwhile structure was religious in nature and that too non-Islamic one.
- (v)** The material like stone, pillars, bricks etc. of the erstwhile

structure was used in raising the disputed structure.

- (vi) The artefacts recovered during excavation are mostly such as are non-Islamic i.e pertaining to Hindu religious places, even if we accept that some of the items are such which may be used in other religions also. Simultaneously no artefacts etc., which can be used only in Islamic religious place, has been found.

**4056.** The claim of Hindus that the disputed structure was constructed after demolishing a Hindu temple is pre-litem and not post-litem hence credible, reliable and trustworthy. Till late, no person of any other religion except the Hindus have been continuously staking their claim over the site in dispute on the ground that this is the place of birth of Lord Rama and there was a temple. In normal course, there could not have been any reason for such persistent attachment to the site had there been no basis or substance for the same particularly when this kind of persistence is continuing for the last hundreds of years. The various non-Indian writers, who have mentioned these facts, clearly stating that a Hindu temple was demolished for constructing mosque in question, may have some motive if it would have been a case of only post nineteenth century when the British Government virtually came in power and sought to evolve the theory of "Divide and Rule" but even prior thereto, these facts have been noticed and recognized. Tieffenthaler was a missionary having no motive in making such remark when he visited Oudh area between 1766 to 1771 and such work was published in 1786.

**4057.** This belief is existing for the last more than 200 years from the date the property was attached and therefore,

having been corroborative by the above it can safely be said that the erstwhile structure was a Hindu temple and it was demolished whereafter the disputed structure was raised.

**4058.** One more aspect remains to be seen. Issue No.1(b) (Suit-4) further requires that if the first part is answered in affirmative, then what shall be its effect. We have already held that whatever happened was in an era when this Court and/or the codified statute or the Constitution of India at that time was not applicable. The intent of the sovereign was supreme at that time. We can only see the *de facto* position as has resulted after the aforesaid event but we find no authority to consider this event *de jure*. The *de facto* position is that after demolition, a building was constructed in the shape of a mosque. It is also *de facto* position that despite construction of such building in the shape of the mosque, it was used and continued to be visited by Hindus for offering worship, Puja and Darshan since according to their belief, they treated it to be the birth place of Lord Rama in respect where to there was no alternative and according to their belief, the piety and reverence, the place is permanent and not liable to be disturbed in any manner by any such act.

**4059.** Accordingly, we answer both the issues i.e. Issue No.1(b) (Suit-4) and Issue No. 14 (Suit-5) in affirmative.

**(B) Existence of other Hindu religious places making the disputed building landlocked by religious places of Hindus:**

**4060.** In this category, falls Issue No. 19 (b) (Suit-4), which reads as under:

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

**4061.** This issue has been framed considering pleadings of the defendants that no Muslim person could have entered the building in dispute for the reason that it is landlocked by the Temples and other Hindu religious places of worship. In para 28 (B) of the written statement of defendant no. 13, Mahant Dharam Das, it has been said that no one could enter the three domed structure except after passing through the places of Hindu worship, i.e., Ram Chabutara; Charan and Sita Rasoi. It is said that according to the tenets of Islam, a Mosque should never be landlocked by a Hindu place of worship and there can be no co-sharing in title or possession with Allah, particularly, in the case of a Mosque. His possession must be exclusive. To the similar effect is the pleading in para 31 of the written statement of defendant no. 13.

**4062.** We have referred to the site maps while discussing issues relating to limitation. One of the oldest map, which is available, is that of 1885 prepared by Sri Gopal Sahai Amin, a Commission appointed by the Civil Court in Suit-1885. So far as the disputed site is concerned, he had clearly noticed existence of three structures in the outer courtyard, i.e., Ram Chabutara on the south east side, a *Chhappar* on the north east side and Sita Rasoi on the north west side. Another map was prepared and submitted in the Court of Civil Judge, Faizabad on 25<sup>th</sup> May, 1950 by Sri Shiv Shankar Lal, Pleader, who was also appointed as Commissioner in Suit-1 for preparing the site map. Here also he has mentioned three structures in the outer courtyard as were noted in the earlier map at the same places. Besides the above, in the vicinity of the disputed site, other existing places which are shown in the map are: on the eastern

side, Mandir Sri Vijay Raghav Sakshi Gopal, Shankar Chabutara; on the south east side Sita Koop, Tulsi Chaura, Sumitra Bhawan; on the southern side Lomash Chaura and on the northern side, it shows Narad Chabutara. The aforesaid map was not disputed in that suit by the defendant no. 2, who contested that matter as Mutwalli of the alleged wakf of the disputed building and in the present case, by both the parties except of nomenclature.

**4063.** This situation is virtually admitted by the parties also including the plaintiffs (Suit-4) as is evident from the deposition of their witnesses, though in the pleading, initially, they tried to deny existence of Sita Rasoi etc. in the premises of outer courtyard of property in dispute. This is evident from the following:

**(i) PW 1, Mohd. Hashim:**

“पहले जब पूरब के फाटक से अन्दर जाते थे तो दक्षिण की तरफ एक चबूतरा था। उस पर कभी-कभी पुजारी लोग बैठते थे। यह चबुतरा रास्ते से दस कदम हटकर था। उस पर एक छप्पर था। मस्जिद के उत्तर दरवाजे के पास एक चूल्हा बना हुआ था, उसको सीता रसोई कहते थे। उस रास्ते से आने में रसोई के कारण कोई रूकावट नहीं थी। सीता रसोई के सामने एक चारदीवारी थी और ज्यादा भीड़ हो जाने पर उत्तर वाले दरवाजे से जाते थे। इसके बाद मस्जिद के अन्दर एक और दीवार थी, उसके सदर दरवाजा पर ताला लगा हुआ था।” (पेज 3-4)

*"There was a **Chabutra** on the south, when we would go inside through the eastern gate earlier. Priests would sometimes sit on the said Chabutra. This Chabutra was ten paces away from the pathway. There was a **shed** on it. Near the northern gate of the mosque was built a hearth, which was called **Sita Rasoi**. In coming inside from that pathway, there was no hurdle on account of their being Rasoi. There*

*was a four-walled enclosure in front of Sita Rasoi, and we would enter from the northern gate, whenever there was much crowd. After that, inside the mosque lay another wall, main gate of which was locked." (E.T.C)*

“उस **चबूतरे** पर लकड़ी का स्ट्रक्चर था जिस पर फूस छाया हुआ था। यह लकड़ी का तम्बू नुमा ढांचा अक्सर हर मन्दिर में मूर्तियों को रखने के लिए बनाया जाता है।” (पेज 25)

*"On that **Chabutra** there lay a wooden structure which was covered with thatched. This wooden tent like structure is often raised in every temple for keeping idols." (E.T.C)*

“पहले जब पूरब के फाटक से अन्दर जाते थे तो दक्षिण की तरफ एक **चबूतरा** था। उस पर कभी-कभी पुजारी लोग बैठते थे। जो पहले मैंने कहा था, पुजारी चबूतरे पर बैठते थे, वह गलत है, वहाँ पर कुछ लोग बैठते थे और यह बात सही है। यह आम आदमी हिन्दू थे पर पुजारी या साधु नहीं थे, ये लोग अयोध्या के नहीं थे। ... सन् 1949 में **सीता रसोई** फर्श के बराबर थी। सीता रसोई पर चूल्हा चौकी, बेलना चूने गारे का बना था वर्ष 1949 में। उस पर चार जोड़ी पैर के चिन्ह नहीं थे। यह **चूल्हा बेलना** जो बना था वह सतह के बराबर था सिर्फ दिखाई देता था। शुरु में हम लोग भी उसको करीब से देखते थे, उस समय कोई तनाव नहीं था। उसको आम लोग सीता रसोई कहते थे। ...**सीता रसोई का दर्शन करने जाते थे।**” (पेज 27)

*"Whenever we would go inside through the eastern gate earlier, there was a **Chabutra** on south. Priests would sometime sit on it. My earlier statement to the effect that the priests would sit on Chabutra, is incorrect; some people would sit there and this fact is correct. These common men were Hindus but they were not priests or saints; these people did not belong to Ayodhya. . . . In 1949, **Sita Rasoi** was on the level with the floor. In 1949, 'Chulha' (hearth), 'Chowki' and 'Belna' (rolling pin) was made with lime-*

*mortar. Four pairs of foot prints were not there on it. This 'Chulha-Belna', which was made, was on the level with the ground; it was just visible. In the beginning we would see it from a close range; no tension prevailed at that time. Common people called it Sita Rasoi. . . . would go to have darshan of Sita Rasoi." (E.T.C)*

“पूर्वी फाटक के अन्दर आने पर बाहरी दीवाल के अन्दर उत्तर तरफ एक लम्बा सा छप्पर था, वह **भण्डार** था या नहीं यह नहीं बता सकता। यह लम्बा सा छप्पर नीम के पेड़ के नीचे था। लोग उस **छप्पर** में रहते थे पर मुझे नहीं मालूम कौन लोग रहते थे। इस छप्पर के नीचे हिन्दू लोग रहते थे, मुसलमान लोग नहीं रहते थे।” (पेज 31)

*"On entrance through the eastern gate, towards the north inside the outer wall there was a long shed; I cannot tell whether it was 'Bhandar' (store room) or not. This longish shed was under a neem tree. People used to live in that shed but I do not know who they were. Under this shed, the Hindus resided; the Muslims did not reside." (E.T.C)*

“उत्तर की तरफ सीता रसोई को छोड़कर खुला सहन है और फिर बाहरी दीवाल है। ...विवादित जायदाद के दक्षिण तरफ **सुमित्रा भवन मन्दिर** था, उसे भी गिरवा दिया।” (पेज 32)

*"On the north, except Sita Rasoi, there is an open courtyard and after that lies an outer wall. . . . To the south of the disputed property was **Sumitra Bhawan temple**, which too was demolished." (E.T.C)*

“यह सीता रसोई जो मैंने पहले कहा है, वह हमारे होश से पहले से चला आ रहा है। सीता रसोई में चूल्हा, तसला व बेलना को सीता रसोई के नाम से मशहूर होने की बात मुझे अपने होश से है। सीता रसोई की राम-सीता की जो सीता है, उसी नाम से जोड़ा जाता है।” (पेज 48)

*"This Sita Rasoi, about which I have stated earlier, has*

*continued to exist since before the time I gained understanding. Since when I gained understanding, I have knowledge about 'Chulha' (hearth) 'Tasla' and 'Belna' (rolling pin) getting famous by the name of Sita Rasoi. Sita Rasoi is associated with the name of that very Sita, who forms Ram-Sita couple." (E.T.C)*

“1885 में जो मुकदमा महंत रघुवरदास और असगर अली के बीच में चला था, उसमें भी सीता कूप का जिक्र आया था या नहीं मुझे मालूम नहीं है। सीता कूप कोई सरकारी रिकार्ड में नहीं है, उस वक्त कुआँ था, रिकार्ड में कुआँ है। मुझे आज तक इस चीज का इल्म नहीं हुआ कि ये कुआँ सीता कूप के नाम से मशहूर है। इस कुएं के सामने मैंने कभी कोई इसके नाम का पत्थर नहीं देखा।” (पेज 58)

*"I do not know whether or not Sita-koop has also found mention in a case in which Mahant Raghubar Das and Asgar Ali were involved in 1885. Sita-koop does not find mention in any Government record ; there was a well at that time, there is well in record. I have not till date had knowledge as to whether this well is famous as Sita-koop. I never saw any stone named after it, in front of this well."*

(E.T.C)

“जिस चबूतरे का जिक्र मैंने अपने पहले बयान में किया है वह चबूतरा भी ए. बी. सी. डी. के अन्दर शामिल है। जिस चबूतरे का और सीता रसोई कहे गए निशानात का जिक्र मैंने अपने पहले बयान में किया है वह जगह भी इस ए. बी. सी. डी. का एक हिस्सा है। इन नक्शे को देखकर मैं नहीं बता सकता कि वह सीता रसोई वाला हिस्सा कौन सा है। मैंने नहीं देखा कि वह सीता रसोई हिस्सा इस प्लॉट ए. बी. सी. डी. के कौन तरफ है। मैं इस बात का जबाब नहीं दे सकता कि वह उत्तर पश्चिम के कोने के तरफ है या नहीं। जो सीता रसोई का बयान मैंने पहले दिया है वह इस नक्शे में नहीं दिखाई गई है। मैं उस जगह की बावत कि वह किस विशेष प्वाइंट पर है इस नक्शे के हिसाब से नहीं बता सकता।” (पेज 114)

*"The Chabutra I have mentioned about in my earlier*

*statement, is also included in the space marked as ABCD. The Chabutra and emblems like Sita Rasoi- I have mentioned about in my earlier statement-is also a part of ABCD marked place. Looking at this map I cannot say which is the Sita Rasoi portion. I did not see on which side of the ABCD marked plot Sita Rasoi is located. I cannot respond to a query as to whether it is towards the corner of north-west or not. The Sita Rasoi about which I have deposed earlier, is not shown in this map. On the basis of this map, I cannot locate at which particular point it is located." (E.T.C)*

*"1934 से 1949 के बीच में विवादित जायदाद में कोई तब्दीली नहीं हुई। मुझे मालूम नहीं कि सीता रसोई और चबूतरा जिस हालत में 1934 में था, उसी हालत में 1949 में कुर्की होने तक रहा। 1934 से 1949 के बीच में उस सीता रसोई में जिसका जिक्र मेरे बयान के पहले हिस्से में आया है, कोई तब्दीली नहीं हुई। लेकिन एक बार फिर कह दूं कि वह रसोई जमीन की सतह के साथ मिली हुई थी, जिसकी तरफ हमने कोई ध्यान नहीं दिया। (एक्जामिनेशन इन चीफ)। यह ठीक है कि 1934 और 1949 के बीच में उस चबूतरे में भी कोई तब्दीली नहीं की गई, जिसका जिक्र मेरे एक्जामिनेशन इन चीफ में आया है।" (पेज 117)*

*"No changes were effected in the disputed property between 1934 and 1949. I cannot tell whether Sita Rasoi and Chabutra continued to be in the same position as it existed in 1934, till attachment in 1949. No change was effected in that Sita Rasoi I have mentioned in the first part of my statement. But I would like to repeat once more that the said Rasoi abutted on the ground surface, towards which I did not pay any attention. (Examination-in-chief). It is true that between 1934 and 1949 no alternation was effected in that Chabutra as well, which has found mention*

*in my examination-in-chief." (E.T.C)*

“यह परिक्रमा इस जायदाद के चारों तरफ है। यह बहुत पुरानी परिक्रमा है और हिन्दू लोग हमारे होश से इस परिक्रमा को करते आ रहे हैं। इसी परिक्रमा में हम भी हैं, वह हमारी भी परिक्रमा करते हैं।” (पेज 141)

***"This 'Parikrama' (circumambulation) is on all the four sides of this property. This is a very old circumambulation, and the Hindus have been performing this circumambulation since when I gained understanding. We are also within this very circumambulation area; they perform circumambulation around us also." (E.T.C)***

**(ii) PW 2, Haji Mahboob Ahamad:**

“इस लान में दक्षिण की तरफ ऊँचा चबुतरा नहीं था, एक चबुतरा टाइप स्थान जरूर था ..... में नहीं कह सकता कि उस छप्पर में बैठने वाले हिन्दू होते थे या मुसलमान।” (पेज 52)

***"On the south in this lawn, there was no elevated Chabutra; there was certainly a place looking like a Chabutra. . . . I cannot say whether those sitting in that shed were Hindus or Muslims." (E.T.C)***

“ब्लैक एण्ड व्हाइट एलबम 29-30 फोटो मैंने देख ली है इसमें दिखाई गई छप्पर और चबुतरा इस तरह से नहीं थे, हालांकि छप्पर पहले भी था लेकिन उसकी सूरत दूसरी थी।” (पेज 53)

***"I have seen the photographs 29-30 of the black and white album; the shed and chabutra shown in them were not like this. The shed, however, existed since before but it had a different shape. " (E.T.C)***

“सहन के अन्दर सीता रसोई का चूल्हा बेलना नहीं था बल्कि यह चीजें सहन के बाहर लान में थी।” (पेज 54)

***" Chulha (hearth) and belna (rolling pin) of Sita rasoī were***

*not inside the court yard but these things were in the outer lawn. " (E.T.C)*

**(iii) PW 3, Farookh Ahamad:**

“...इस सहन के दक्षिण में एक छोटा-सा चबूतरा था और उस पर एक छप्पर था। यह चबूतरा एक और डेढ़ हाथ के बीच की ऊँचाई तक था।... इस चबूतरे के दक्षिण हिस्से से मस्जिद की दक्षिण दीवार 40-50 फुट के फासले पर होगी। ... उत्तरी जंगले वाली दीवार से निकलते ही पश्चिमी तरफ कुछ निशानात चकला, बेलन और चूल्हे के बने हुए थे।” (पेज 20)

*" To the south of this court yard, there was a small **Chaubutra**, and on that lay a shed. This Chabutra was at the height of one to one-a-half hand-span. . . . The southern wall of the mosque would be 40-50 feet away from the southern portion of this Chabutra. . . . Immediately after exiting from the northern grill wall, some marks such as those of 'Chakla', 'Belna' and 'Chulha' were made on the western side." (E.T.C)*

“हमारी होश में यह छप्पर बीसों बार बदला गया होगा। साल छह माह में बदला जाता था।” (पेज 21)

*"In my knowledge, this shed must have been changed twenty times. It used to be changed at the interval of a year or sixth months." (E.T.C)*

“सदर दरवाजे से अन्दर दाखिल होने पर दक्खिन की तरफ जो चबूतरा था उस पर सभी लोग जिनमें पुजारी भी शामिल होते थे, बैठा करते थे।... मेले के वक्त भी हर मजहब के लोग चबूतरा देखने आते थे। ..... वह छप्पर और चबूतरा मैं अपने होश से देखता आ रहा था।” (पेज 29-30)

*" On the entrance through the main gate, towards the south there was a Chabutra on which all the people, including priests as well, would sit. Even on the occasions of fair*

*people of all religions would come and have glimpse of Chabutra. . . . I continued to see this shed and Chabutra since when I gained understanding." (E.T.C)*

“जो चकला बेलन और चूल्हा के निशानात बने थे, वह हमने 1949 से पहले भी देखे थे। .... आज से 60-70 साल पहले चकला-बेलन देखा था और छप्पर भी देखा था।” (पेज 95)

*“The existing marks of 'Chakla', 'Belan' and stove (chulha), had been seen over there by me even before 1949. . . . About 60-70 years ago, I had seen the chakla-belan, as also the thatched roof.” (E.T.C)*

**(iv) PW 4, Mohd. Yasin:**

“...जंगले वाली दिवार के उत्तर की तरफ बाहरी सहन में कोई चूल्हे का निशान तो नहीं था लेकिन चकला और बेलन जरूर बने हुए थे। इस चकले बेलना को और ऊपर बताये गये दोनों छप्परों को मैं अपनी होश में 1949 तक देखता रहा था।” (पेज 19)

*“. . . to the south of grill wall, in the outer courtyard there were certainly no marks of any 'Chulha' (hearth) but 'Chakla' and 'Belna' were certainly raised. In my knowledge I continued to see till 1949 this 'Chakla' and 'Belna' and the two thatched roofings stated above." (E.T.C)*

**(v) PW 5, Abdul Raheman:**

“इस जायदाद में जब सदर दरवाजे से अन्दर दाखिल होते थे तो एक तरफ के बाहरी सहन में छोटी सी छपरिया थी और दूसरी तरफ चूल्हा और बेलना रखा था।” (पेज 63)

*"On entrance in this structure through the main gate, in the outer courtyard there was small shed on one side and 'Chulha' and 'Belna' were placed on the other side."*

*(E.T.C)*

**(vi) PW 6, Mohammad Yunus Siddiki:**

“चबूतरा छप्पर से पूरा ढका था। छप्पर के अंदर किसी को कुछ करते हुए नहीं देखा। जब रात को मैं वहां जाता था तो अक्सर लोग छप्पर में सोते हुए दिखाई देते थे।” (पेज 11)

*"Chabutra was completely thatched. I did not see anybody doing any thing inside the said. Whenever I would go to the shed there during nights, I would often see people sleep there." (E.T.C)*

“यह इमारत चारों तरफ दिवारों से घिरी हुई थी। मैं ऐसा नहीं समझता कि जिस भवन में चूल्हा, चाकिया, बेलना हो या जिन्हें हिन्दू पूजते हो वह मस्जिद नहीं हो सकती।” (पेज 27)

*"This building was enclosed with walls all around. I do not have the understanding that the building in which there are 'Chulha', 'Chakiya' and 'Belna' or which is worshipped by Hindus, cannot be a mosque." (E.T.C)*

**(vii) PW 7, Hasmatulla Ansari:**

“बाहर सहन में दक्षिण की तरफ हमने एक चबूतरा देखा था। उस पर एक छप्पर भी देखा था। एक छप्पर उत्तर में भी था और एक दक्षिण में भी था। यह छप्पर अलग से रखा हुआ था, जो उत्तर की तरफ था, बाउण्ड्री वाल के साथ नहीं लगता था। उत्तर वाला छप्पर 6X8 फिट का था, बड़ा नहीं था। जो छप्पर दक्षिण की तरफ था, वह तकरीबन 20X15 फुट का था। चबूतरा उससे बड़ा था। वह चबूतरा 21 फिट लम्बा रहा होगा और 17 फीट चौड़ा होगा। आउटर यानी बाहरी सहन में कोई वृक्ष नहीं था। यह बाहरी सहन उत्तर की तरफ से चलकर पश्चिम की तरफ मुड़ गया था। लेकिन ऐसी हालत दक्षिण की तरफ नहीं थी। उत्तर वाला सहन का वह हिस्सा जो पश्चिम की तरफ मुड़ गया था, आखिरी दीवार तक जाता था और तकरीबन 90 फुट लम्बा था। इस हिस्से की चौड़ाई तकरीबन 20 फुट होगी। इस सहन की फर्श भी पक्की थी।” (पेज 28)

*"We had seen a Chabutra on the south in the outer courtyard. I had also seen a thatched roofing on the said Chabutra. There was a shed on the north and as also on the south. This shed was separately laid which was on the*

*north and it did not adjoin the boundary wall. The northern shed was 6 X 8 feet; it was not a big one. The shed which lay on the south was nearly 20 X 15 feet. The Chabutra was bigger than the shed. The Chabutra would have been 20 feet long and 17 feet wide. There was not tree in the outer courtyard. This outer courtyard extended from the northern side and turned towards the west. But such position was not on the south. The portion of the northern courtyard which had turning towards the west, extended upto the last wall and was nearly 90 feet long. The width of this portion must be nearly 20 feet. The floor of this courtyard was metaled." (E.T.C)*

“इस सहन में एक चूल्हा बना हुआ था और एक बेलन बना हुआ था। (फिर कहा) वहाँ पर चूल्हा नहीं था, बल्कि चकला था, जिस पर रोटियाँ सेंकी जाती हैं। वह चकला और बेलन सीमेंट के बने हुए मालूम देते थे। हमें तो ऐसा नहीं लगता था कि वह संगमरमर के बने हुए हों। चकला ज्यादा से ज्यादा एक फुट के दायरे में रहा होगा। बेलना एक—डेढ़ फुट का उसी के साथ का था। यह चकला और बेलन सहन से चार या छ : इंच की एक ऊँचाई पर छोटा सा फर्श बनाकर उस पर स्थापित किए हुए थे। मुझे याद नहीं कि यह ऊँचे उठाया गया चबूतरानुमा फर्श पत्थर का था, संगमरमर का था या ईंटों का था। यह चबूतरानुमा चीज तीन या चार फुट लम्बी और इतनी ही चौड़ी थी। यह छोटा सा चबूतरा पश्चिमी दीवार से तकरीबन 25 फुट के फासले पर था। ... उत्तरी गेट में अगर सड़क से दाखिल होकर उस इमारत में जाया जाए तो यह छोटा चबूतरा बाईं तरफ पड़ता था। बाईं तरफ पूरब दिशा बनती है। उस दरवाजे से अन्दर दाखिल होते वक्त इस चबूतरे को पार नहीं किया जाता था, थोड़ी सी इसकी बगल से निकला जाता था। इस 4X4 के छोटे चबूतरे की दक्षिणी तरफ दीवार थी, जो जंगलेदार थी। उसमें एक दरवाजा भी था, जो बन्द रहता था। उस जंगले वाला दीवार की लम्बाई तकरीबन 30 फुट थी। यह पूरब पश्चिम थी। वह जंगले वाली दीवार पश्चिम सिरे में मस्जिद की दीवार से जा मिलती थी। जहाँ पर यह जंगले वाली दीवार का आखिरी कोना पश्चिम

की तरफ था, वहाँ से इमारत की पश्चिमी दीवार का फासला तकरीबन 30 फुट था। उसमें उत्तर की तरफ कोई दरवाजा नहीं था। उत्तरी जंगले वाली दीवार में ही दरवाजा था, वह उसके बीचोबीच था। वह दरवाजा जंगले में ही था और लोहे का था। सलाखों का दरवाजा था। यह दरवाजा 6 फुट ऊँचा होगा और चार फुट चौड़ा होगा। भीतरी सहन के पूरबी तरफ भी जंगले वाली दीवार थी।" (पेज 29.-30)

*"In this courtyard, a 'Chulha' (hearth) was build and so was a 'Belan' (rolling pin). (Further stated) there was no 'Chulha' there; there was a 'Chakla' on which breads are baked. The said 'Chakla' and 'Balan' appeared to be made of cement. It does appears to us that they were built of marble. The said 'Chakla ' would have been a circumference of one feet at most. A 1½ feet 'Belna' was beside it. The said 'Chakla' and 'Belan' was placed on the small floor erected at the height of 4 or 6 inches. I do not remember whether the said elevated Chabutra-like floor was made of stone or of marbles or of bricks. This Chabutra shaped thing was 3 or 4 feet long and it was that much wide. This small Chabutra was at the distance of nearly 25 feet from the western wall. . . . On entering that building from the road through the main gate, there lay a small Chabutra on the left side. The left side forms the eastern direction. At the time of entering through that gate, one would not cross this Chabutra; one would go slightly by its site. On the southern side of this 4 X 4 feet small Chabutra, there was a wall having grills. It had a wall as well which continued to be closed. That grilled wall was nearly 30 feet in length. It extended from east to west the grilled wall at the western end joined the wall of the mosque, where the last corner of the grilled wall towards*

*the west and from there the western wall of the building was at the distance of nearly 30 feet. It has no door on the northern side. Only in the northern grill wall, there was a door which was in its middle. This door was in the grill itself and was made of iron. The door was of iron bars. This door would be 6 feet high and 4 feet wide. There was a grill wall also to the east of the inner courtyard." (E.T.C)*

**(viii) PW 8, Abdul Aziz:**

“इस इमारत के अंदरूनी हालात बाबत छप्पर, चबूतरे, दिवारे या फर्श जो मैंने बतलाए है वह मेरे वहां पहली मर्तबा जाने से और आखिरी बार नमाज अदा करने तक बदस्तूर उसी तरह से कायम रहे थे उनमें कोई रद्दोबदल नहीं हुयी थी।” (पेज 38)

*"The inteso was a 'Belan' (rolling pin)rnal position of this buildinso was a 'Belan' (rolling pin)g, in reference to shed, Chabutra, walls and flooring which I have stated about, continued to be the same from my first visit to that place till the time I last offered namaz; there was no alternation therein." (E.T.C)*

**(ix) PW 9, Saiyyad Akhalak:**

“इस सहन के दक्षिण की तरफ एक चबूतरे की शकल वाली तामीर थी। इस चबूतरे की ऊँचाई तीन सवा तीन फुट के आसपास थी। यह पुख्ता चबूतरा था। ... इस चबूतरे पर एक छोटा सा छप्पर था।” (पेज 22)

*"There was a Chabutra-shaped construction to the south of this courtyard. The height of this Chabutra was nearly 3-3¾ feet. It was a firm Chabutra. . . . There was a small shed on this Chabutra." (E.T.C)*

“यह छप्पर लकड़ी के खम्भों पर टिका हुआ था। मेरी जानकारी में इस चबूतरे के ऊपर या छप्पर के नीचे लकड़ी की टेन्टनुमा तामीर नहीं थी। ... इस चबूतरे के ऊपर और नीचे के बीच में दो-तीन खिड़कीनुमा चीजें बनी हुई थीं। ... खिड़कियों की लम्बाई-चौड़ाई ऐसी थी कि उसमें एक आदमी

झुक कर आ-जा सकता था। खिड़कियों के अन्दर उस चबूतरे के बीच में कुछ जगह तो बहरहाल जरूर थी। उसके अन्दर मूर्ति रखी हुई थी, जो बाहर से दिखाई देती थी, अब उसकी गहराई को जितना चाहो मान लीजिए। जो आदमी उसमें झुककर जाता था, जाहिर है कि वह उसके अन्दर बैठ भी सकता था। चबूतरे के ऊपर जो छप्पर था उसमें मुझे मालूम नहीं क्या काम होता था। मैंने वहाँ कभी किसी को बैठते-उठते नहीं देखा।” (पेज 23)

*"This shed rested on the wooden pillars. In my knowledge, there was not any wooden tent like construction above this Chabutra or below the shed. . . . In between the top and the bottom of this Chabutra, there were 2-3 window shaped things. . . . The length and width of the windows was such as to allow one to enter and exit in a bending position. Inside the windows, there was, however, certainly some space in the middle of that Chabutra. Inside that was placed idol which was visible from outside. As far as its depth is concerned, you may now take it to be so much as you like. From the fact that a person can go therein by stooping himself, it is clear that he can even sit inside it. As far as the shed above the Chabutra is concerned, I do not know what was done therein. I never saw anybody sitting and standing up there." (E.T.C)*

“मैंने इन दरवाजों पर कभी कोई ताला लगा हुआ नहीं देखा। ...एक थोड़ी सी जगह पर चूल्हा, चकला और बेलना बने हुए नजर आते थे। .... चूल्हा, चकला और बेलना पत्थर के बने हुए थे। इस चीजों का जिक्र काफी अर्सा से सुनते थे और मैं अपनी होश से इन्हें वहाँ देखता भी आया था। इस उठान के उत्तर की तरफ एक गेट था।” (पेज 25).

*"I never saw any locks put on these doors. . . . 'Chulha' (hearth), 'Chakla' and 'Belna' (rolling pin) were seen built on a small place. . . .Chulha' (hearth), 'Chakla' and*

*'Belna' (rolling pin) were carved of stone. I would hear about these things for a considerable times and since the time I gained understanding, I continued to see them over there. There was a gate to the north of this 'Uthan' (raised place)." (E.T.C)*

“इस सहन पर, जो बाहर की तरफ था या जो ऊपर बतलाया गया चूल्हा, चकले वाला सहन है, उस पर और पहले बयानकर्ता चबूतरे वाले सहन पर कभी नमाज नहीं पढ़ी गई। मेन गेट से अन्दर दाखिल होने पर उत्तर वाला सहन खुला पड़ा रहता था, उसका कोई इस्तेमाल नहीं होता था।”

(पेज 27).

*"Namaz was never offered in this courtyard, which was towards the exterior side or which is the above-stated courtyard having 'Chulha' and 'Chakla' and in the Chabutra courtyard about which deposition has been made earlier. On coming inside through the main gate, the northern courtyard continued to be open and was not put to any use." (E.T.C)*

**(x) PW 14, Jalil Ahmad:**

“रसोई जहां बनी थी उसमें चूल्हा, बेलना और चौका था। कोई पैर के चिन्ह नहीं बने थे। मैं नहीं बता सकता कि चूल्हा चकला या चौका बेलना किस मसाले से बने हुए थे। यह सभी चीजें फर्श की सतह पर बनी हुई थी कोई चबूतरा नहीं था। यह चूल्हा चकला और बेलना फर्श के साथ लगा हुआ था अर्थात् फर्श से ही चिपका था। ...इसी छोटे वाले दरवाजे के उत्तर थोड़ा सा हट कर यह चूल्हा बेलना चौका चकला बना हुआ था। मुझे नहीं मालूम कि इस चूल्हे चकले बेलन को किसने बनवाया।” (पेज 19).

*"There were Chulha' (hearth), 'Belna' (rolling pin) and 'Chauka' at the place where Rasoi was built. No foot prints were built. I cannot tell of which material 'Chulha', 'Chakla'/'Chauka' or 'Belna' were built. All these things*

were built on the ground surface; there was no Chabutra. The said Chulha', 'Chakla' and 'Belna' formed part of the floor, that is to say, they were stuck to the floor itself. . . . . To the south of and slightly away from this very small door, the said Chulha', 'Belna' and 'Chauka-Chakla' were wrought. I do not know who built the said Chulha', 'Chakla' and 'Belna'." (E.T.C)

“यह चूल्हा-चकला और बेलन वही है, जिसके बारे में मैं ऊपर बता चुका हूँ। तस्वीर नं०-71 को देखकर गवाह ने कहा कि इसमें चूल्हा-चकला एक चबूतरे पर दिखाये गये हैं।” (पेज 23).

"These 'Chulha', 'Chakla' and 'Belan' are those very things about which I have stated above. Looking at the Photograph No. 71 the witness stated- it shows 'Chulha-Chakla' on a Chabutra." (E.T.C)

“यह भी सही है कि चूल्हा चक्की बेलन के चित्र जहां बने हो वहां नमाज नहीं पढ़ी जायेगी।” (पेज 38).

"It is also correct that namaz will not be offered at a place having pictures of 'Chulha', 'Chakki', 'Belan'." (E.T.C)

**(xi) DW1/2 - Sri Krishna Chandra Singh:**

‘हनुमतद्वार से अन्दर जाने पर बाएं यानी दक्षिण तरफ राम चबूतरा था जिस पर राम दरबार के विग्रह तथा श्री रामलला की मूर्ति विराजमान थी। उसके दक्षिण पश्चिम कोने पर नीम व पीपल का पेड़ एक ही में लगा हुआ था, जहाँ अर्ध गोलाकार चबूतरा था, चबूतरे पर शिव, पार्वती, गणेश, कार्तिकेय, शिवजी का अर्घानन्दी की मूर्तियाँ विराजमान थी।’ (पेज 3).

"On going inside through Hanumatdwar, on the left, that is on the southern side there was Ramchabutra, on which 'Vigrah' (different forms) of Ram Darbar as also the idol of Ramlala was seated. On its southern-western corner, there were Neem and Peepal trees stuck together, where lay a semi circular Chabutra, on which the idols of Shiv, Parvati,

*Ganesh, Kartikey and Shiv Ji's vehicle Nandi were seated."*

*(E.T.C)*

**(xii) DW1/3, Sri Sahdev Prasad Dube:**

“श्रीराम जन्मभूमि स्थित मन्दिर में प्रवेश के लिए पूरब दिशा में हनुमत द्वार 6 दिसम्बर, 1992 के पूर्व था, द्वार के दोनों ओर कसौटी के खम्भे लगे थे, जो गिनती में दो थे, इन पर देवी-देवताओं की मूर्तियाँ उभरी थी। उत्तर की ओर सीता रसोई व इसके पूरब में जन्मभूमि मन्दिर का भण्डारगृह व राम चबूतरा था, सीता रसोई व इसके पूरब में जन्मभूमि मन्दिर का भण्डारगृह व राम चबूतरा था, सीता रसोई के उत्तरी दिशा में सिंहद्वार था, दक्षिण व पश्चिम दिशा में परती जमीन थी जिससे भक्तगण मन्दिर परिसर अर्थात् राम जन्मभूमि स्थित मन्दिर की परिक्रमा करते थे।” (पेज 5).

*"For entrance in Sri Ram Janmabhumi-situated temple, in the eastern direction was Hanumatdwar prior to 6<sup>th</sup> December, 1992. On both sides of the gate were fixed Kasauti pillars, two in number, with the images of gods-goddess engraved on them. On the north lay Sita Rasoi and on its east were 'Bhandar Grih' (store room) of Janmbhumi temple and Ramchabutra. To the north of Sita Rasoi was Singhdwar; on its south and west there was uncultivated land, from which point of place devotees performed circumambulation of the temple precincts or Ramjanmbhumi-situated temple." (E.T.C)*

**(xiii) DW 2/1-2, Sri Ram Sharan Shrivastava:**

“विवादित ढांचे में लगे काले पत्थर के खम्भों, पर कलश, आम के पल्लव, कमल, देवी-देवताओं एवं मानव आकृतियाँ स्पष्ट थीं तथ उसी परिसर में सीता रसोई, चरणचिन्ह, चौका बेलन, चूल्हा, राम चबूतरा था। उक्त स्थल हिन्दुओं के पूज्य स्थली के रूप में था एवं विवादित स्थल सदैव से भगवान राम के जन्म स्थल के रूप में पूज्य था।” (पेज 5).

*"'Kalash', mango leaves, lotus flowers, images of god-goddess and human beings were clearly seen engraved on*

*the black stone pillars embedded in the disputed structure, and Sita Rasoi, foot prints, 'Chauka', 'Belan', 'Chulha' and Ramchabutra were there in that very premises. The said place was as a revered place for the Hindus and the disputed site was always revered as the birthplace of Lord Rama." (E.T.C)*

“भवन की स्थिति से मेरा तात्पर्य पूरे भवन से है, जिसमें पूरब की ओर राम चबूतरा, जहाँ पूजा हो रही थी, उत्तर की तरफ सीता रसाई और विवादित भवन को भी लोग रामजन्मभूमि मानते थे, से है।” (पेज 167).

*"By the location of the building I mean the entire building, including Ramchabutra on the east providing space for worship, Sita Rasoi on the north and the disputed structure regarded by people as Ramjanmbhumi." (E.T.C)*

**4064.** PW 6 on page 20, further said about the other temples around the building in dispute:

“मुतदाविया जायदाद के इर्दगिर्द हिन्दुओं के मन्दिर हैं। इस जायदाद से हनुमानगढ़ी तक रास्ते में हिन्दुओं के बड़े-बड़े मन्दिर हैं, जैसे-कनक भवन और रामजन्मस्थान, हनुमानगढ़ी। मोहल्ला रामकोट में राम जन्मभूमि मन्दिर भी है। अयोध्या में श्रीरामचन्द्र जी के मन्दिर भी हैं, हनुमान जी के भी मन्दिर हैं और जैनियों के भी मन्दिर हैं।” (पेज 20)

*"Around the property in suit, there are temples of Hindus. On the way from this property to Hanumangarhi, there situate a number of big temples of Hindus e.g. Kanak Bhawan, Ramjanamsthan and Hanumangarhi. In Mohalla Ramkot, Ramjanambhumi temple also situates. In Ayodhya, there are also the temples of Sri Ram Chandra Ji Hanumanji and Jains." (E.T.C.)*

**4065.** In the above context, PW 16 said as under:

“पूर्वी दरवाजे से भीतर घुसने पर पूरबी अहाते में दक्षिण की तरफ चबूतरा था, जिसे राम जन्मभूमि कहते हैं। इसी अहाते की उत्तर की तरफ

भण्डारगृह कोठार हो सकता था।" (पेज 57)

*"Entering through the eastern door, there was a chabutara (platform) towards eastern side of the compound, which is called Ram Janambhumi. Towards north of this compound there might have been store room." (E.T.C.)*

“सीता रसोई जहाँ पर स्थित था, उसी के पास उत्तरी दरवाजा था। यह ठीक है कि मुख्य इमारत जिसे मैं मस्जिद कहता हूँ के अन्दर जाने के लिए उपरोक्त हिन्दू धार्मिक स्थानों के पास से होकर जाना पड़ता था।”

(पेज 58)

*"Near the place where Sita Rasoi situated, there was the north door. It is correct that for reaching the main building, which I term as 'mosque', one had to pass through the aforesaid religious places." (E.T.C.)*

**4066.** This position as emerges from the above could not have been controverted in any manner. Therefore, the first part of the issue in question we are inclined to answer in affirmance. So far as the second part is concerned, i.e., its effect, we find that the pleadings in this respect are that if the mosque is surrounded or landlocked by the places of worship of other religions (in the present case Hindu), then it cannot be a Mosque according to the tenets of Islam. However, no such command in any of the Islamic text could have been traced or placed before us to support the submission. It is true that normally the places of worship are constructed where the population of the worshippers is quite reasonable and for their convenience, the persons responsible for construction normally choose a place where obstruction is minimal, but that is one aspect of the matter and can not be equated to a proposition that such a construction would not be an Islamic religious structure, if it is surrounded or landlocked by the religious places of other

religions.

**4067.** The issue further is sought to be argued on the ground that under Islamic text, at one place there cannot be two places of worship as the property vested in God cannot have a share holder. It is, thus, submitted that this is a command against a Mosque under the Islamic text and, therefore, the building in dispute could not be a Mosque. We have already held that in this case, it is a peculiar situation where in the same premises, Hindus and Muslims both were worshipping according to their beliefs, customs and tenets and this is going on for the last several decades before the first suit was filed in the Court of Civil Judge. When a religious practice is continuing in a particular manner for such a long time, in our view, it ought not be questioned or should be discussed or adjudicated by the Court. No one can be allowed to say such practice was not correct and the generations to generations were acting illegally or contrary in following tenets of their religion. The manner of worship of one religion ought not be allowed to be questioned after almost a century by the people of other religion. It is impertinent and improper. In view thereof, **we answer the Issue No. 19 (b) (Suit-4) in affirmance to the extent that the building was landlocked and could not be reached except by passing through the places of Hindu worship. However, this by itself was of no consequences.**

**(C) Whether the Hindus had been continuously worshipping at the place in dispute:**

**4068.** Issue No. 13, 14 (Suit-4) and 24 (Suit-5) come in this category.

**4069.** Issue No. 13 and 14 (Suit-4) read as under:

**Issue No. 13 :-**

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

**Issue No. 14 :-**

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

**4070.** While considering issue No.3 (Suit-4) pertaining to limitation, we have already held that in the outer courtyard there were certain religious structures of Hindus which they were worshipping since long i.e. before 1885. The plaintiffs (Suit-4) having lost their right to interfere in such right of Hindus which has continued for such a long time, therefore, in respect to those religious structures, the answer would be affirmative. So far as the inner courtyard is concerned, there the idols were kept for the first time on 22/23<sup>rd</sup> December, 1949. But that itself makes no difference for the reason that the place of birth of lord Rama, we have already held to be a Swayambhu deity and worship of this place is continuing for the past several centuries. As we have already discussed while considering issues relating to site as birthplace and the existence of temple as also the issues pertaining to possession therefore, Hindus in general had been entering the premises within the inner courtyard, as a matter of right for the last several centuries, hence cannot be denied this right after such a long time. **We therefore, answer issues 13 and 14 (Suit 4) in affirmative.**

**4071. Issue No. 24 (Suit-5) is;**

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

**4072.** Here also we remind that for the purpose of Suit-5, the property in dispute comprises of inner and outer courtyard, both. There are two plaintiff Deities. Plaintiff 1 is the idol. We have already held that the idol of Ramlala or Lord Rama kept earlier on Ram Chabutara in the outer courtyard and was being worshipped by Hindus since long time, i.e. almost a century, was shifted and placed under the central dome of the disputed structure in the inner courtyard in December, 1949.

**4073.** So far as the plaintiff 2 is concerned, we have discussed above that it was also being worshipped since long as noticed by Joseph Tieffenthaler in the middle of the 18<sup>th</sup> century and thereafter in several gazetteers etc.. Worship of both the plaintiffs was going on for such a long time which satisfy the term "time immemorial". **Issue No.24 (Suit-5) therefore is also answered in affirmative.**

**(D) The presence of idol in the disputed building:**

**4074.** Issue No.2 (Suit-1) comes in this category.

**4075. Issue 2 (Suit -1) is:**

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

**4076.** Before answering it, we may remind ourselves that the suit is confined to the premises within the inner courtyard as also clarified by the plaintiff Gopal Singh Visharad in his statement made under Order X, Rule 2 C.P.C. on 07.03.1962 which reads as under:

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

**4077.** In the discussion already made above, this has come on record that "*Charan Paduka*" is part of the structure which is also called as "*Sita Rasoi*" or "*Chhati Pujan Sthal*" which existed in the outer courtyard. It is evident from the site plan submitted by Sri Shiv Shankar Lal on 25<sup>th</sup> May, 1950, which we have already appended as Appendix 2 to this judgment. This is also admitted by plaintiff. Therefore, it cannot be said that "*Charan Paduka*" situated in the site in dispute since the suit is confined only to the premises within the inner courtyard.

**4078.** So far as the idols of "Bhagwan Ram Chandra Ji" is concerned, we have already held while considering Issues No.3(a) (Suit-5) and Issue No.12 (Suit-4) that the same were placed under the central dome of the disputed structure, within the inner courtyard, in the night of 22/23<sup>rd</sup> December, 1949 but prior thereto the same existed in the outer courtyard and it is therefrom, the same was shifted. Suit-1 was filed on 16<sup>th</sup> January, 1950 on which date idol of Ram Chandra Ji, as a matter of fact, existed in the inner courtyard under the central dome of the disputed structure. **Issue No.2 (Suit-1) is therefore, answered accordingly.**

**(E) Issues relating to place of birth of Lord Rama, believed as such by Hindus by tradition etc.**

**4079.** Here we are concerned with issues no. 11 (Suit-4), 1 (Suit-1) and 22 (Suit-5) which reads as under:

Issue No. 11 :-

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

Issue No. 1 :-

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

Issue No. 22 :-

*Whether the premises in question or any part thereof is by tradition, belief and faith the birth place of Lord Rama as alleged in paragraphs 19 and 20 of the plaint? If so, its effect?*

**4080.** The real and substantial issue in all these cases going to the root of the matter is that the plaintiffs (Suit-4) and Muslim defendants in rest of the suits unequivocally and unanimously submit that there is no evidence to show that lord Rama was born at the disputed site. They submit that Hindus believe that Ayodhya is the place of birth of lord Rama and therefore is very holy and religious place even if not disputed in these cases, but that by itself would not mean that the disputed place can be identified as the only place where lord Rama is said to have been born. Neither in any Hindu religious scriptures nor in any other history book or record it is mentioned that the disputed site was actually the place of birth of lord Rama. He may have born at Ayodhya but to narrow it down and concentrate on the disputed site is wholly conjectured and

imaginary. It is without any foundation or substance.

**4081.** It is said that though the statements under Order X, Rule 2 C.P.C. have been given by the learned counsels for the various Muslim parties that they do not dispute about the faith of Hindus regarding birth of lord Rama at Ayodhya and that the present Ayodhya is the same as believed by the Hindus yet the Court cannot ignore the opinion of voluminous record of historian and other experts in the field saying that the Ramayana, which is considered to be the basic document to reflect life of lord Rama and makes it an incarnation of lord Vishnu, is a myth and therefore it is termed as an epic.

**4082.** That being so, the story of lord Rama, with the passage of time has generated in such a vast Hindu faith as if a matter of historicity yet on judicial side when this Court will take note of it, it cannot hold otherwise and therefore it is unjust to raise an unfounded claim and contend that lord Rama was born at the disputed site. They submit that the vedic literature and the Hindu scripture relied by various counsels for Hindu parties broadly do not construe reliable source of history and therefore in the absence of any reliable material, merely on the basis of something which is mentioned in some gazetteers published in 19<sup>th</sup> century and onwards during the British regime, that too wholly unsubstantiated, and, perhaps was written to create a rift between Hindu and Muslim in furtherance of policy of the Britishers to rule India following divide rule, it cannot be said that building in dispute was constructed at a place where lord Rama had born and therefore the question of desecration of Hindu religious place does not arise.

**4083.** It is in this context, the common submissions in

brief advanced by the learned counsels for the Muslims side are that there exists no evidence to show that any temple or religious structure existed at the disputed site which is said to have been demolished for construction of the disputed structure; there is no evidence to show that Lord Rama actually took birth at the disputed site though his birth in Ayodhya itself is not disputed; the disputed structure was constructed in 1528 by Meer Baqi, a Commander of Emperor Babar and throughout since then it has been considered, treated and practised as Mosque wherein Muslims have offered their religious prayers regularly till at least December 1949 when the District administration restrained them by attaching the property in dispute and placing it under the receivership.

**4084.** Sri Jilani submitted that it is for this reason that the stand of Hindus also differ on certain aspect though not in respect to the issue pertaining to birth place.

**4085.** The Sunni Central Waqf Board was impleaded as defendant in Suit-1 in 1989 whereafter it filed its written statement and Sri Jilani referred to paras 10, 11, 12 and 13 thereof. He then referred the claim and written statements in other three suits and submitted that in general there are three parties: (1) Muslim Group, (2) Orthodox Hindus and (3) Nirmohi Akhara. The case of the Nirmohi Akhara is that there was never a mosque but it was throughout a temple of Lord Sri Rama and Ram Janam Bhumi was in possession of Nirmohi Akhara who was performing Pooja, Arti etc. through its Pujaris, from time immemorial. The case of orthodox Hindus is that it was a place of birth of Lord Sri Rama where a mosque was constructed by Babar through his aide Mir Baqi but the said

building was never used as mosque. At least from 1934 the building was never used as mosque. In respect to the placement of idols, Sri Jilani pointed out that there are two versions: first, about the alleged manifestation of Ram Lala in the night of 22/23.12.1949 and second is the transfer of idols from Ram Chabutara to the dome shaped building of the disputed premises.

**4086.** Mr. Jilani, in brief, advanced his submission by placing oral and documentary evidence as under:

1. The building in question was constructed in 1528 AD by Mir Baqi at Ayodhya and has always been treated a mosque
2. The muslims were offering Namaj in the said building since very beginning and at least from 1855 onwards. There is evidence that the building in dispute was in possession of Muslims, managed by a Mutawalli and Namaj was offered regularly therein.
3. There is no evidence whatsoever that the disputed building was constructed after demolition of any temple of Lord Ram or any other deity worshipped by Hindus.
4. In fact there is no evidence at all that there existed a Hindu temple on or before 1528 when Mir Baqi made construction of the disputed building.
5. The claim of Nirmohi Akhara that it was throughout in possession of the disputed building and Pooja Archana of Lord Rama was going since long is incorrect, the oral evidence is not creditworthy and self contradictory. There is no credible documentary evidence either.
6. On the contrary the documents of the state authorities of

different time, oral evidence of individuals etc. show that the building in question was a mosque, throughout known as Babri Mosque, and Namaj was offered therein throughout.

**4087.** Adopting the entire arguments of Sri Z. Jilani, Sri Siddiqui further stated that though he does not dispute that Lord Rama took birth at Ayodhya, however, there is no evidence that Lord Rama took birth at the disputed site. There is neither any evidence to this effect nor there existed any Temple of Lord Rama at the aforesaid place in 1528 when the construction in dispute was raised by Meer Baqi, a Commander of Emperor Babar. He drew our attention to the topography of the land in dispute and nearby area referring to the two maps of 1885, a site plan prepared by Court Commissioner Sri Gopal Sahai, Amin, and, the map and pleadings in Suit No. 95 of 1941, and Commissioner Sri Shiv Shanker Lal's report. He pointed out that the report of Sri Shiv Shanker Lal mentions two houj (हौज) showing source and availability of water for Vajoo and also a place used as urinal at the disputed site. He also referred to the exhibits A20, A21 and A22 (Suit-1) and exhibit A13 (Suit-4). According to him, the aforesaid maps show admission of the parties that the disputed construction was a mosque.

**4088.** On the contrary, the stand of all the counsels appearing for Hindu parties whether plaintiff or defendant in all the suit is common. They collectively submit that there is enough material to show that since time immemorial the disputed place being a part of fort of lord Rama or King Dashratha was held, treated, practised and worshiped as the place of birth of lord Rama as an incarnation in human form of

lord Vishnu.

**4089.** Taking lead in support of the issues relating to site of birthplace and worship by Hindus, Sri R.L. Verma said that the place in dispute is the same where Lord Rama was born several thousands or lacs of years ago. It is a very pious, holy and religious place for Hindu, has been worshipped by them since time immemorial and a fine temple of Lord Rama existed which was demolished by Mir Baqi to construct a mosque. He sought to place before us as source of history, Vedas, Puranas, Ramayana and other religious and historical literature and books and also the statements of several witnesses.

**4090.** On behalf of the defendant no. 20 (Suit-4), Sri P.N. Misra and Km. Ranjana Agnihotri, advocates, made their submissions at length placing certain extracts from “**Rigveda Samhita**”, “**Taittiriya Sanhita**”, “**Yajurveda Samhita**”, “**Atherva-Veda ka Subodh Bhasya**”, “**Atharva-Veda Samhita**”, “**Skanda-Purana**”, “**Shri Narsinghpuranam**”, “**Sri Ramacaritamanasa**”, “**History of Dharmashastra**” by P.V. Kane. It is contended that Ayodya, Lord Rama and their relationship is duly recognised since ancient time which shows that the Lord Rama was born at the place in dispute and there cannot be any reasonable doubt in this regard which is in the memory, faith and belief of Hindu people since several centuries handed down to them from generations to generations.

**4091.** Expanding the above submission of Sri Verma, Sri Ravi Shankar Prasad, Sri P.R. Ganapati Ayyiar, Senior Advocates, etc. all the learned counsels placed before us in detail various Hindu scriptures, Indian Books, Gazetteers and other documents to show that throughout Hindus have believed

and worshipped the place in dispute as a place where lord Rama was born. They submit that the matter of birth of lord Rama being several thousand and lakhs of year old, it is imprudent to expect any direct evidence on the subject. In the matter of faith and religion, the Court will have to form an opinion and adjudicate the matter on the basis of preponderance particularly if it found the evidence of continuous faith of the entire community to several hundred and thousand of years i.e. beyond the memory of mankind and if it is found that there has been a continuity in such a faith with respect to such a place, no further adjudication by asking for direct evidence would be necessary and the Court will have to uphold such faith which has continued for time immemorial. Some of the details of the argument of the learned counsels in this regard and the material they placed, we have already referred to.

**4092.** Sri M.M. Pandey in respect to the Issues No. 14, 22 and 24 (Suit-5) has made submissions as under:

**(A)** Hindus hold Lord Ram to be incarnation of Lord Vishnu, claim that Ram was born at the place where disputed structure (in short 'DS') was erected and that before its construction, there stood a Hindu Temple; this temple was demolished and in its place DS was constructed. The birthplace has been held by Hindus as a highly sacred place and constitutes to be Swayambhu Deity, worshipped as such since time immemorial.

**(B)** In the nature of things, the place of birth cannot be proved by 'direct' evidence; indeed no living being is capable of proving the birthplace of any of his parents, 4 degrees or more remote in the line of ascent. The fact,

therefore, has to be judged in accordance with the meaning of word 'proved' u/s 3 of Indian Evidence Act. The significant expression is: 'the Court either believes it to exist or considers its existence so probable that a prudent man ought ..... to act upon the supposition that it exists'. So 'belief' and 'supposition' are perfectly legal and acceptable states which may lead to 'proof'. Herein lies the legal relevancy of 'Faith' of the concerned people, to wit the Hindus, which is the essential foundation of most of the Spiritual Doctrines. Birthplaces of God's men have always been treated sacred in all religions. Paper no. 3 of Ramlala's documents is Historical Sketch of Faizabad in 1870 (Ext. OOS 5: 49) by P. Carnegie, Commissioner/Settlement Officer of Oudh; in page 5, it is mentioned that 'Ayodhya is to Hindus what Mecca is to Mohammedans and Jerusalem to Jews'. In the History of Dharmashastra – Governmental Oriental Series – Vol III at page 177, P.V.Kane records from Visnu-dharmottara that Ayodhya 'was endowed with hundreds of parks; it celebrated festivals and held gatherings of people.....it always resounded with music of lutes, flutes.....it resounded with the recitation of the Veda.....there was not a man who was wretched, dirty or emaciated; it stretched for three yojanas on the Banks of the Saryu and was ten yojanas in the middle.' Apart from lot of documentary evidence, including admissions by some Muslims, OPW1 Paramhans Ramchandra Das deposed (Page 7) that birth of Lord Ram in Ayodhya is mentioned in Balmiki Ramayan, its boundaries are mentioned in

Ayodhya-Mahatma Chapter of Skandha-Puran, that Birthplace & Garbha-griha is the site of Disputed Structure (DS) where Bhagwan Ramlala is seated presently (P 8, 54) and in Atharva-veda mention of Ayodhya of Ashtachakra-Naodwar is made in a mantra and the names of Deities (Deota) of the 8-Chakras is mentioned in a Shloka of Rudrayamal which states the Deity of the first-Chakra to be Ram Janmabhumi (P.103). OPW2 Deoki Nandan Agarwal (at P. 39), OPW4 Harihar Prasad Tewari (P. 2 & 3), OPW6 Hausala Prasad Tripathi (P.5, 12,13 & 77), OPW 7 Ram Surat Tewari (P. 4, & 6), have deposed about the DS being Birthplace of Shriram as incarnation of Bhagwan Vishnu and faith, worship darshan, Parikrama and pilgrimage thereof by Hindus since ancient times. OPW 12 Kaushal Kishore Mishra deposed that Ramchandra ji was born in Mohalla Ramkot in Ayodhya within DS in the garbh-griha central dome of the 3-domed 'temple', and that Ramkot was the palace of Dashrath ji which contained the garbh-griha (P.42 & 43). OPW 16, Jagatguru Ram Bhadracharya, a great scholar of literature relating to Lord Ram has elaborately deposed about the DS to be the birthplace of Bhagwan Shriram as mentioned later in these arguments; significant documentary evidence will also be placed later. SB's witness PW 12, Ram Shankar Upadhyaya, stated (at page 49) that when he went to DS, he did not carry flowers, wreath (mala) or Prasad, but he had received Prasad from the mandir from the pujari.

(C) In OOS 1 of '89 (of Ram Gopal Visharad), para 27

of WS dt. 21.2.1950 by Muslim Defdts. 1 to 5 (including Mohd. Faiq & Zahoor Ahmad, who are co-plaintiffs in Sunni Board's OOS 4 of '89), states that in 'Ayodhya a Temple named Mandir Janmasthan Shri Ram Chandra ji, established long ago, has been in existence at the birthplace of Ram Chandra ji and Idols of Shri Ram Chandra ji and others are Virajman therein'. In OOS 3 of '89 (of Nirmohi Akhara), Defdt. No. 6 (Haji Pheku), Defdt. No. 7 (Mohd Faiq) and Defdt. No. 8 (Achchan Mian alias Ahmad Hussain) pleaded similarly in para 28 of their joint WS, filed through Sri Mohd Ayub, Advocate, on 28.3.1960 that in Ayodhya a temple named as 'Mandir Janmasthan Shri Ram Chandra ji, established long ago, has been in existence at the birthplace of Ram Chandra ji, and Idols of Shri Ram Chandra ji & others are Virajman therein'. This pleading is the same as was taken by Mohd Faiq etc in para 27 of their WS dt 21.2.1950 as indicated above and was confirmed by their lawyer, Sri Mohd Ayub, on 17.5.1963 under Order X R. 1 CPC which establishes that (i) there is birthplace of Shri Ram Chandra in Ayodhya and (ii) a Temple existed at the birthplace. In OOS 4 of '89 (of Sunni Board), Plaintiff No. 4 Mohd Faiq is also Defdt in Visharad's suit and is Defdt No. 7 in Nirmohi Akhara's suit; he **verified** Sunni Board's Plaint which was also signed and filed by said Mohd Ayub, Advocate, on 28.8.1963. These statements made by Mohd Faiq and Advocate Mohd Ayub, and Defdt. Zahoor Ahmad in Visharad's suit (and co-palintiff in Sunni Boards' suit) are binding and conclusive against Sunni Board and

Muslim Defdts in Visharad Suit and in Nirmohi Akhara's suit: Sec. 17 & 18 Evidence Act. 1960 SC 100, Narayan Bhagwat Rao Gosavi Vs. Gopal Vinayak Gosavi , 1967 SC 341, Basant Singh Vs. Janki Singh, and 1945 Mad 361, Obanna Vs. Gangaiah, hold that persons jointly interested in a suit are bound by the admission made by any one of them. 1947 All 110, Beni Madho Vs Major A.U.John and 1997 All 122 (at 133) Talat Fatima Hasan Nawab Syed Murtuza Ali lay down that an admission made by a Party's Pleader is binding. The Sunni Board stated in para 32 of their WS dt. 24.2.1989 in reply to Visharad's suit (i.e. 17 or 18 years after their own Plaint) that 'there already exists Ram Janmasthan Mandir in the northern side of the property in question at a short distance (60-70 steps, vide their PW 12 Ram Shankar Upadhyay at P.50 & PW4 at P. 55) from the pathway passing from the side of the Babri Masjid'. [This confirms Shri Ram Chandra ji's Temple at the birthplace by Mohd Faiq, Zahoor Ahmad and Mohd Ayub in 1950, 1960 and again in 1963]. Thus, existence of Shri Ram Chandra's birthplace in today's Ayodhya and of Temple at birthplace stands admitted; the only fact which requires further proof is whether site of DS is at the birthplace and temple had existed there in the past which was destroyed and replaced by DS. It is significant that concerned Muslims did not put up a case/plea at the earliest available opportunity that Ram Janmasthan Temple at Ram's birthplace existed separately at a distance of 60-70 steps from DS. That opportunity existed in Mahant Raghubar Das suit of 1885

when Mohd. Asghar, Mutawalli of DS, filed a written statement and signed the site plan prepared by Pleader-Commissioner appointed by Court, but did not plead, nor pointed out to Pleader-Commissioner, that Ram Janmaasthan Mandir mentioned above already stood at a separate spot. It shall appear later in these arguments that the Janmaasthan Mandir aforesaid seems to have been an effort by Hindu community/devotees to establish a birthplace temple in the name of Lord Ram, as close as possible to the demolished Temple replaced by DS, in the circumstances prevailing through centuries of Mughal invasion, repression and use of force since 1528. It will be seen that in 1786 Tieffenthaler found the platform (later called Ram Chabutra) inside the disputed area campus, the DS and the periphery of DS (parikrama) being worshipped by Hindu devotees. It will also appear that in 1853 Hindus forcibly occupied DS, that in 1855, the British administrators separated the DS from the rest of the campus by erecting a partition wall through the platform of DS so that Muslims could offer namaz inside DS whereas Hindus could remain in possession of the rest of the campus, that through the vicissitudes of Mandir-Masjid conflicts, effort by Mahant Raghubar Das of Nirmohi Akhara in 1885 to erect a temple on Ram Chabutra failed because a self-impeached Muslim Defdt (Mutawalli of DS) opposed erection of Temple thereat and Courts found co-existence of Masjid and Mandir within the disputed area to be fraught with danger of bloody riots and so on.

**(D)** Authority of ancient times about the birth of Ram in Ayodhya is contained in Balmiki Ramayan (Paper OOS 5: 261C/1,2) which contains inherent evidence of its period contemporary to Ram. Balmiki Ramayan, written by Maharishi Balmiki, seems to satisfy the definition of word "History" given at page 459 of 'The New Lexicon Webster's Dictionary of the English Language' 1987 Edn, published by Lexicon Publications Inc. New York. 'History' is defined as a record of past events usually with an interpretation of their cause and an assessment of their importance; a narrative of real or fictitious events connected with a particular person, country, object. Balmiki Ramayan, fulfils this criterion; it is a description of Ram and specific events of his life. Being a contemporary version, Narad (the Rishi) places Ram as just a man to poet Balmiki who asked him to identify a person who possessed all the virtues of Man. Balmiki closely watched and followed the deeds of Ram and wrote about the birth of Ram in verses 8th, 9th and 10th of 18th Sarg and describes Ram as the Lord of Universe. The fact of Ram's Manifestation is borne out in Chapter X verse 31 of Shrimad Bhagwad Gita (Ext. OOS 3: 20) where Lord Shri Krishna has mentioned that among 'warriors I am Ram'.

**(E)** Closest in point of time immediately preceding Babar's invasion, is evidence of the darshan of the Idol/Temple of Ram by Guru Nanak Dev on his pilgrimage to Ayodhya. It is proved by the testimony of Rajendra Singh DW 2/1-1 that Guru Nanak started on

pilgrimage in 1507 and had darshan of Ram Janmabhumi Mandir between 1510 & 1511. In his affidavit in examination-in-chief, Annexure 3 and 4, he has deposed respectively about contents of 'Adi Sakhian' (1701) and 'Puratan Janma Sakhi Shri Guru Nanak Dev Jiki' (1734), which record that during his pilgrimage Guru Nanak Dev went to Ayodhya, among other places, and had darshan; he mentioned about the record in 'Pothi Janma Sakhi Gyan Ratnawali' (1730) – Annexure 5 - that Guru Nanak Dev on reaching Ayodhya said to his disciple Mardana: 'Mardania this is Shri Ram Chandra ji's city, hence let us proceed to have darshan, and he got down at the bank of the river'. The witness deposed about the record of actual darshan of Ram (i.e. Idol of Ram) by Guru Nanak Dev in Guru Nanak Vansh Prakash (1829) – Annexure 7 - by Baba Sukhbasi Ram Bedi, who was a descendant in 8th degree of Laxmi Chand (one of the sons of Guru Nanak Dev), that 'accompanied by Mardana, Sadguru proceeded and arrived in Ayodhya, drank the water of river Saryu and had darshan of Ram closely'. Finally, the witness deposed about Bhai Baleywali-ki-janma-sakhi (1883) Annexure 6, where Guru Nanak pointed to Bhai Baley ji, his disciple, on visiting Ayodhya that it was Shri Ram Chandra ji's city where He Manifested and performed life's tasks. SB filed 'Janma Sakhi Bhai Bale Wali', Paper No. 208C1/1 to 3 Ext. OOS4: 68 which records Guru Nanak Dev's visit to Ayodhya and advising both Mardana and Baley, but there is no mention of Guru Nanak Dev's darshan of Shriram or Ram Temple. The document does not appear to be reliable

because paper Nos 208C1/1&2 are title covers of which 1 bears no year and 2 bears year of publication to be 2000 AD; on the contrary, Ann 6 filed by the witness is of the year 1883.

**(F)** Besides extensive cross-examination, SB confronted the witness with pages 5 to 8 and 33 to 36 of W.H.McLeod's 'Sikhs & Skihism' (1999), paper 210C1/1 to 210C1/10 Ext. OOS 5: 69, which mentions some other Janma-Sakhis but not any of the ones named by the witness. This is irrelevant because the book does not mention that there were no other Janma-Sakhis. On the contrary, page 5 mentions that his 'sources for the life of Guru Nanak ..... are generally unreliable .....but it is possible to set out.....a brief outline of his life'. Thus McLeod's account is neither reliable nor substantial. He admitted the contents of Adi Granth, compiled by Guru Arjan Dev to be authentic (pages 5 & 7), which contained very little material regarding events of Guru Nanak's life, hence "we resort to our only other available sources, the traditional biographies called Janma-Sakhis". He further mentioned that Janma-Sakhis are hagiographic (=saintly/holy) accounts of life of Guru Nanak each consisting of series of separate incidents or chapters (page 8). At the same time he mentioned that there being 'nothing better', Janma-Sakhis have to be used although they are 'thoroughly inadequate sources' (page 33). It will be appreciated that 'inadequate' is not 'untruthful', and there would be no reason to record accounts untruthfully in 1701, 1730, 1734, 1829 and 1833 about matters which

are treated to be 'saintly/holy'. Further, there is no inconsistency inter se these Janma-Sakhis spread over a century and a half recorded by sources that are natural & trustworthy.

**(G)** It is admitted by McLeod that starting from Sultanpur in Punjab, Guru Nanak travelled in all directions, East/West/North/South (page 34). He even went on pilgrimage to Mecca (page 35); so the probability is that in India itself he would have gone on pilgrimage to Ayodhya which, admittedly, is a Holy Place of pilgrimage since ancient times. Page 228C1/3, filed by SB, is extract of British Encyclopaedia mentioning that in his voyage to East, Nanak went 'as far as Assam'; so why not Ayodhya too. Moreover, McLeod's account of contents of Janma-Sakhis (in pages filed by SB) is extremely sketchy. In less than 2 pages (34-35), he disposed of the accounts recorded by Bhai Gurdas and in less than 1 page (36) he disposed of the accounts contained in Puratan Janma-Sakhis.

**(H)** A very significant narration by McLeod may be noticed. While referring to Adi Granth or Guru Granth Sahib (page 7), he has mentioned about 'famous references to Babar, the so-called Babar vani .....do indicate that Guru Nanak witnessed something of Babar's depredations .....at the sack of Saidpur', and that 'in the case of Babar vani, we may confidently assume that he witnessed something of the devastation caused by Babar's Army'. This is what witness Rajendra Singh DW2/1-1, deposed on the basis of contents of Guru Granth Sahib describing Babar as 'Satan Incarnate' and his army 'Storm

of Sin'. The veracity of the witness, therefore, cannot be doubted.

(I) SB relied upon some Sikh religious literature to establish that Ram could be no Manifestation of God. On the contrary, Paper No. 212C1/1 to C1/4 Ext. OOS 4: 86 extract of Adi Guru Granth Sahib, filed in cross-examination of Rajendra Singh DW2-1/1 has paper No. 212C1/3 where Guru Nanak Dev acknowledged 'Self-Manifestation' of God. J.S.Grewal's "The New Cambridge History of India", Paper No. 214C1/1 to C5, filed during deposition of the witness, mentions Grewal's view of Guru Nanak's 'rejection of Hindu deities and scriptures' and 'repudiation of traditional modes of worship and religious practices' (p. 214C1/3). This is not a correct appreciation of Guru Nanak's views. Earlier, at the same page, Guru Nanak is mentioned to have maintained that 'none of the Hindu deities could be equated with the Supreme Being. In fact, everything known to myth, legend and history was the creation of Guru Nanak's God. The human incarnations of Hindu Deities, like Krishna, could add nothing to God's greatness'. The Author has mixed up his understanding of the teachings of Guru Nanak with their true content. Having impressed upon the absolute supremacy of the Supreme Being, Guru Nanak remarked that human incarnation of Hindu deities like Krishna "could add nothing to God's greatness", so they could not be equated with Supreme Being and were creation of God. A correct understanding of these teachings is that human incarnations do take place like Krishna but they cannot be

equated with God Himself; indeed they Manifest with all the limitations of a human being. What is mentioned by Grewal as 'rejection' is in fact sublimation of the concept of incarnation into Godhead. Similarly SB relied upon the remark of Guru Nanak that 'there was no merit in the worship of images' (p C1/3); this remark misses the recognised rule of Hindu worship that the Hindu does not worship the 'material in the image' but the Spirit of God behind the Image (See Para 36 below). Guru Nanak's criticism of 'practices of those who worship Krishna and Rama', concerns practices, not the essence of the Faith of Hindus in God and Incarnations. Grewal fell into same error over the teachings of Guru Nanak at page 214C1/4; his inference that with 'rejection' of idea of 'incarnation' it is 'impossible to treat Rama and Krishna as deities' concern only the practices of worship of Ram & Krishna without affecting their Divinity; the fact of happenings of Self Manifestation are already established by extract of Guru Granth Sahib contained in page 212C1/3 referred to above. Grewal committed the same error while mentioning about Quran at page 214C1/4. It is interesting that page 228C1/5, extract of British Encyclopaedia filed by SB dealing with views (of Sikhism), mentions that Sikhism forbids representation of God in pictures and worship of idols, but admits that Adi Granth itself has become an object of intense ceremonial reverence and as such is known as Granth Sahib (the Granth personified) so that it is "roused" in the morning and in the evening it is "put to rest for the night". This is very similar to the

manner in which the worship of a Hindu Deity is performed by the Pujari and has been judicially recognised. This also reflects the spiritual commitment of the Devotees/followers of a Faith which transforms an object of reverence into a Deity even if the followers commitment does not strictly conform to the teachings of the Founder.

**(J)** Chronologically, the next account filed in the case is in Ain-e-Akbari (paper 107C1/.... ) Ext. OOS 5: 76 written by Abul Fazal, a courtier of Akbar, in 1598. The extract on record is the one printed in 1881 by Nawal Kishore Press, Lucknow. The text at page 78 records that Avadh, one the bigger towns of Hindustan, is counted as an ancient place of worship. It was stated to be the place of residence of Raja Ramchandar who, as indicated above, "combined in his own person both spiritual supremacy and kingly office".

**(K)** In modern times, Mahatma Gandhi, Father of the Nation, treated Ram as God. In "MAHATMA", Gandhi's biography written by D.G.Tendulkar, at page 93 of Volume VIII, mention is made of Gandhi holding that God was known by many names and He had many attributes and that 'Ram and Rahim, Krishna & Karim' were all names of one God. Again, page 137 mentions Gandhi saying that Man calls God by many names – Ram, Khuda etc; and page 162 mentions Gandhi saying that God is known to Hinduism as Ram. His famous bhajan in daily evening prayers, r6upit ra6v rajaram, pitt pavn slta ram, is too well-known. Paper No. 110C1/96 (filed by Sunni

Board) contains, at page 183, an account by Abul Fazl (Akbar's Courtier) in 1598 that Ramchandra 'who in Treta age combined in his own person both the spiritual supremacy and kingly office'; clearly perceived Ram to possess 'spiritual supremacy' which could place him in the category of God's incarnation. Paper No. 4 of list d. 5.11.1989 filed by Madan Mohan Gupta of Deft. Akhil Bharatiya Sri Ram Janma Bhumi Punardudhar Samiti is extract of translation of Ain-e-Akbari by Col. H.S.Jarret in 1891 recorded a foot-note that Ram Chandra was '7th Avatar and as incarnate Rama is the hero of famous epic that bears his name'.

**(L)** OPW 16, Ram Bhadracharya, who has stood searching cross-examination on his authority on Lord Ram has consistently deposed about the birthplace of Ram with reference to Ramtapniyopnishad and Ayodhya Mahatma in Skandh Puran (Vaishnav Khand). Jagadguru Ram Bhadracharya, OPW 16, also deposed about the place of Ram's birth in Ayodhya in paras 25 and 27 of his affidavit citing the authority of Chapter X of Skand-Puran (Vaishnav Khand) and of Yajurved. In para 23 of his affidavit, he asserted that the expression 'sarvalok namskrutam' in Sarg 18 (verse 10) signifies the disputed area in these suits as the birthplace of Ram. In para 24 of his affidavit read with pages 39 and 40 of cross-examination, he cites the authority of Ramtapniyopnishad and Atharva-ved to establish the birthplace of Ram to be in Ayodhya. Refuting the suggestion that Ayodhya Mahatm of Skand-Puran is a later interpolation, he

asserted at page 53 that the spot which has been mentioned in Skand-Puran as Janmabhumi is the very spot which is the disputed site in this case. At page 54, he described the boundaries of Janmabhumi as mentioned in Skand-Puran; most of these boundaries tally with the present location of Disputed Area in Plans I & II of Shiv Shanker Lal. Add to these, paper no 17 of Documents filed on behalf of Bhagwan Shri Ramlala in OOS 5/89, the witness spoke about the situation of temple of Vighaneswar Bhagwan and said that Janmasthan is at North-East angle of Vighaneshwar, is towards North of Vashistha Kund and towards West of Lomash Kund; he reaffirmed those very situations on further cross-examination by different angles. All these situations are corroborated by couplet nos. 16, 18 and 19 of “Skand-Puran Mahatm” extract in paper no 17 (of Ramlala’s documents referred to above. Jagadguru Ram Bhadracharya made a very emphatic and important statement in para 62 of cross-examination: “विवादित स्थल के उत्तर सड़क पार किसी जन्मस्थान नामक मन्दिर के बाबत मैंने किसी शास्त्र या अन्य पुस्तक में नहीं पढ़ा। मैं नहीं बता सकता कि ऐसे किसी मन्दिर को गूदड़मल मन्दिर के नाम से जाना जाता है।” This cross-examination was done by Z. Jilani for Sunni Board and the reply totally excludes the theory of Janmasthan Temple towards North of DA across the Pakka Road (pleaded by pro-Masjid Parties) as Ram’s birthplace or antiquity of that temple.

**(M)** Babarnama (as translated by A.S.Beveridge) Ext. OOS 5: 16, which is first hand account his

exploits/adventures by Babar himself (1528), does not contain any account of Ram, Mandir or Masjid. On Babar's capturing Delhi Sultanate after defeating Ibrahim Lodi on 21.4.1526, some local Governors of Lodi rebelled against Babar to establish their own rule. Babarnama mentions at page 544 that his son, Humayun, having been entrusted with subduing the rebels, took Jaunpur, Ghazipur, Kharid (Jaunpur), and placed Sheikh Bayazid Furmulu into the charge of Aude(=Oudh). Page 589 mentions that on 26.12.1527, troops were sent against Bayazid, signifying that Bayazid also rebelled in the meantime. On 21.3.1528, Babar visited Lucknow, and crossed Gomti and on 28.3.1528 Babar and his army dismounted at some distance 'above the junction of rivers Gaghra & Sird' (pages 601-602). His men, including Mir Baqi Shaghawal, chased Bayazid who ultimately escaped. Having stayed at the camping place, Babar left for hunting on 2.4.1528 (page 602). Admittedly, no account of the period after 2.4.1528 till 18.9.1528 is found in Babarnama. It is futile to guess about the missing contents; the significant fact is that a possible 'instant, first hand account' about the events relating to DS is not available in Babarnama; Babar did not even retrospect about this important event even later in Babarnama.

**(N)** The next record of disputed spot is available in William Finche's account of Ayodhya (paper no. 107C1/95-96, Ext. OOS 5:19) during his travels in 1608 to 1611, which finds mention also in SB paper 110C1/96 at page 183. It records: "Here also the ruins of Ranichand's

castle and houses (the footnote mentions that Ranichand is a typographical error for Ramchand) which the Indians acknowledge for the great God, saying he took flesh upon him to see the tamasha of the world". This supports the popular perception of incarnation of Ram and existence of Castle of Ram in Ayodhya. The locality of Castle of Ram is known as Ramkot. Kot means fort (See Para 19). The DS and the surroundings are situated on this Ramkot; Contour Map [Fig.1 of ASI Report after GPR Survey under High Court Orders dt.13.12.2002 read with report (page 13)] shows the height of the mound-top on which DS stood to be 108.48 M above sea-level while the surrounding area sloped 'sharply' down to 103 M within a short distance and further sloped down 'gradually' to 101 M moving farther away from the top. The ASI has reported that 'the contour map itself suggests that the deposits at the site are no less than 8.0 M'; they further mentioned that the site 'contains the cultural deposits and debris accumulated for centuries'. This configuration of the locality fits in with structural pre-existence of 'Ramchand's Castle and houses' as recorded by William Finche. In natural course of things, persons are born in their 'houses' which, in the case of Royal families could well be the 'Castle'; hence this high raised site could be the birthplace of Ram.

**(O)** The next material available, in point of time, is a Jesuit Missionary Le Pere Joseph Tieffenthaler's "Historical and Geographical Description of India" published in 1786 paper No. 107C1/96 to 104. Those were

the times when rivalry was hot between the French and the British over establishing their supremacy/empire in India. The account of Tieffenthaler was presented by the publisher Jean Burnoulli in French to the French King (paper No. 107C1/97). Translation of pages 252 to 255 (paper nos. 107C1/98 to 103) into English language by Government of India, under orders of the High Court, are part of the record and the following portions are of much significance:

(i) At page 252 - Avad , called as Adjudea (obviously, 'Ayodhya') is very ancient; it mentions founding of Bangla or Pesabad (obviously, 'Faizabad') as 'as a new city where the Governor established his residence – a great number of inhabitants of Oude settled there'.

(ii) At page 253 – From 'Sorgadoori" (=Swargadwar Temple), Ram took away all inhabitants of the City to Heaven; the City was brought back to its earlier status by Bikarmajit (=Vikramditya), the famous king of Ujjain (The translator has mentioned Bikarmajit as the famous king of Oude erroneously; the text mentions the locality to be 'Oudjen' i.e Ujjain). Aurangzeb got the Temple demolished and replaced it with a Mosque and 2 obelisks (Minarets?).

-A place especially famous, called Sitha Rassoï, i.e., 'table of Sita wife of Ram', adjoining to the City in the South situated on a mud-hill ('mud-hill' is the area of Ram Chand's houses and Castle mentioned by William Finche).

-Aurangzeb got a fortress called Ramkot [this name

has continued throughout in modern records] demolished and got constructed at the same place a Muslim Temple with 3 domes. Some believe it was constructed by Babar. [This is the DS]. 14 black stone pillars there, skilfully made, existed at the site of the fortress; 12 of the pillars support the interior arcades of the Mosque. [The translator has not translated the height of these pillars –mentioned as 5 'empans'- which, according to Court Commissioner of 1950, was 6 feet each].

-A square box raised 5 'inches' above the ground with borders made of lime, with a length of more than 5 'inches' and 'height' of about 4 'inches' can be seen there. [We find the unit of measurement in 'inches' and mention of 'height' by the Translator to be incorrect. Firstly, having earlier mentioned the height of the square box to be 5 inches –which is correct- there could be no occasion of mentioning height again to be 'about 4 inches'. Secondly, the English translation of the French units of measurement and of one dimension mentioned in the French text is not correct. The French text mentions the height of the box to be 5 pouces which is correctly translated as 5 inches; but the dimension of length in French text is 5 aunes and dimension of width in French text is mentioned in continuation of dimension of length as 'large rout au plus de 4' which means wide more than 4 aunes (per context). A French aunes = 1.20 M. French Dictionary, Le

Petit Larouse Grand Format (1996 Edition) mentions at page 105 that aunes is equivalent to 1.20 M; page 812 mentions pouce to be equivalent to 27.07mm = English 'inch'. The correct dimensions of the box-structure, thus, was 6 M (1.20x5) in length, more than 4.8 M (1.20x4) in width and 5 inches in height; this establishes the dimensions of the structure to be 19.68 feet x 15.744 feet x 5 inches. [In the Gazetteer of 1854 written by Edward Thornton, paper No. 1 of Bhagwan Shri Ramlala in OOS 5 of 1989, mention is made of 'a quadrangular coffer of stone protruding 5" or 6" above ground pointed out as a cradle of Ram as 7th Avatar of Vishnu and is abundantly honoured by pilgrimages and devotion of Hindus'. This is the very platform mentioned by Tieffenthaler]. Shiva Shanker Lal, Pleader-Commissioner has mentioned (1950) the dimensions of Ram Chabutra to be 21 feet x 17 feet x 4 feet. Tieffenthaler's record of length and breadth of the box-structure is substantially similar to that of Court-Commissioner; increase in the height of the structure from 5 inches to 4 feet during 150 years after Tieffenthaler's visit is consistent with the complaint of Muslim parties in 1885 Suit of Mahant Raghubar Das that the latter had been raising various types of structures in the disputed area including construction of the Chabutra; incidentally, the structural changes would establish effective acts of possession of Hindu devotees/pujaris over very

significant durations in the disputed area.

(iii) At page 254- The Hindus call the square box as Bedi, i.e.the Cradle. The reason for this is that once upon a time, there was a house in this place where Beschana (Lord Vishnu) was born in the form of Ram besides his 3 brothers. Subsequently, Aurangzeb, or according to another belief Babar, got this place destroyed in order to deny them (Hindus) the opportunity of practising their superstitions. [It is to be appreciated that the word 'superstition' is mentioned by a Jesuit-Christian who treat Hindu Faith to be 'superstitious', but so far as the Hindus are concerned, it is Faith which transcends reason, and that is the practice which Tieffenthaler found to be prevailing at that time.]. However there still exists some superstitious cult in some place. For example, in the place where the native house of Ram existed, they go around 3 times and prostrate on the floor. [This is the ritual of Parikrama commonly associated with worship at Hindu Temples. "नालन्दा विषाल शब्दकोष" Samvat 2007 at page 794, gives the meaning of Pa rikrama as the 'path around all sides of a Temple or Pilgrimage-place for circumbulation'. One is amused at the Parikrama made by Babar 3 times around the sick-bed of his son Humayun while praying to Allah to restore Humayun to health and in lieu thereof to take his life; it is said that Allah accepted the prayer of Babar so that while Humayun started recovering, Babar's health started declining ending in his death. Such is the spiritual power of Parikrama!]. The two spots are surrounded by low

crenellated wall. (The two spots, signify the 3-domed DS and the Platform; the low crenellated wall is the surrounding boundary of both and signifies the premises as a whole. The expression, "in the place where native house of Ram existed they go around 3 times and prostrate on the floor" interpreted with the immediately following sentence 'the two spots are .....

' shows that Parikrama was being done of both DS and the platform, hence the entire premises were being worshipped. It is also remarkable that Teiffenthaler described the premises to be a Muslim Temple; this means that even the Muslim structure was being treated like a Temple. Equally remarkable is his mention of 12 pillars supporting 'interior arcades of the Mosque. Appreciating the use of distinct expressions, 'Muslim Temple' and 'Mosque', it means that while the DS was a Mosque, the entire premises, including DS was treated also as a Temple.)

At another place, not far from the Bedi, are found buried 'grains of black rice turned into small stones' hidden under the earth since the time of Ram [This is 'fossilised' rice, called Akshat in the rituals of worship; fossilisation of substances 'represents a past geological age that has been preserved in the Earth's Crust' (page 73 of Volume 4 of Britannica Ready Reference Encyclopaedia) which proves the antiquity of the locality. It also supports the ASI finding, mentioned above, that the site 'contains the cultural deposits and debris accumulated for centuries', and also establishes

continuity of the locality during the fossilisation period of 'ages', may be from that of Ram. As mentioned in para 1 (above), all Muslim Parties in these Suits have admitted now that present time Ayodhya is at the same place as indicated in Balmiki Ramayan.]

In the month of 'Tschet' (= Chaitra month of Hindu Calendar) big gathering of people gather here to celebrate the Birthday of Ram so famous in entire India.

**(P)** Tieffenthaler's account has a special importance in this case. While most of the material on record establishes that Ram was born in Ayodhya the particular place of birth in Ayodhya, namely the site of DS, is fixed by Tieffenthaler's account earliest in point of time. He mentioned the platform 19.68 feet x 15.77 feet x 5 inches, **situated within the disputed area** (the Campus of the Babri Masjid) to represent the place where Ram and his 3 brothers were reputed to have been born. 'Muslim temple' with 3 domes is Babri Masjid at Ramkot, the fortress; the platform is within the precincts of Babri Masjid and in the month of Chaitra people gather here 'to celebrate the birthday of Ram so famous in entire India'.)

**(Q)** The next document of accounts is "A Historical sketch of Tahsil Fyzabad, Zilla Fyzabad" including "Ajudhia & Fyzabad" by P. Carnegy of 1870 (see para 4 above, Ext. OOS 5: 49), i.e within 84 years of Tieffenthaler's account and 13 years after British Queen's Proclamation of 1858. The British power stood fully consolidated while French & Portuguese had been marginalised and the British rulers proceeded to establish

effective governance. P. Carnegy was appointed not only as Commissioner but also as Settlement Officer to conduct survey and prepare records of the territories of Ayodhya & Fyzabad. The contents of this document, therefore, assume great importance regarding the contemporary facts and events. At page (i), he mentions that a writer of History of Ayodhya 'must master all that has been written of the 3 distinct ages.....'; at no 3, he mentions Ajudhya Mahatam, with its Epitome in Appendix B 'taken from the PURANS'. Ajudhya Mahatam is in Skanda Puran (See Para 14). At page (ii) of the Epitome, it is recorded that at the 'heart of the city lies the great Ramkot, the fort of Ram ..... on its western side is the Janma Bhum or Janam Asthan, the birthplace of the hero'. Page (iii) records 'Just beside the birthplace of Rama is the "Kitchen" of Janki-ji.' At page 6 (of the main narrative) Carnegy records that 'with the fall of the last of Rama's line, Ajudhia became a wilderness', that to Vikramajit 'the restoration of the neglected and forest-concealed Ajudhia is universally attributed ..... the different spots rendered sacred by association with the worldly acts of deified Rama, were identified, and Vikramajit is said to have indicated the different shrines to which pilgrims from afar still in thousands half-yearly flock'. At page 7, he records about Ramkot: 'The most remarkable of those was of course Ramkot, the stronghold of Ramchandar..... This fort covered a large extent of ground ..... within the fort were 8 royal mansions where dwelt the Patriarch Dashrath and his wives, and Rama his deified son .....' Serial

No. 6 of these mansions records 'Janam Asthan (Rama's birthplace)'. Page 20-21 mentions 'The Janamasthan and other temples'. It is recorded: ' It is locally affirmed at the Mahomedan conquest there were three important Hindu shrines.....the 'Janmasthan' the 'Swargadwar Mandir' also known as Ram Darbar and the 'Treta-ke-Thakur'. On the first of these the Emperor Babar built the mosque which still bears his name, A.D.1528. On the second Aurangzeb did the same, A.D. 1658-1707; on the third that sovereign, or his predecessor, built a mosque according to the well-known Mahomedan principle of enforcing their religion on all those whom he conquered. The Janmasthan marks the place where Ramchandra was born'. At page 21, it is mentioned that in 1855 a great rupture took place between the Hindus and Mahomedans, the former occupied the Hanuman Garhi in force, while the Mahomedans took possession of the Janmasthan. The Mahomedans actually charged up the steps of Hanuman Garhi, but were driven back with considerable loss. The Hindus then followed up this success, and at the third attempt, took the Janmasthan at the gate of which 75 Mahomedans are buried in the Martyrs' grave (Ganj-shahid). Several of the King's regiments were looking on all the time, but their orders were not to interfere. It is said that up to that time, the Hindus and Mahomedans alike used to worship in the mosque-temple. [This reminds of Tieffenthaler's description of the disputed structure as Muslim-Temple. See para 17(ii)(2) and 17 (iii) of these Arguments]. Carnegy goes on to add that since the British

rule, a railing has been put up to prevent disputes, within which in the mosque the Mahomedans pray, while outside the fence the Hindus have raised a platform on which they make their offerings. At page 27, Carnegy, giving a brief list of 'buildings' existing at that time, mentions at No. (5) Babar's mosque with stone inscriptions in 'Ajudhia', date 1528, and stone columns of infinitely greater antiquity, i.e., of much older period than DS; hence DS could be from the earlier temple demolished. There is no reason to hold any of these accounts to be erroneous.

**(R)** Annexed to page 27 of Carnegy's Record is Appendix 'A' setting out "List of Sacred Places in and about Ajudhia". Drawn in Tabular form, Col. No. 2 is for 'Name of sacred place', Col. No. 3 is for 'Name of founder or restorer', Col. No. 4 is for 'Number of years since it was founded or restored', Col. No 5 is for 'Number of generations since founded or restored', Col no. 7 is for 'How obtained', Col. No. 9 is for 'Sect and special object of veneration', Col. No. 11 mentions page no. 'for particulars' of the item and Col No. 12 is for 'Remarks'. The Appendix lists 209 'sacred places'. All of them are Hindu sites; Appendix C is the 'List of old Mahomedan places of Note.....' While 'Janam Asthan' is mentioned at serial no. 1 of Appendix A with particulars at page 20, 'Mosque of Emperor Babar' is mentioned at serial no. 3 of Appendix C with particulars at page 21.

**(S)** Janam Asthan at serial no. 1 of Appendix A, carries the name of 'Ramdas ji' as 'founder or renovator', 'founded or restored' since 166 years of 7 generations, 'obtained' as

'given by Mir Masumali Mafidar' related to 'Gudar, Ramchandar' by 'sect & special object of veneration'. Referring to 'particulars' at page 20 (per Col. No. 11), larger picture emerges. While according to Appendix A, the Janam Asthan could have existed only since 1704 A.D., established by 'grant' from a Mafidar, the particulars at page 20-21 lay down that on Janmasthan 'Emperor Babar built the mosque which still bears his name, A.D. 1528', marks the place where Ram Chandr was born, had 'a fine temple at Janmasthan' and 'many of its columns are still in existence, having been used by the Mahomedans in the construction of the Babri Mosque', the columns are 'black stone called by natives Kasoti (literally touchstone) and carved with different devices'. Obviously, the 'Mosque' could not be described as Janmasthan because as the structure stood, it was a Mosque, not a temple; the site on which the Mosque stood could be the Janma Bhumi of Ram, but could not be visible in the structure. At the same time, the only visible structure bearing the nomenclature of Janmasthan was the one mentioned at Serial No. 1 of Appendix A. Further, Appendix B 'Ayodhya Mahatma', at page (ii) mentions "Janam Bhumi or Janam Asthan, the birthplace of Ram". On a consideration of all this record, in totality, the reasonable conclusion is that, on the findings of survey by P.Carnegy, while a visible standing structure associated with Ram's birth was the Temple since 1704 mentioned at serial no. 1 of Appendix A, the Janma Bhumi was the invisible site on which the Babri Mosque stood since 1528. At the same time, the details of 'Mosque

of the Emperor Babar' (serial no. 3 of Appendix C) as at page 21, clearly mentions that the mosque which Emperor Babar built in 1528 AD was built on the Janmasthan. The probability is that Janmasthan structure mentioned at serial no. 1 of Appendix A was the result of politico-religious compulsion faced from the devotees of Ram, so that a temple of Ram's birthplace was managed to have been erected with the leave/license of the Muafidar because Hindus were prevented throughout from erecting a Ram Janam Bhumi Temple anywhere within the precincts of Babri Masjid campus, so much so that when, in 1885 Mahant Raghubar Das sued for permission to erect a Temple on the Ram Chabutra, it was objected to by contesting Muslims and refused by the concerned authorities, including the Court, at Ayodhya. This probability is strengthened by the 'Remark' recorded by Carnegy in Col no. 12 of Appendix A as follows: "Great astonishment has been expressed at the recent vitality of Hindu religion at Ajudhia, and it was to test the extent of this chiefly that with no small amount of labour, this statement has been prepared. As the information it contains may be permanently useful, I have considered it well to give it a place here". This 'recent vitality of Hindu religion' is reflected in the 'great rupture' of 1855 mentioned above. It was facilitated by the collapse of tyrannical rule of Mughal Aurangzeb, followed by slightly humane rule of the local Governors (Subedars), styled as Nawabs, who may have realised the injustices caused to Hindu devotees so much so that, according to Carnegy,

when the 1855 episode occurred, "Several of the King's regiments were looking on all the time, but their orders were not to interfere." Following the growing influence of British East India Co since Lord Wellesley's 1801 treaty, establishment of British Resident of Oudh, coupled with ill-governance of Oudh, the Company accomplished annexation of Oudh, formally proclaimed by Outram on 13th February 1856; Wajid Ali Shah, the last ruler of Oudh, was deported to Calcutta where he died (See page 762-63 of Majumdar, Raychaudhari & Kalikinkar Dutta's "Advanced History of India", supra). Carnegie has mentioned about annexation of Oudh in 1856 at page 13. Nawab Wajid Ali Shah had a great liking for Hindu culture, Art, Dance & Music, and could well have directed his regiments 'not to intervene' in the 1855-rupture.

(T) The next important Document reflecting upon 'recent vitality of Hindu religion' mentioned by P. Carnegie, is Barabanki Gazetteer by H.R.Nevill (1902), paper no. 9 of Bhagwan Sri Ramlala's documents (Ext. OOS 5: 52), mentions at page 168-169 that shortly before annexation of Oudh by British an event happened in 1853, and records: "The cause of occurrence was one of the numerous dispute that sprung up from time to time between Hindu Priests and Musalmans of Oudh with regard to the ground on which formerly stood the Janma Asthan Temple which was destroyed by Babar and replaced by mosque. The ground being particularly sacred to Hindus was at once seized by Bairagis and others". This shows that Hindu-Bairagis took possession of DS in 1853

as site of Ram's birthplace. The document adds that Moulvi Ameer Ali, resident of Amethi (then in Lucknow), at once proceeded to declare Jihad in the city. The King sent orders to Faizabad to inquire into the matter, but nothing was done. Ameer Ali then collected a large and well-armed force of Mahomedans; but the King summoned Ameer Ali and proclaimed that no violent action should be taken, and that the Mosque should be restored. When Ameer Ali collected more men, the King on receiving the news thereof, summoned Sir James Outram, the Resident, and left it to him to put a stop to Ameer Ali's movement in any way he could. As already mentioned, according to Carnegie, the 'rupture' took place in 1855. Page 174 of Faizabad Gazetteer of 1905, filed per list dt. 5.11.1989 by Defdt. Madan Mohan Gupta (Ext. OOS 5: 11) mentions that although Muslims re-occupied the place in 1855, the Hindus made a counter-attack and stormed the Janmasthan. So, the Bairagis and other Hindus captured DS/DA in 1853 and re-captured it in 1855 from Muslims after a fight in which several Muslims were killed and 75 were buried around the Masjid. Ext. A-26, the Judgment of Sub-Judge in Mahant Raghubar Das suit mentions Hindu-Muslim riots of 1855 after which the British constructed a wall separating the areas of possession of Hindus & Muslims over DS referred to by Carnegie. These documents confirm the DS to be the site of Ram Janmabhumi on which stood Janma Asthan Temple. Admittedly, the British authorities erected a partition wall on the platform of DS towards East of DS in

1855 and provided that the portion on the West of the partition wall would remain in possession of Muslims whereas that on the East thereof, including the platform mentioned by Tieffenthaler, would remain in possession of Hindus.

(U) In 1858 (i.e. 3 years after the events of 1853-55) a Sikh Fakir Khalsa, Nihang Singh, took possession of DS itself, installed Nishan Shri Bhagwan in the Central Dome of DS and performed Puja-Havan. Ext. 19 of OOS 1 of 1989, is a report (application) of SO Sheetal Dubey of local PS lodged on 28<sup>th</sup> November, 1858 that a Nihang Singh (Sikh) Fakir Khalsa r/o Punjab installed NISHAN SHRI BHAGWAN (NISHAN is pillar with a flag at the top as symbol of a Temple's Deity) with 25 Sikhs helping to protect and install the NISHAN, and Havan and Puja was performed in the name of Guru Govind Singh inside "**Masjid Janmasthan**". That is the beginning of Masjid's nomenclature describing its situation at Janmasthan, the birthplace. Two days later (on 30.11.1858), Mohd Salim Muazzin (the person who makes Azan to call Muslims for prayer in Masjid) filed an application (Ext. OOS 1: 20) in connection with Ext. 19, stating that the Nihang Singh of Punjab and Sikhs and Bairagis of **Janmasthan** are bent upon committing rioting and in the middle of Babri Masjid near arch (Mehrab) and pulpit (Mimbar) made a mud chabutra 4 angul high, dug a pit, lighted fire and perform Puja and Hom, and also planted NISHAN 1 ¼ yards tall and installed Idol; word 'Ram-Ram' has been written by charcoal at various places in the Masjid. This

confirms that in 1858, DS was claimed by Sikhs-Hindu Bairagis and described by the jurisdictional local Police Officer too as Birthplace of Ram (the police describing it as **Masjid Janmasthan**). Exts 21, 22, & 23 of OOS 1 of 1989 demonstrate the same situation.

(V) Of these, Ext. OOS 1: 23 is the application dt. 9.4.1860 of one Mohd. Isa with reference to SO's report regarding "installation of Nishan by Sant Tek Singh Fakir Khalsa in **Masjid Janmasthan**". This is an admission and confirmation by a concerned Mohammedan in 1860 that DS was **Masjid at Janmasthan**. In the Order dt. 3.1.1870 Ext. A19 (of OOS 1 of 1989) the Settlement Officer ordered payment of Annual Endowment Grant for support of **Janmasthan Mosque** to Mohd. Asghar (the Mutawalli of DS) and Mohd. Afzal Ali. Following it, Mohd Asghar and Mohd Afzal filed a Suit through Plaint dt. 22.8.1871, Ext. 26 and described **Babri Masjid 'to be situated in Janmasthan Avadh'** and claimed to be owner of 21 Imli trees situated at **darwaza of Babri Masjid which is situated in Janmasthan**. The claim was upheld by the same day's order Ext. 25. Ext 15, Dy. Commissioner's Report dt 14.5.1877 read with Ext. 16, Commissioner's Order dt. 18.12.1877 in an Appeal filed by Mohd Asghar show that in November **1873 an Idol was placed on 'platform of Janmasthan'**, that in May 1877, the Dy. Commissioner got a door opened in the Northern wall of the Campus and recorded that 'the new door was opened **not** in the Mosque but in the wall of **Janmasthan**. Mohd. Asghar's Appeal was dismissed by the Commissioner's

above Order (dt. 18.12.1877). In Ext. 18, an application dt. 2.11.1883 by Mohd Asghar filed in the Court of Asstt. Commissioner, Faizabad, Mohd Asghar admitted the rights of Mahant Raghubar Das on **Chabutra Janmasthan**. These documents constitute important confirmation by the Police, the Dy. Commissioner and the Commissioner, and **important admissions** by Muslim-claimants regarding DS (Mohd Asghar, Mohd Afzal and Mohd Isa) that Babri Masjid stood at Janmasthan and came to be called as **Masjid Janmasthan**, i.e. Mosque at the birthplace (of Ram). It was never mentioned by any of the Muslim-claimants that there stood any 'Mandir Janmasthan' towards North of DS beyond the East-West rasta situated on the North of DS (a case now taken by Sunni Board/Muslim parties in these Suits), although P. Carnegie had mentioned in 1870 about Janmasthan since 166 years and construction of Masjid by Babar in 1528 on Janmasthan where formerly a temple had existed (See Para 21).

**(X)** Other significant documents are:

- (i) Paper No. 1 of Ramlala's documents (OOS 5:5) are pages 739-740 of Edward Thornton's Gazetteer of 1854 mentions 'extensive ruins of Fort of Ram, King of Oudh, highly celebrated' and 'quadrangular coffer of stone protruding 5 or 6 inches above ground pointed out as Cradle of Ram as 7th Avatar of Vishnu, and is abundantly honoured by pilgrimages and devotion of Hindus'. This is what Tieffenthaler had recorded seen in 1786.

(ii) Paper no. 4 of Ramlala's documents (OOS 5:7) is Volume 1 of Oudh Gazetteer of 1877; at page 7 it mentions that on Janmasthan, Babar built a Mosque.

(iii) Paper no. 5 of Ramlala's documents (OOS 5:8) contains paragraphs 666 to 669 of A.F.Millet's Report of Settlement of Land Revenue, Faizabad, in 1880, describing Janmasthan and other temples of Ayodhya and mentions erection of mosque by Babar on Janmasthan.

(iv) Paper no. 6 of Ramlala's documents (Paper 107C1/31-32) contains page 67 of Chapter X of Report of Archaeological Survey of NW Provinces and Oudh 1889 which mentions that Babar's Masjid at Ayodhya was built in AH 930 or AD 1528 by 'Mir Khan on the very spot where the old temple of Janmasthan of Ram Chandra was standing.

(vi) Paper no. 7 of Ramlala's documents (OOS 5: 9) contains page 297 of ASI publication of 1891 by A. Fuhrer of Monumental Antiquities and Inscriptions in NWP & OUDH stating that in the very heart of city (Ayodhya) is "Janmasthan or birthplace of Ram" and Mir Khan built a Masjid during the reign of Babar on **Janmasthan.**

(vii) Paper no. 8 of Ramlala's documents (OOS 5: 10) contains page 389 of Imperial Gazetteer of India Volume II of 1901 mentioning that at one corner of the present town of Ayodhya a vast mound known as Ramkot or the Fort of Ram is the holy spot where Ram was born, that most of the enclosure is occupied by a

mosque built by Babar from the remains of an old temple and an outer portion of a small platform and shrine marked the birthplace.

(Y) After the installation of an Idol in November 1873 on the platform of Janmasthan (vide Exts. 15 and 16 supra), an important Suit was filed by Mahant Raghubar Das Vs. Secretary of State, RS 61/280 of 1885 for permission to erect a temple on the platform (mentioned by Tieffenthaler in 1786 which came to be known as Ram Chabutra situated in the South-Eastern corner of the premises of disputed Babri Masjid). Ext. A22 is plaint dt. 19.1.1885; Para 1 mentions that BHUMI JANMASTHAN is situated in the city of Ayodhya of which Mahant Raghubar Das is Mahant, Para 2 mentions CHABUTRA JANMASTHAN with a small temple placed on it, and Para 3 mentions that Mahant Raghubar Das is in possession thereof. Thus Raghubar Das claimed that Chabutra Janmasthan (containing a small Temple) is situated in Bhumi Janmasthan and that the Chabutra Janmasthan had been in his possession. In the Written Statement, Ext. A23, Mohd Asghar/Mohd Javed as Mutawalli of Babri Masjid stated that the Masjid was constructed by Babar, that the Chabutra was constructed in 1857 which Muslims had complained of and applied for demolition and orders were passed for its demolition (but it continued to exist), Plaintiff and other Hindus used to have ingress/egress into the campus of the Masjid and had been assembling/dispersing, coming/going and making offerings (नज़र नियाज़ चढ़ाते हैं) as they do at other religious

places like Imambaras/Masjids for their spiritual benefit. The concept of offerings for spiritual benefit is relevant acknowledgment of Deity-nature of DA. An important circumstance is that Mohd Asghar etc. never pleaded that Janmabhumi was situated elsewhere, viz. further North of East-West Rasta which runs towards North of DS (as pleaded in the current litigation), the record of P. Carnegy in 1870 about 'Janmasthan in the name of Ramdas' and another Janmasthan with Babri Masjid thereon was already public (See Paras 20 and 21 supra). Their statement that the Chabutra was constructed in 1857 is absolutely false because Tieffenthaler's account of 1786 records its existence. Another important feature contained in Court-Commissioner's Site Plan, Ext. A25, which bears signatures of Mohd. Asghar, is that all around the Babri Masjid there existed **Parikrama** (circumambulation path) which is a typical feature of all Hindu Temples; Shiv Shanker Lal Court Commissioner in these very Suits found the Parikrama all around the DS. It shows that throughout hundreds of years, Hindus worshipped the entire DA as Ram Janmabhumi.

**(Z)** The trial Court dismissed the Suit of Mahant Raghubar Das on the ground that grant of permission to construct a Temple within the campus of Masjid would be laying foundation for quarrel and riots (vide Judgment Ext. A26). Mahant Raghubar Das filed an Appeal to the District Judge. The District Judge made a local inspection of the locality and in his judgment, Ext. A27, delivered on the very following day (18.3.1886) he recorded that "it

was most unfortunate that the Masjid should have been built on land specially held sacred by Hindus". He further recorded that the 'platform or Chabutra of masonry' occupied by Hindus 'is said to indicate Birthplace of Ram Chandra'. He dismissed the Appeal on the ground that since the event occurred 356 years earlier, it was too late to remedy the grievance, and that in fact or law there was 'no injuria' as District Magistrate's Order in his administrative capacity to maintain law and order in exercise of sovereign power could not give a right to the Plaintiff to challenge the same; hence status quo ought to be maintained. The observation that Ram Chabutra was 'said to indicate' birthplace of Ram, reflects Mahant Raghubar Das's anxiety & effort to assert Ram's birthplace to sustain continuity of Worship of birthplace of Ram since time immemorial despite 3-4 centuries Mughal/Muslim violence and use of force on a place of Hindu worship as Islamic Jihad mentioned by Babar himself in Babarnama. District Judge's finding that there was no injuria, establishes that no civil rights of Parties were decided, hence res judicata could not be applied.

**(AA)** Encyclopaedia Britannica (ED V) Volume 1, 15th Edition (1980), page 693 deals with Oudh and mentions that out of a few surviving monuments of antiquity, there is Rama's Birthplace marked by a Mosque erected by Mughal Emperor Babar in 1528 on the site of an earlier temple.

**(AB)** Considered in totality, the above material overwhelmingly establishes that the disputed area is the

birthplace of Ram and the DS stood at that birthplace. It is admitted that the area was seized by Babar's army under Mir Baqi, his General. In the normal course of human behaviour having regard to the Islamic concept of Kafir, Jihad etc to which Babar was deeply devoted (vide his own writings in Babarnama), the Hindu devotees of Ram could never have opportunity to maintain their own place of worship after demolition of Hindu Temple and erection of Babri Masjid at its site by use of force and physical might. Cruelty of Babar's hordes during raid in Ayodhya against Sheikh Bayazid is revealed by Babar himself in his Babarnama which records that on Saturday 7th Rajab (=28.3.1528) Bayazid and his force, stationed to the other side of River Saryu, "being unable to stand their ground took to flight and our people brought down some of them and cut off their heads which they sent to me". It would have been impossible for Hindu devotees at that time to preserve/maintain any vestige of the Temple. Nevertheless, when Tieffenthaler wrote the History & Geography of Ayodhya in 1786, he found a platform about 19 feet x 15 feet x 5 inches inside the campus of DS and Hindu devotees used to worship at the platform and also throughout DS [see para 17(iii) above]. The record does not show when this Chabutra (platform) was erected. Humayun succeeded Babar on his death in 1530, but in 1539 he was defeated at Chaunsa near Buxar and finally on 17.5.1540 was defeated by Sher Khan and his Afghan followers at the battle of Ganges/Bilgram (whereupon Sher Khan assumed the royal title of 'Sher Shah' with

territories extending from Kannauj to hills of Assam and from Himalyas to Jharkhand & Bay of Bengal) and Humayun just managed to escape and had to lead the life of a wanderer for 15 years and the Moghul sovereignty of Hindustan passed to the Afghans (vide page 431 of "An Advanced History of India" by R.C.Majumdar, H.C.Raychandani & Kali Kinkar Dutta, 4th Macmillan Edn 1978). At page 433, the Historians write that in the spirit of an enlightened despot, Sher Shah "attempted to find an empire broadly based upon the peoples' will". That could have afforded an opportunity to Hindus to get into possession in portions of campus of DS. This opportunity, perhaps, could not be broadened to take possession of DS itself in total exclusion of Muslims from the Mosque. It is likely that, in the prevailing situation, the Hindus content themselves with possession over Chabutra while continuing their efforts to extend rights and possession over different portions of the Campus of DS. Indeed, in application dt. 2.11.1883, Etx. 18, Mohd Asghar admitted possession of Mahant Raghubar Das not only on the Chabutra Janmasthan but also on **Sita Rasso**i abutting towards North of DS which is mentioned by Tieffenthaler too [see para 17(ii)(i) above]. Existence of Sita Rasso*i*, venerated by Hindus as sacred, immediately abutting DS and the Chabutra show that Hindus were constantly trying to extend their physical possession in the campus of Babri Masjid with passage of time. Indeed Register of Muafi dated 29.6.1880, Ext. 2 of SB Suit, wherein grant of Sahanwa land in lieu of cash maintenance amount for

Babri Masjid was recorded, clearly records that this is the Masjid in Ayodhya for possession of which Hindis and Muslims fight and are rival claimants. Humayun recovered the Indian territories with the aid of Shah of Persia and reoccupied Delhi in July 1555 (vide page 438 of history book supra). He died on 24.1.1556 and was succeeded by his 13 year old son Akbar (vide page 438). There is nothing to show that Humayun or Akbar undertook any military exercise in Ayodhya. Indeed, Akbar was liberal in his religious views and promulgated Din-e-Ilahi, compounded from various elements taken partly from Quran, Scriptures of Brahmins and Gospel of Christ; a firm believer in the policy of universal toleration, Akbar made no attempt to force his religion on others but appealed to the inner feelings of men (vide page 452). Akbar abolished Pilgrim Tax in the 8th year and Jizia in the 9th year of his rule (vide page 455). He had great veneration for Guru Ramdas and granted land to him containing a pool where the famous Amritsar Golden Temple stands (vide page 492). Perhaps affairs moved in the same direction during the rule of Jahangir and Shahjehan. Shahjehan fell ill in September 1657. Terrible war of succession broke out amongst his sons and finally, Aurangzeb captured the throne of Hindustan, seized Agra Fort on 8.6.1658, proceeded to Delhi and crowned himself as Emperor on 21.7.1658, while all efforts by Shahjehan for amicable settlement failed. Aurangzeb confined Shahjehan in Agra Fort where he died on 22.1.1666 at the age of 74 (vide page 477). A champion of Sunni

orthodoxy, Aurangzeb tried to enforce strictly the Quranic law under which every pious Muslim was to exert himself in the path of God, i.e. to carry on Jihad against non-Muslim lands. He re-imposed Jizia tax in 1679 on non-believers (pages 489 & 490). Tieffenthaler wrote that Aurangzeb got demolished the Temples of Swargadwar and Treta-ka-Thakur and got Mosques built at their site, but there is no indication that he caused any violence at Sita Rasso. Aurangzeb died on 3.1.1707 at Ahmadnagar disheartened, anguished and unhappy; he wrote to his son Azam: "I came alone & am going alone. I have not done well to the Country & the people, and of the future, there is no hope" (vide page 500-501). Only 60 years later Tieffenthaler found the platform and discovered that Hindus had been worshipping not only at the platform but also at the DS. So, it is quite likely that Hindu devotees possession and worship in the campus of DS had been going on even from the times of defeat of Humayun.

**4093.** Though the range and scope of argument has gone beyond what actually needs to be considered necessarily in relation to the three issues as noticed above but we shall concentrate only on such matters and aspects which are related with these issues and not beyond that. In fact in respect to other arguments covering other matters we have already considered and recorded our findings while deciding other issues.

**4094.** The investigation of the material on these issues really travels in an uncertain extent of period of the past which we can, for convenient purposes say history though some of the expert historian witnesses in their statements have tried to

dispute these issues compelled to peep into history leaving no option with us, as already said the length of history ranges from several thousand to several lakhs of years (B.C.).

**4095.** We shall first find out what are the recognised sources to know history and in particular that of Indian sub-continent.

**4096.** In “**The History and Culture of Indian People – The Vedic Age**” Vol.-I published by Bharatiya Vidya Bhavan, Mumbai- Sri R.C.Majumdar, A.D.Pusalker and A.K.Majumdar, 6<sup>th</sup> Edition 1996, Chapter II discusses in brief the sources of Indian History. The learned authors, for the above purpose, have divided the period of Indian History in three : (1) from the most ancient times to the end of the twelfth century A.D.; (2) from thirteenth to eighteenth century; and (3) the subsequent period.

**4097.** Three sources are mainly mentioned in regard to ancient times:

- A. Literary Sources
- B. Archaeology
- C. Foreign Account

**4098.** In the category of “Literary Sources”, the learned authors have referred to Vedic Literature, local chronicles, Biographies, Poetical Epics like Ramayana, Mahabhartha, Gaudavaho and Vikramanka-deva charita etc. In the category of “Archaeology”, the learned authors have taken into account the archaeological excavations, Inscriptions, Numismatics (Coins), Monuments etc. The “Foreign Account” consists of the information provided by the foreign writers visiting the continent. It consists of the Greek writers Herodotus; Ctesias; Megasthenes (who accompanied Alexander to India and lived

for some time in the court of Chandragupta Maurya as an ambassador of Seleucus); anonymous author of “**Periplus of the Erythraean Sea**” who made a voyage to the Indian coast about A.D. 80, was a Greek and settled in Egypt, and left a record of its ports, harbours, and merchandise; Ptolemy; Arab sailor and merchants like Sulaiman, Al Mas'udi, Al-Beruni, Chinese travellers i.e. Fa-hien (about fifth century A.D.), Hiuen Tsang, and I-tsing (seventh century A.D.).

**4099.** In the Mediaeval period, the most reliable sources are contemporary political and other chronicles regarding political events of the country like *Tabaqat-i-Nasiri* (by Minhaj-ud-din, thirteenth century A.D.); *Ta'rikh-i-Firuz Shahi* (by Ziya-ud-din Barani and Shams-i-Siraj 'Afif'); *Gulshan-i-Ibrahimi* (by Muhammad Qasim Firishta); *Ain-i-Akbari* and *Akbar-nama* (by Abu'l-Fazl); *Tabaqat-i-Akbari* (by Nizam-ud-din Ahmad) and *Muntakhab-ut-Tawarikh* (by Abd-ul-Qadir Budauni). Besides, there is autobiographies of Mughal emperors Babur, Jahangir, Shahjahan, Aurangjeb etc. and the English historians work like “The History of India” as told by its own Historians – compiled by Elliot and Dowson. There are some Foreign Account also during this period that is of Marco Polo, who visited India and other parts of Asia towards the close of the thirteenth century; Ibn Batuta, an African Muhammadan, who spent several years in the court of Muhammad Tughlaq and returned to his native country in A.D. 1349; Nicolo de'Conti, the Venetian, visited in fifteenth century, a number of European travellers like Tieffenthaler, Willium Finch, Minouchi etc..

**4100.** The third period i.e. subsequent to eighteenth century is called as “Modern Period” and during this period, the

written record of various transactions etc. of the Rulers are available in various forms including Gazette and Gazetteers, History Accounts, official records kept in record offices etc.

**4101.** Several witnesses produced by the parties have also made certain statements about what constitute sources of history, and, in brief, some of such statements are noted below.

**4102.** **P.W. 29, Jaya Menon** while being cross examined by Sri R.L. Verma, at page 48, explained difference between “history” and “archaeology” and also said about the sources for knowing “Ancient Indian History” :

*“From my point of view Archaeology is a different subject from history but both of them have the same aim of understanding the human past. I would say that Archaeology was introduced later on as a subject it was not present from the very beginning of the knowledge of the history.*

*The sources of knowing Ancient Indian History are texts, inscriptions, coins and archaeological evidence. Vedic Literature is significant for knowing the Vedic period.”*

**4103.** However, she did not accept “*Puranas*” as a source for knowing Vedic period and says at page 49 :

*“Besides Vedas there is no other source to know about the Vedic period. So far as Puranas are concerned they are not a source for knowing Vedic period. I have heard the name of Smritis. I know about Manu Smriti but I have not read it. Manu Smriti is one of the texts which tells about society. For knowing the later Vedic period, Brahmanas, Aranyaks and Upnishads have significance. I*

*have very little knowledge about Vedangas. I have heard about six parts of Vedangas but I do not know much about them. Upnishad is the end of Vedas. Volunteered, it is also a text in which early philosophical ideas are present. Upnishads were written by various people at various times who were Rishis and Brahmins.”*

**4104.** PW 29 gave some information about “Smrities” and “Puranas” at pages 48 to 52 :

*“There are 18 Puranas known to Ancient Indian Culture. The name of Puranas are Vayu Puran, Matsya Puran and many others...”*

*“I have heard about Mahabharat which is written by Vedvyas but I have not read it. I have also heard about Valmiki Ramayan but I have not read it. During study of my M.A. Classes, I have heard about Mahabharat and Valmiki Ramayan. I do not know whether Mahabharat and Valimiki Ramayan are referred to as part of Puranas. Lord Rama is hero of the book which is called Valimiki Ramayan. I disagree that Valimiki Ramayan was written in the lifetime of Lord Rama. Volunteered, Ram is a mythological figure so he could not have lived in the time of Valmiki. I came to know about it on the basis that both these stories of Ramayan and Mahabharat were written at different points over a long period. Mahabharat is considered older than Ramayan. Roughly the earliest part of Mahabharat could date to one thousand B.C. But it was written down by about fourth century A.D. and the Ramayan from about fifth Century B.C. Till about fourth century A.D.”*

*“Vedas came into written form probably in Fourth*

*Century A.D.”*

*“I disagree that customs, traditions and legends are sources for understanding the past.”*

*“The period of Rig Ved is called early Vedic period. According to me chronologically there is difference between Rig Ved and other Vedas.”*

*“Period of Rig Ved in history is called early Vedic period. After prevedic era, Vedic period starts. I do not think that Smritis are connected with Vedas. Manusmriti has different information than Vedas. I do not agree that the Smrities in any way help to understand Vedas. There is no terminology which may be said to be 'Pauranic era'. The Puranas are basically dated to fourth century A.D.”*

*“Puranas are supposed to be written in Gupta period i.e. between four to six century A.D.”*

**4105. PW 28 Dr. Sita Ram Roy**, expert (Archaeology) having further specialisation in “Epigraphy” and “Numismatics” in his examination in chief, at page 6 has expressed his views that Atharvaved was written between 10th- 8th century B.C.

**4106.** On pages 8, 9, 10, 13, 14, 16, 17, 30, 31, 32 and 33, he (PW 28) said, about sources of ancient history, as under :

*“यह ठीक है प्राचीन इतिहास को जानने के लिए पुरातत्व एक अच्छा स्रोत है। इसके अतिरिक्त साहित्यिक स्रोत है, परम्परा भी स्रोत हैं।” (पेज: 8)*

*"It is true that archaeology is a good source to know ancient history. Besides this, there is a literary source; customs are also a source."(E.T.C.)*

*“यह ठीक है कि जिस काल का लिखित इतिहास उपलब्ध नहीं है, उस काल का इतिहास जानने के लिए एक ही स्रोत पुरातत्व है। इसी तरह हड़प्पा काल के कल्चर को जानने का स्रोत पुरातत्व ही है। अशोक*

काल के पहले काल को जानने के लिए हमारे पास साहित्य और पुरातात्विक दोनों स्रोत उपलब्ध हैं। अशोक काल के पहले के इन्सक्रिप्शन उपलब्ध नहीं है। केवल हड़प्पा कालीन लिपि उपलब्ध है जो पढ़ी नहीं गई है। धम्मपद देवनागरी लिपि में उपलब्ध है। पर सबसे पहले पहल वह सिलोनिक लिपि में लिखा गया है। अशोक काल के पहले के इतिहास को जानने के लिए बौद्ध साहित्य और कुछ वैदिक साहित्यक उपलब्ध हैं। वैदिक साहित्य से तात्पर्य है संहिता ब्राह्मण, अरण्यक, उपनिषद। धर्मशास्त्र वैदिक साहित्य में नहीं आता है। ट्रेवलर्स एकाउण्ट को भी मैं इतिहास का स्रोत मानता हूँ। यह ठीक है कि एपीग्राफी और पेलियोग्राफी इतिहास जानने का एक स्रोत है। .....न्यूमिसमैटक्स भी इतिहास को जानने का स्रोत है, इसी को मुद्रा शास्त्र भी कहते हैं।" (पेज: 9)

*"It is true that archaeology is the only source to know the history of a period not having written history. In this very manner, archaeology alone is a source to know the 'Harappan culture'. To know about the pre Ashokan period. Both the literary and archaeological sources are available with us. Inscriptions anterior to the Ashokan period are not available. Only the Harappan script is available which has not been deciphered. 'Dhammpad' is available in devanagari script. But first of all it is written in Cylonic script. The Bauddha literature and some of the Vedic literature is available to know the history of pre-Ashokan period. The Vedic literature means 'Samhita Brahman'and 'Aranyak'. Scriptures are not comprised in the Vedic literature. I take traveller's account as well to be a source of history. It is true that epigraphy and palaeography are a source to know history. Numismatics is also of history and this very subject is also called 'Science of Coins'. "(E.T.C.)*

“साहित्यिक स्रोतों में लिखित स्रोत ही रखे जाते हैं। मौखिक बातें परम्पराओं के अन्तर्गत आते हैं।

वेद और उपनिषद, जिस काल में लिपिबद्ध हुए उस काल से वह ऐतिहासिक स्रोत माने जाते हैं। अब तक के उपलब्ध सूचनाओं से कोई भी लिखित वेद 10वीं सेंचुरी ए0डी0 के पहले के नहीं मिलते। इसके पहले श्रुति और स्मृति के माध्यम से वे बरकरार रखे जाते थे। 10वीं सेंचुरी ए0डी0 के पहले के इतिहासकार उसे अपना ऐतिहासिक स्रोत मानते थे, पर उसकी कोई विशेष संज्ञा नहीं थी।" (पेज: 10)

*"Only the written sources are comprised in literary sources. Oral things are included in customs.*

*The Vedas and Upnishads are taken to be historical sources since the time they were scripted. As per information available so far, no Veda preceding the 10<sup>th</sup> century AD is found in written form. Before the said time they were retained by way of 'Shrutis' and 'Smritis'. Historians of pre-10<sup>th</sup> century period take them to be their historical sources but they had no particular name."(E.T.C.)*

“पुराण की जानकारी मुझे है। यह ठीक है कुल 18 पुराण हैं। पुराणों की रचना काल 400 ए0डी0 से लेकर 19वीं शताब्दी तक है। मुझे वेद की जानकारी है और मैंने उसे पढ़ा भी है। वेद चार हैं पहला ऋगवेद है और क्रमशः सामवेद, यजुर्वेद और अथर्ववेद हैं। अथर्ववेद का मैंने अध्ययन किया है। अथर्ववेद में जनरल बातें हैं अर्थात जगह, स्थल अर्थात मानव का सामाजिक स्तर क्या था, आदि का उल्लेख है। अथर्ववेद में अयोध्या का वर्णन एक मिथक नगर के रूप में है।

मैं एक इतिहासकार के रूप में अथर्ववेद को इतिहास का प्रामाणिक ग्रन्थ नहीं मानता हूँ।" (पेज: 13)

*"I have knowledge of Puranas. It is true that there are 18 Puranas in all. The composition of Puranas spans from 400 AD to 19<sup>th</sup> century. I have knowledge of the Vedas and I have also gone through them. Vedas are four in number. The first one is Rigveda and other ones are*

*Samveda, Yajurveda and Atharvaveda. I have studied Atharvaveda. Atharvaveda deals with general things, that is to say, it mentions about places, that is about social status etc. of human beings. Ayodhya finds mention as a mythical town in Atharvaveda.*

*As a historian I take Atharvaveda to be an authentic book on history."(E.T.C.)*

“अथर्ववेद में अंकित तत्कालीन सामाजिक तथ्य ही ऐतिहासिक स्रोत माने जाते हैं। मैं इसे धर्मशास्त्र एवं वैदिक दृष्टि से प्रामाणिक ग्रन्थ नहीं मानता हूँ।

वेदों में सबसे पुराना ऋग्वेद है। इसका रचनाकाल विद्वानों के अनुसार 1500 बी०सी० से अधिक नहीं माना गया है। ..... ऋग्वेद के बाद सामवेद आता है। इसका रचनाकाल 1200 बी०सी० माना जाता है। इसमें गायन तथा धार्मिक रीतियों से सम्बन्धित वर्णन है।” (पेज: 14)

*"Only the then existing social facts mentioned in Atharvaveda are taken to be historical sources. I do not take it to be an authentic book from scriptural and Vedic points of view.*

*Rigveda is the oldest of the Vedas. As per scholars, its composition is attributed not later than 1500 BC. . . . . Samveda follows Rigveda. Its composition is attributed to 1200 BC. It has description about singing and religious manners. "(E.T.C.)*

“यजुर्वेद का रचनाकाल ग्यारह सौ से दस सौ बी०सी० के बीच कहा जाता है। ..... यह ठीक है ऐसा सनातन धर्मावलम्बी का विश्वास है कि वेद ईश्वरीयकृत हैं। ऋग्वेद में सरयू नदी और सरयू नदी के जल का वर्णन है।” (पेज: 16)

*"The composition of Yajurveda stated to be between 1100 BC to 1000 BC. . . . . It is true that the adherents of Sanatan Dharma (eternal Hinduism) believe that the Vedas*

*are God made. Rigveda describes about the river Saryu and about its water."(E.T.C.)*

“अट्ठारह पुराण हैं, जैसे— विष्णु पुराण, भगवतपुराण, स्कन्धपुराण, ब्रह्माण्ड पुराण, विष्णु धर्मोत्तर पुराण, ब्रह्मवैवर्त पुराण आदि हैं। ..... मेरे अनुसार तथा अन्य पौराणिक विद्वानों के मतानुसार पुराणों की रचना गुप्तकाल अर्थात् ईसा की चौथी शताब्दी से लेकर सोलहवीं—सत्रहवीं शताब्दी तक पुराणोंकी रचना होती रही।” (पेज: 17)

*"There are 18 Puranas such as Vishnu Purana, Bhagwat Purana, Skanda Purana, Brahmand Purana, Vishnu Dharmottar Purana, Brahma Vaivarta Purana etc. . . . In my opinion and as per that of other Puranic scholars, the composition of Puranas continued from the Gupta period, that is, the fourth century AD to the 16<sup>th</sup> - 17<sup>th</sup> century."(E.T.C.)*

“प्राचीन भारतीय इतिहास जानने के लिए पुरातत्व और प्राचीन ग्रन्थ का अध्ययन आवश्यक है। प्राचीन इतिहास जानने के लिए साहित्य एक श्रोत है, पर वह प्रथम श्रोत नहीं है। प्राचीन इतिहास को जानने के लिए मूलतः पुरातत्व ही एक आधार है। भारत का प्राचीन इतिहास जानने के लिए भी पुरातत्व मूल श्रोत है। साहित्य में प्राचीन ग्रन्थ, विदेशी यात्रियों के यात्रा वर्णन तथा विदेश से आये हुए राजदूतों का भारत के सम्बन्ध में जो वर्णन है, वह भी साहित्य में आता है। धार्मिक ग्रन्थ भी साहित्य में आते हैं। वैदिक साहित्य में कोई अलग से धार्मिक ग्रन्थ नहीं है, बल्कि सभी में कुछ—कुछ धार्मिक बातों की चर्चा है।” (पेज: 30)

*"The study of archaeology and ancient treatises is necessary to know ancient Indian history. For the knowledge of ancient history, literature is a source but not the first one. For the knowledge of ancient history, archaeology alone is basically a basis. Archaeology is a primary source also for the knowledge of ancient history of India. Literature comprises ancient treatises, travelling*

*accounts of foreign travellers as also the description about India of emissaries who came from abroad. Religious books are also comprised in literature. In the Vedic literature, there is no separate religious book, but all have discussion about religious things to some extent."(E.T.C.)*

“भाष्य भी प्राचीन ग्रन्थ के अन्तर्गत आते हैं और वह भी इतिहास का श्रोत माना जायेगा। प्रथाएँ भी वैदिक इतिहास जानने का श्रोत हो सकती हैं, यदि वह प्रथा वेद में लिखी हुई हो। .....पुरातात्विक स्रोत का मुख्य आधार उत्खनन से प्राप्त वस्तुएँ हैं।” (पेज: 31)

*"Bhashya (commentaries) also fall under ancient treatises and they will also taken to be a source of history. Customs may also be sources of the knowledge of the Vedic History, if that custom is mentioned in the Vedas. . . . .The main basis of archaeological source is the things discovered from excavation."(E.T.C.)*

“वेद की जानकारी हासिल करने के लिए वेदांगों की जानकारी होना आवश्यक नहीं है। वेदांग का अर्थ उसमें लिखे कल्प, शिक्षा, व्याकरण, विलुप्त छंद से है।” (पेज: 32)

*"To acquire the knowledge of Vedas, it is not necessary to have knowledge of Vedangs. Vedang means 'Kalpas', 'Shiksha', 'Vyakaran' and 'Vilupt Chhandas'."(E.T.C.)*

“यह सही है कि वाल्मीकि रामायण में वेदों का उल्लेख है।” (पेज: 33)

*"It is true that the Valmiki Ramayan mentions of the Vedas."(E.T.C.)*

**4107.** What constitutes Vedic literature is the next aspect. In the context of India, the Vedic literature comprises of two i.e. one related with Hindus and to be more precise Sanatan Dharma i.e. Vedas, Brahmanas, Aranyakas, Upanishads, Puranas, Vedanta,

Vedangas etc. and another is the religious literature of Jainism, Buddhism etc. This literature since beginning alleged to be not available in written form for the reason that Vedic knowledge in India was considered to be so precious that it ought not to be placed on a perishable writing material like Berchbar and Palm leaves. The transmission of sacred knowledge of Vedas appears to have been primarily by words of mouth usually from father to son, generation after generation. The four Vedas consist of about 20358 verses running in approximately 2000 printed pages and surprisingly have survived in such a unique system having been passed down by birth to special families within the Brahmin communities.

**4108.** The other category of the derivative literature can be kept broadly in the category of Smrti (memorized) and Shruti (what is heard). There are certain other literature termed as Sutras and then several work of explanatory and subsidiary scripture.

**4109.** In brief, we may first consider as to what construe the above "vedic literature".

**4110.** Vedas : The Sanskrit word 'Vedas' means literary "knowledge" or "wisdom". According to Hindu traditions 'Vedas' existed in their eternal and perfect form from the beginning of time. They are primary scriptures of Hinduism revered as apaurusheya, "not of human origin", and are honoured by epithets usually reserved for the Gods as eternal, imperishable, infallible and indestructible. Primarily there are four Vedas, (1) Rig-veda, (2) Yajur-veda, (4) Sama-veda and (4) Atharva-veda.

**4111.** "Hindu World-An Encyclopaedic Survey of

**Hinduism**” by **Benjamin Walker**, first published in 1968 by George Allen & Unwin Ltd., London and the first Indian Edition was published in 1983 by Munshiram Manoharlal Publishers Pvt. Ltd. (*hereinafter referred to as the "Hindu World"*) (Book No. 12) Vol. II at page 556, gives information about Vedas; and on page 557 says:

*"According to Hindu tradition, the Vedas existed in their eternal and perfect form from the beginning of time. At the end of each kalpa or aeon, Isvara (God) uttered the original Veda as he remembered it. Since God himself shared with all other beings in the universal disintegration concomitant with the descending kalpas, he remembered less and less. At the beginning of the dvapara-yuga (the age preceding our own) the Veda consisted of 100,000 verses and had four divisions. By the beginning of the kali-yuga (our present age) these had become confused. Much was lost and much perverted. From this disordered mass the sage Vyasa salvaged as much as he could, arranged the material in its present form under four headings, and passed them on to his four principal disciples: the Rig-veda to Paila; the Yajur-veda to Vaisampayana; the Sama-veda to Jaimini; the Atharva-veda to Sumantu (or Angires)."*

**4112.** Rig-veda has been explained in **Hindu World (supra)** Vol. II at page 294 as under:

***Rig-veda:*** *the most important of the four vedas, and regarded as the Veda, since the Yajur and Sama Vedas are merely different arrangements of the Rig-vedic hymns for ritual purposes, while the Atharva-veda was composed some time between 1500 BC and 900 BC and had a fixed*

*text from about 300 BC. Some scholars date the Rig-veda earlier; Max Muller put the date at 1200 BC, Keith at 1400, Pargiter at 1500, Weber at 2000 BC. H. Jacobi after examining the Indian calendrical system and the position of certain stars and constellations as described in the old texts, placed its composition at 4000 BC. B.G. Tilak, also on astronomical evidence, placed it at 5000 BC.*

*There are points of similarity between the hymns of the Rig-veda and those of the Avesta, and some of the Rig-vedic legends show a resemblance to the great Yashts of the Avesta. The latter, it is to be remembered, were composed before the Rig-veda. Some authorities claim that Book VI of this Veda was composed before the Aryan tribes entered India. But generally the language of the Rig-vedic hymns shows a good deal of borrowing from the Prakrit languages. It is difficult to distinguish the Indo-European from the purely Indian portions, and the Hindus themselves have long lost the tradition of its true origins. Substantial parts of it were composed by sudras, outcastes and even women.*

*The Rig-veda is a collection of miscellaneous fragments of old legends, chants and hymns, some of them of great beauty, put together comparatively late. Twenty-one recensions of the Rig-veda, representing the rituals of different schools and even different families, are known to tradition. The Charana-vyuha (Exposition of Schools), a supplementary work of the sutra period mentions five sakhas or branches of the Rig-veda, representing the five chief schools based on the different recensions. These were (I) the Sakala, the only recension that has been preserved,*

(2) *Vashkala* (or *Bashkala*), which incorporated some additional hymns, named after a non-Aryan teacher, (3) *Asvalayana*, which recognized as canonical the group of eleven *Valakhilya* hymns, (4) *Sankhayana*, which also recognized the *Valakhilya*, but not all the eleven hymns, and (5) *Mandukeya*; the recension recognized by this school is not known. Fragments of some of these recensions (e.g. the *Vashkala*) have been inserted into the present mandalas, but all the remainder are lost or forgotten. The canon of the *rig-veda* was probably not closed till about 500 BC, and the present text fixed about 300 BC. The special hierophants of *Rig-vedic* ritual are known as the *hotri*.

The *Rig-veda* is divided into ten books called *mandala* 'circles', or into eight parts called *ashtaka*, 'octaves' (or *khanda* 'trunks' i.e. divisions). These books are subdivided into *adhyaya* or chapters, and eighty-five *anuvaka*, 'sections', containing a total of 1028 *sukta* or hymns (actually 1017 original hymns plus the II apocryphal *Valakhilya* hymns, mentioned below, of the eighth *mandala*), 2006 *vargas* or classes, 10417 *rich* or verses, 153,826 *pada* or words, and into many thousands of *akshara* or 'imperishable' syllables.

The *Rig-veda* thus consists of ten books or *mandalas* composed of hymns and psalms of praise to the gods, among them *Agni*, *Indra*, *Surya*, *Dyaus*, *Aditi*, *Varuna*, *Ushas*, the *Asvina*, *Prithivi*, the *Maruts*, *Rudra*, *Yama* and *Soma*. There are also a number of magical hymns and poems dealing with social customs, ethical questions, riddles, *MANTRAS*, myths and legends. In the opinion of

*Prof. B. K. Ghosh, it contains a mass of dry, stereotyped hymnology, but 'of natural outpourings of the heart there is not much to be found in the Rig-veda' (VII, p.226). The priestly prayers are not so much for spiritual enlightenment as for victory, power, wealth, food, wine and women, and according to Bhandarkar, 'are saturated with selfish sordid aims'.*

*Mandala I is an 'eclectic ceremonial liturgy, and a veritable prayer book of the ancient priests'. Traditionally ascribed to eighteen rishis, although sometimes the same hymns occur under different authors, and distinct fragments are put together as a single piece. Most of the hymns are simple invocations to fire, water, the sky, etc. This first book includes one unusually long hymn known as the asyavamiya, which poses the earliest metaphysical and mystical questions of the Indian mind, anticipating the Upanishads. 'Who saw that First when it was born? What is the Formless that upholds the form? From the earth are breath and blood; wherefrom the Soul?'*

*Mandalas II and VII, the 'Family Books', are credited to rishis of various important families such as Bhrigu, Visvamitra, Gritsamada, Angiras, Vasishtha, Atri, Vamadeva, Bharadvaja. Book VI contains the poetry of the period before the tribes entered the Indian subcontinent.*

*Mandala VIII, a book of miscellaneous and supplementary hymns, mostly by members of the Kanva family. Following verse 48 of this mandala, eleven hymns of an apocryphal character were later interpolated. These khila (apocrypha) are called the Valakhilya, after the*