

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

Other Original Suit No. 4/1989

Sunni Central Board of
Waqf. U.P. and Others -----Plaintiffs

Versus

Gopal Singh Visharad
(deceased) and Others -----Defendants

Other Original Suit No. -1/1989

Other Original Suit No. -3/1989

Other Original Suit No. -5/1989

STATEMENT OF D.W.13/1-3

DR. BISHAN BAHADUR

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

Other Original Suit No. 4/1989

Sunni Central Board of
Waqf. U.P. and Others-----Plaintiffs

Versus

Gopal Singh Visharad
(deceased) and Others-----Defendants

Clubbed together

Other Original Suit No. 1/1989

Other Original Suit No. 3/1989

Other Original Suit No. 5/1989

**EXAMINATION IN CHIEF BY WAY OF AFFIDAVIT OF
D.W.13/1-3 DR. BISHAN BAHADUR UNDER ORDER 18
RULE 4 CODE OF CIVIL PROCEDURE**

I, Dr. Bishan Bahadur, aged about 59 years, S/o Late Dr. Lal Bahadur, resident of Rajeshwar Colony, Surendra Nagaar, Aligarh hereby solemnly affirms on oath as under:-

1. That I am, M.A.(history), M.A.(English literature) and Ph.D. At present I am Reader and Head of Department, Department of history in Shri Varshney University, Aligarh.
2. That I got the Post-Graduate Degree in History, in First Division in the year 1969. I got Ph.D. Degree in the

year 1975 from Agra University on the research work "Hindu Resistance during Sultant Period" in medieval history.

3. That I am teaching history to the Graduate and Post-Graduate level classes for the last thirty-five years. So far 22 students have got the Ph.D. Degree under my direction from Agra University and Ruhelkhand University, Bareilly. At present, 8 students are doing their research work in the various subjects under my direction.
4. That I have directed about 64-65 mini research compositions concerning to various subjects of Indian history. In addition to this, my 19 research papers have been published.
5. That I have, about 5 years back, written a book named "Vishwa Ka Itihas" for the Agra University which had been included in the Correspondence Course of the said University. Beside this, I have written a book named "Maharana Pratap – Ek Sambal, Ek Chunouti" published in the year 1998. I have presented research papers in a number of the seminars, workshops concerning to history subject, which were published also. I have been a member of various institutions like – "All India History Congress", "U.P. History Congress", "Institute of historical studies, Calcutta" etc.
6. That I have done specific study of medieval history of India. From Historical point of view, customs and traditions are themselves are recognized as an evidence of the past.

7. That first ever Ruler of Gaharwal was Yashovigrah. Mahichand was a son of Yashovigrah. Chanderdev S/o Mahichand was a successor of Mahichand. Kannauj, Kashi (Banaras), Kaushik (Allahabad region), Kaushal (Avadh including Ayodhya), Indrasthan (at present in Bullandshahar District) were included in his Kingdom. Chanderdev remained ruler from the year 1085 to 1100. His capital was Kannauj and second capital made by him was Kashi.

8. That after Chanderdev, Madanchand (Madanpal/Madandev) was the ruler of the above region from the year 1100 to 1110. Govindchand, also known as Govindchanddev, was a ruler from the year 1110 to 1156, thereafter Vijay Chand from the year 1156 to 1170, Jaichand from the year 1170 to 1194 and thereafter Harishchander from 1194 to 1226 were the rulers, Ayodhya was also under them.

9. That in the year 1032-33, army of Sayeed Salar Masood had attacked Ayodhya, where God Shri Ram Lalla temple is and damaged the temples. Sayeed Salar Masood, came to Baharaich from Satrakh and was killed by king Suheldev (Sahildev/Sohaldhev) in the battle in Hatila Ashokpur.

10. That Qutabuddin Aibak ruled Delhi, India since 1206, which is generally called as a beginning of medieval history of India. His period came to an end with the battle of Plassey in 1757.

11. That Ayodhya was under the Sharki Dynasty of Jaunpur from the year 1393 to 1479. Jaunpur was the capital during the Sharki rule. Life remained normal during this period in the rest part of the State.

Education, Construction work was smooth and Sufi Saints had maintained their influence.

12. That Babar was defeated at a number of times in his native kingdom Samarkand and Fargana and finally was ejected. He along with his few followers reached Kabul and conquered Kabul. For keeping Kabul permanently under him, he attacked Punjab region for five times. Babar, caused destruction and atrocity and defeated Ibrahim Lodi, Sultan of Delhi in 1526. Thereafter in 1527, he fought a battle with Rana Sangram Singh (Rana Sanga) and caused heavy casualties in the battle of Chanderi. Thereafter he also made a pyramid of human heads.

13. That according to my knowledge and on the basis of my study, Meerbaki, Commandant of Babar, had demolished the temple situated at Shri Ram Janm Bhoomi in Ayodhya and used its rubbles for construction of the structure.

14. That according to my knowledge and on the basis of my study, disputed land at Ayodhya was being worshipped by Hindus as a birthplace of Shri Rama from time immemorial in accordance with their customs and traditions with faith and belief.

Deponent

Sd/-

Dr. Bishan Bahadur

Lucknow

Dated 07th April, 2005

Verification

I, Dr. Bishan Bahadur, deponent hereby verify that contents of Para 1 to 6, on the basis of my individual knowledge and contents of Para 7 to 14 on the basis of my study are factual and true. Nothing has been concealed and nothing is false. May God help me. Verified to day i.e., on 7.4.2005 at High Court premises.

Place: Hon'ble High Court premises at Lucknow.

Deponent

Sd/-

(Bishan Bahadur)

Deponent has put his signature in my presence and deponent is known to me.

Sd/-

(Rakesh Pandey)

Advocate

Lucknow

Dated the 7th April 2005

Before: Commissioner Shri Hari Shankar Dubey,
Additional District Judge/Officer on Special Duty, Lucknow
Bench, Lucknow.

Sunni Central Board of
Waqf. U.P. and Others-----Plaintiffs
Versus
Gopal Singh Visharad
(deceased) and Others-----Defendants

Other Original Suit No. – 4/1989
(Regular Suit No. –12/1961)

Dated 7.4.2005

D.W. 13/1 –3, Dr. Bishan Bahadur

Affidavit, page No. 1 to 6 of Dr. Bishan Bahadur,
aged 59 years, S/o Late Dr. Lal Bahadur, resident of
Rajeshwar Colony, Surendra Nagar, Aligarh was submitted
and taken on record.

(Cross-examination of witness on an Oath by Shri
Tarun Jeet Verma, Advocate, on behalf of plaintiff Nirmohi
Akhara of Other Original Suit No. 3/89, begins)

XXX XXX XXX XXX

I am, at present, 59 years old. My date of birth in
accordance with the certificate is 8th July 1945. I am a
Kayastha. I have done M.A. in History and English
subjects and Ph.D. from University of Agra in 1975. I
have passed M.A.(English) in 1966. I have passed
M.A.(History) in 1969 and Ph.D. in 1975.

The subject matter of my research was "Hindu Resistance during Sultant Period" concerning to the medieval history period of 1206 to 1526. At present, I am working as a Reader and Head of the Department (History Department) in Shri Varshney University, Aligarh. My birthplace is Agra. I have done my research about medieval and Modern history. I have the knowledge about ancient history but I have not studied much. I have that much of knowledge which one can expect from a teacher of Archaeological subject. History is related to archaeology. Archaeological study is based on carbon dating and particularly on the basis of time-period. Volunteer : that there could be a difference of 100-50 years in the conclusions based on carbon dating. Information is obtained through carbon dating about the concerned period on the basis of study of archaeology. Information about the customs and way of life of the people of a particular time can be obtained on conclusion drawn through carbon dating. I have referred about 64-65 mini research works in para 4 of my examination in chief affidavit. There was no research work based upon the archaeology. My some of the mini research works were based upon the Survey.

There are many detailed sources to gain knowledge about history. Among these are – Literature, archaeology, archives, monuments, Coins, knowledge gained from excavation and sea excavation and unwritten history, based on the knowledge gained by western historians. Where there is no recorded evidences are available, unwritten sources are made bases for gaining knowledge and this can be or cannot be accepted . Recognition thus attacks importance to evidence . Purans are also treated as literal sources. Not only the knowledge gained from Purans is included in the sources

but the information obtained from various quarters is also used as a source. I had gone to Ayodhya long way back, about 20-25 years back. For the last 2 – 4 – 5 years I have not gone to Ayodhya. In my view, Ayodhya is not only a religious place but also historical places because if a place gains fame for its religious status, it also gains recognition as a historical place. I had visited Ayodhya around 1980. I do not remember from where i.e., from Agra or Aligarh, I went to Ayodhya. Volunteer : that it was purely a personal visit. I had gone to Ayodhya by bus to attend a social programme in the family of my uncle. My uncle is no more to whom I had visited. Thereafter I did not visit Ayodhya. I do not remember in which Mohalla my uncle was living. I did not stay there in Ayodhya. I left Ayodhya after meeting him. I did not pay visit to any other place in Ayodhya. I have faith in Ayodhya. Volunteer : that because it is the birthplace of God Rama and being a Hindu, I have faith in Ayodhya. At the time of my visit to Ayodhya, I did not go around because of shortage of time. No research work of mine is related to Ayodhya. My research paper is about Kannauj. I have no research work specific to Ayodhya. I have studied about Ayodhya but had not done any research work. I have referred the relationship of Ayodhya and Kannauj with the ruler of Delhi and confrontation related thereto, in my research paper relating to Kannauj. This research work is based on the history of the then rulers; which includes "Tabkate Nasari" by "Minhazuddin" and "Tareekh-e-Ferozshahi" by Jiyauddin Barni and other sources. Besides, I resorted to other available relevant source also. The above sources are authenticated and recognized. Local ruler of Kannauj was also in confrontation with the ruler of Delhi that is why the confrontation period cannot be confined to a specific period. This confrontation continued up to the period of Sharki Dynasty of Jaunpur.

Learned advocate cross examining the witness draw the attention of witness towards last three lines at page 3 in para -5 of his examination in chief affidavit and asked about the functions of the organization referred therein. Witness said that these are the All India Level Organizations , which organizes seminars every year. Wherein research papers are submitted and discussed and published in a volume. Only good research papers are included in the volume. Only teachers and students can become the members of these Organizations. The facts relating to history are produced before these Organizations. "U.P. History Congress" is All India Level Organization but it is based in U.P., hence it is called "U.P. History Congress". The same situation is about the another Organization called "Institute of Historical Studies ,Calcutta". I had been a member of these Organizations but not now.

Members of these Organizations are not elected in accordance with the official procedure. People of their own participate in these Organizations and donate voluntarily. Eligibility for becoming a member of these Organizations is that a person may be teacher or a student. These Organizations have no manager and secretary. Election to these Organizations are held during the seminar. A historian is elected as a Chairman or Secretary and 10 members among the participants are elected as an executive member. No pay is given to any elected member. These Organizations are academic forum type and not the clubs. The Chairman, Secretary and Executive member have no power to effect changes in the history. The research paper, if submitted independently, is considered in the seminar. Foreigners also participate and produce their research paper in the seminar. These

Organizations have constitution, rules and by-laws. The conditions, provided in these rules, are mandatory. These Organizations also issue certificate about the participation and submission of research paper in seminar. These organizations organize their seminars at different places. The venue i.e., University, is selected at the venue site every year. Seminars are not held outside of India. Volunteer :, according to his knowledge no seminar was held abroad. I have participated in the seminars held in Kurukshetra, Chidambaram and Aligarh Universities and submitted my research paper in these seminars. I have no knowledge from where the expenditure incurred on the seminars is met, the organizer must be knowing about it. It is but natural that money in huge amount is required for such a large celebration . I suppose, the concerned Government or University, wherein the venue is situated meets this expenditure. In addition to this donation is also received from the participants. I have no information whether any research papers was submitted concerning to Ayodhya or not in the conferences, in which I participated. A number of research papers are submitted in these conferences. Volunteer :, five to six sections are created during the conference. List of research papers is published first. Not only the title but a brief of research is also read out in the conference. Sometime permission to read the full research paper is also granted. Members have no right to carry out any change in research paper. Because the person who has written the research paper , only this suggestion are accepted. The member can express their reservation only. These research papers have great importance. Every point mentioned in research paper has its own importance. This includes various types of evidences. The research paper on which common consensus is then referred to University Courses. Size of research paper depends up on the subject matter.

Volunteer : that these research papers include the research matter about the latest subject or original creation. These research papers can be about any subject or of any time. From the word subject, I mean, the various subjects falling under the jurisdiction of History.

I have referred workshop in the third line at page -3 in para -5 of my examination in chief affidavit, which I mean, if a seminar on one subject, goes on for 10-15 days, it is called workshop. The organizations referred in the last three lines in para -5 of examination in chief affidavit were established in different years. All India History Congress was perhaps established fifty years ago. Similarly U.P. History Congress was established about 20 years ago and Institute of Historical Studies Calcutta was established about four decades before. The word "Congress" was used in the first two organizations, it does not mean any political organization, but an organization of historians. Permanent office of the All India History Congress is in Delhi. The office of U.P. History Congress keeps on changing. At present, perhaps, its office is in Aligarh. The third organization, Institute of Historical Studies Calcutta has its office in Calcutta.

I have referred the book "Maharana Pratap - Ek Sambal Ek Chunouti" in para -5 (page -3) of my examination in chief affidavit. This book is about Mewar and not about Ayodhya.

Learned advocate cross examining the witness draw the attention of witness towards second and third line in para -6 of his examination in chief affidavit. Witness said that customs and traditions are recognized as evidence because if there is an intervening period in between the two historical incidents and there is no written detail about them, then we have to depend upon the customs and

traditions continuing since centuries i.e., customs and traditions are treated as authentic sources.

Intervening period, I mean, the period about which no written evidences are available and for any "gap". Traditions and practices are two separate things. Even if some evidence is received against the tradition the same cannot be agreed to. Traditions are long lasting whereas practices are temporary, which can be disowned if these are not in conformable. Traditions and practices are not changeable. Volunteer :, these become so rigid that these cannot be changed. Traditions and practices are not related to any particular Religion or Sect. He himself cited an example in this regard – Once Allauddin Khilji attacked on Chittor and in that context Johar practice had been followed under the leadership of Queen Padmini. It is a practice under the history. Some historian accepts this and some not. Time-period can be calculated on the basis of tradition and practice but it is not positive evidence. Traditions and practices are not compiled in the form of books. These are collated from various places because every place has its own practices. I have mentioned about Gaharwal Dynasty in the first line in para –7 of my examination in chief affidavit. This Dynasty originated with the rule of King Yashovigrah, the first king. But there is no definite evidence about this. The people of Gaharwal, were from Kannauj. Volunteer : that its first ruler was Chanderdev. His rule period began from the year 1085. Chanderdev was a son of Mahichandra and was from Yashovigrah Dynasty. Among the kings of Gaharwal Dynasty, Govinderchandra was associated with Ayodhya. Chander Dev first was also associated with Ayodhya. Govinderchandra ruled from 1110 to 1156. Witness again said that Chander Dev first, I mean, that Chander Dev was the first ruler. Chander Dev had two

capitals; one was Kannauj and second one was Kashi. Kannauj was his first capital because he conquered the Kannauj and Kashi was his second capital. Medieval Rulers had generally two capitals. Volunteer : that second capital was made in accordance with the need of the time, at a place from where there was more possibility of attack. The second capital was meant for guarding the region from enemy and for extension of Empire purposes.

Learned advocate cross examining the witness draw the attention of witness towards the word "above region" in para -8 (page -3) of his examination in chief affidavit. Witness said that from this word he means, Kannauj, Kashi, Kaushik, Kaushal and Indrasthan, mentioned in para -7. I have referred a number of rulers in para -8 of my examination in chief affidavit. These rulers were associated with Ayodhya. There are evidences available in this regard. References in this regard are found in the book "History of the Gaharwals" by Dr. Roma Niyogi , "Kannauj Ka Itihas" by Dr. Anand Mishra and "History of Kannauj" by Dr. R.P.S. Tripathi. All these three authors are recognized authors. The writings by these authors are recognized on the basis of Literal, Archaeology and other available evidences. Among the above mentioned three authors, Dr. Mishra is alive but cannot firmly say about other authors whether they are alve . People of Gaharwal Dynasty had seized the power of Kannauj. They had developed the architecture of Kannauj which was already available there. Each building has its own distint architect like temple, palace and buildings. As per my information there is no building in Kannauj with an art of architecture of Gaharwal Dynasty. I have referred Govinderchandra Dev in para -8 of my examination in chief affidavit. There was only one King by this name. It is said the Govinderchandra Dev of Gaharwal Dynasty had renovated

the Janambhoomi temple in Ayodhya. It is a historical fact. An incomplete petrography was found in this regard. Wherein his name was mentioned. Adoration of Lord Shiva was given in the beginning and details of Suryavanshi rulers were given thereafter. Human body was presented as cosmos in it. This petrography is in Devnagari Script but it was written in the then Sanskrit language. Volunteer : that there is no detail about the grant concerning to temple, hence I am calling it incompletes. This petrography was found from the place of Janambhoomi in Ayodhya; recently in 2003, after demolition of disputed Bhawan; this petrography is in red stone. In addition to this, it is clear from the petrography mentioned in the book by Dr. Roma Niyogi that Shiv temple, Vishnu Temple and temples of Buddha's were constructed under the patronage of Gaharwal rulers. Only petrographies were available in this regard. These petrographies were found at different places. I have no knowledge whether petrographies of the time of Govindrachander Dev were confirmed on the basis of Carbon dating or not. According to evidences, Harishchander S/o Jaichander was the last ruler of Gaharwal. A large area was under the kingdom of Harishchander during the period 1194 to 1236, even after the defeat of Jai Chander. This is the Jai Chander who was contemporary to Gauri and Prithvi Raj Chauhan.

Learned advocate cross examining the witness draw the attention of witness towards the contents of para -9 of his examination in chief affidavit and asked who was Sayeed Salar Masood, mentioned in this para. Witness said that he was a nephew of Mahmood Gazni. He came to Punjab from Gazni and stayed there. Thereafter he came to Satrakh from Delhi. Ayodhya was at that time called Satrakh. Volunteer : that Cunningham has

described about this in his archaeological report. Salar Masood sent his army to different places from there and demolished the place where temples were. Rule of Sayeed Salar was not throughout India. He came here, attacked and was killed in the battle fought with Suheldev at a place named Hatila Ashokpur in Bahraich. He stayed there from 1032 to 1033 and in Delhi for four to six months. King Suheldev was a local ruler of Bahraich.

Learned advocate cross examining the witness draw the attention of witness towards the second and third line of para -9 of his examination in chief affidavit. Witness said that full details are available in the second volume of the book by "Eliot and Douson" about the contents written therein. It is written therein that all the temples were demolished and new construction was made in the form of a mosque. Govinderchandra Dev had renovated the temple at this place. There is a detailed description in the book by "Eliot and Douson". Construction of mosque was described in the book by "Eliot and Douson". But renovation was not described in it. Renovation was referred in the above petrography.

I have, in para 10 of my examination in chief affidavit referred about the rule of Qutabuddin Aibek. It is not related to Ayodhya. This fact was mentioned in this para because administrative form of medieval Indian History began in India from 1206 and continued up to the battle of Plassey. The facts given in this para are important to determine the time period relating to Ayodhya.

Learned advocate cross examining the witness draw the attention of witness towards para -11 of his examination in chief affidavit. Witness said that the Sharki Dynasty described in this para was raised in 1393,

when Tuglak rule was declining in Delhi and Malik Sarvar was sent to manage this place, he declared himself as an independent ruler of Jaunpur. Thus the Sharki Dynasty was established. There were many rulers of Sharki Dynasty. I do not remember the names of the rulers of Sharki Dynasty. Mahmood was the last ruler who, in 1480, went towards Bengal because Sharki Dynasty had fallen with the Battel with Bahlol Lodhi and Sikander Lodhi. The area up to the Border of Bengal was under the Kingdom of Sharki Dynasty. The entire area of Kannaju and Avadh including Ayodhya and Jaunpur was under him. The archaeological remains of the buildings constructed by Sharki Dynasty are available in Jaunpur because Jaunpur was the capital of Sharki Dynasty.

Verified the statement after reading .

Sd/-

Bishan Bahadur

7.4.2005

Typed by the stenographer as dictated by me in Open Court. In continuation to this suit may be listed for 8.4.2005 for further Cross-examination. Witness to be present.

Sd/-

(Hari Shankar Dubey)

Commissioner

7.4.2005

Before: Commissioner Shri Hari Shankar Dubey,
Additional District Judge/Officer on Special Duty High
Court, Lucknow Bench Lucknow.

Dated 8.4.2005

D.W. 13/1-3 Dr. Bishan Bahadur

(In continuation to dated 7.4.2005, Cross-examination on
an Oath, by Shri Tarun Jeet Verma, Advocate on behalf of
Nirmohi Akhara, plaintiff of Other Original Suit No. -3/89,
continued.)

No further archaeological art was developed during
the rule of Sharki Dynasty. They had maintained the
archaeological art, which was available. "Shark" was a
degree. What does it mean, I do not know. So far I know
Shark means a person having very important personality.
I have referred Sufi Saints in para -11 of my examination
in chief affidavit. Their names were given in the book
"Sharki Jaunpur Rajya Ka Itihas" written by Sayeed Iqbal.
Mainly Chishtiya and Chishti Sufi community were
described in it, which were very popular in the area. I do
not know the name of Sufi Saints at present. The word
Sufi was described in the book "Glimpes of Medieval
Indian Culture" by Yusuf Hussain Sahab. According to him
the spiritual philosophy of Islam, accepted and propagated
by Muslim scholars is called Sufi philosophy. No "Acharya
Sect" emerged during the medieval period. Ramanandiya
Sect is not an Acharya Sect but a Devotee Sect.
Ramanand was a devotee. Thereafter, a number of saints
were there respectively who defined the God, in different
way and in accordance with their definition.
Ramanujacharya, Ramanandji were the first ever and
Kabir Das, Guru Nanak and Chaitanya Mahaprabhu,
Ballbhacharya, Nimbarkacharya and Raidas were among

them. There were so many reasons for rise of Bhakti traditions. The main reason was the definition of Adwaitvad i.e., whether the God is one or in a numbers or he is present in every living thing. In addition to this social economic changes had caused the community to think towards spiritual attainment that all enjoyment of this world is useless and one should try for salvation. These reasons were described in detail in the book "Influence of Islam on Indian Culture" written by Dr. Tara Chand.

Question: In addition to the reasons given above by you, the main reason was the atrocities caused by the Mughal rulers to press the peoples for conversion. What you have to say in this regard?

Answer: This is a point of view. This can be a reason. In my view the main reason was Adwaitvad of Hindu Religion, which is projected through various deities and which redefined by Bhakt-Saints for one God. Prominent among them was the name of Shankaracharya. Dwaitvad was always there. According to which God lives in every living thing. A numbr of books were written during Bhakti Period. Followers of Chaitanya Mahaprabhu had written a book called "Chaitanya Chirtamrit". Similarly followers of Guru Nanak Dev had written "Guru Granth Sahib". Poems of Meerabai were compiled in "Meerabai Padawali". The teachings of almost of all saints of a particular period were compiled later on. There is very large literature of all the saints was written in India. The theme of the entire literature was Supreme Spirit. The then social and administrative conditions were also described

alongwith this. In this context, the books written by Tulsidasji were notable. There is this huge literature available of this . The available Creations of Kabirdas are compiled in "Beejak" and "Kabir Padawali". Volunteer : that the language used therein is mixed one and everyone can follow it. There are so many books written by Tulsidas ji, like - Ramcharitmanas, Ramlalla Nahchhoo, Kavitawali, Geetawali and many more. I have studied these books, particularly Ramcharitmanas. Ramcharitmanas was written, by keeping the requirements of community in view, on the life of Shri Rama S/o Dasratha of Suryavanshi, Ikshwakuvanshi, for the betterment of Society. Ramchanderji was related to Ayodhya. Ayodhya was also described in Ramcharitmanas.

I have little knowledge about Geography. Ramchanderji went to 14 years' exile and during this period he went to Lanka, I know this. The way, through which he went during his exile, still exists but its shape have completely been changed. Panchwati, Bhardwaj Ashram, Rameshwaram, Sri Lanka, Bharat Kund still exists. But shape of these places has been changed. The then geographical situations still exist but these have lost their significance. It is correct to say that the ways through which Rama went to exile are treated as holy one even to day. And are equally important with the view of faith but their social and commercial position has been changed. I have studied Valmiki Ramayana. Who had written Valmiki Ramayana, I do not remember at present. Many parts were added to Valmiki Ramayana at the later stage. Hence, it cannot be said that Maharishi Valmiki the

wrote entire Ramayana because its many parts are contradictory and many parts were repeated. It appears that so many parts were added to this, at the later stage. I mean, some parts were added after an era. It is very difficult to say about the time period of Valmiki Ramayana. Dr. Vasudev Sharan Aggarwal and Dr. Jaiswal had expressed their views. I do not want to express my view in this regard. Some people say that it was written before 5000 B.C. and some consider it before 3000 B.C. Valmiki Ramayana contains the description of Rama, incarnation of Vishnu. Who had written Mahabharata, I do not remember at present. It is said that Vedvyas and Krishan Dwaipayana wrote Mahabharata. It is certain that Vedvyas had written Mahabharata. Volunteer : that many parts were added to this later on. These were added by various writers, whose names were mentioned in the creation of Mahabharata. I have not studied the Mahabharata. The numbers of volumes depend upon the publisher. In the case of Poona Oriental Series, there are 20-22 volumes. In how many volumes, the Mahabharata was published from Gita Press is, I do not remember. It is correct to say that characters of Ramayana were also referred therein. Hanuman and Ram were mentioned in Mahabharata. In addition to this, many incidents described in Ramayana were also referred in Mahabharata. Thus Mahabharata confirms the authenticity of Ramayana.

I have studied Vedas but not thoroughly. I have read the parts only with which I was concerned. Vedas are four in number i.e., Rigved, Samved, Yajurved and Atharvved. I do not remember at present the contents of Atharvved. Saryu was mentioned in Rigved. Vedas were written much earlier. Hence, these are called the creations of Vedic period. Vedic period and North Vedic period two periods were mentioned. Saryu described in

Vedas, still exists. Volunteer : that Saryu River still flow aside by Ayodhya.

Learned advocate cross examining the witness draw the attention of witness towards para -12 of his examination in chief affidavit. Witness after reading the para, said that Babar originally was from Samarkand or Fargana. I have in the first two lines of the above para written that Babar was defeated on a number of times in his native Samarkand or Fargana and was ejected, which means, Babar became the ruler in childhood at the age of 11 -12 years, after the death of Umar Sheikh Mirza, but his relatives had continuously tried to dislodge him and he was ejected from Samarkand and Fargana. Babar had re-conquered his native state four times but finally he was defeated and consequent to this he came to Kabul. Witness again said that Babar had lost the State, which he re-conquered and finally was ejected from Samarkand and Fargana. I have read some books about Babar. Biography of Babar, called "Memoir of Babar", and "Tuzuk-e-Babri" or Babarnama. I have also read the "Tareekh-e-Rasidee", written by Mirza Haider and "Tareekh-e-Salateen Afghana" by Ahmed Yadgaar. I have read the books like "An Empire Builder of the Sixteenth Century" by Rashbrook Williams, "Babar" by Arskin, "Babar" written by Dr. Radheyshyam etc. It is believed, on the basis of autobiography of Babar, that he was a follower of Sunni Spiritual Contemplation of Islam. I have the knowledge about Shah Safvi, King of Iran, who was contemporary to Babar. He was the follower of Shia Spiritual contemplation. He offered conditional help to Babar at the time when Babar was passing through very difficult situation after his defeat in Samarkand and Fargana. Babar had accepted his offer. One of the main condition was, that Babar would accept Shiya Sect and the area, if

conquered by Babar, will be treated as conquered by Shah Safri but Babar will continue to rule that area. Babar had accepted his conditions. Later, Babar had again accepted the Sunni Sect. Shah Safri, had played a major role to conquer Samarkand i.e., he helped Babar. This was his third and fourth victory. After conquering Samarkand, Babar again went towards Kabul.

According to Tuzuk-e-Babri, biography of Babar, he came to Punjab in 1519. He launched military operations for five times up to 1525. In the sixth operation, he defeated Daulat Khan, Lodi of Punjab and occupied area under him. Volunteer : that this victory came consecutively. First five attacks were launched on different forts. Local races had resisted the attacks. The Punjab referred above, is in Pakistan at present. Babar came to India mainly for two reasons. First reason was, he could not conquer the native States, establishment of new kingdom in Kabul, for the protection of which it was necessary to march ahead towards South-east i.e., Punjab. The second reason, as stated by Babar in his biography is that Delhi once was ruled by his ancestor, ie Tajmoor so Delhi was his native state.

Babar fought a battle with Ibrahim Lodi in 1526 at Panipat. Therefore it is called battle of Panipat. Babar fought a battle with Rana Sanga in 1527 at Khanuwa. Kanuwa is the corrupt form of word 'Khanuwa'. Babar got the victory in Khanuwa battle and Rajputs' Army was defeated. But Rana Sanga or Rana Sangram Singh reorganized his military strength and fought a battle at Irees, wherein Rajputs were defeated. Khanuwa is ahead to Fatehpur Sikri. Irees is ahead of Fatehpur Sikri. I have referred the battle of Chanderi in para -12 of my examination in chief affidavit. This battle was fought in

between Mednirai, ruler of Chanderi and Babar. A dreadful battle was fought and Rajput army was defeated. Heavy casualties were caused to Rajput army. A tower was made from the heads of the defeated Rajput army. Babar have himself accepted this fact in his autobiography. Battle of Chanderi was fought in 1527. Chanderi was the then Malwa region. After this battle, Babar marched towards Bengal, because Afghan army was reorganized there and battle of Ghaghra was fought to suppress them.

Babar entered in Avadh Province in 1528. He stayed there w.e.f. 28th March 1528 to 2nd April 1528, during this period he stayed at Ayodhya. Evidences are available in this regard. This evidence was described in the book "Babar" written by Dr. Radheyshyam. I do not remember about other evidences in this regard. Babar stayed outside of Ayodhya w.e.f. 28th March 1528 to 2nd April 1528 because there was no fort in Ayodhya. He stayed in the camp fixed inside or outside of Ayodhya. But particular place was not mentioned in the evidence. It is not correct to say that Babar went ahead from Sultanpur via Tanda and never came back to Ayodhya. Afghan officers, appointed by Ibrahim Lodi had never accepted the rule of Babar and established themselves as an independent ruler. To curb their activities, Babar had come to Ayodhya. On the basis the then evidences and in accordance with the sayings of history writers, I am of the view that Babar, as an invader, got the rule of Delhi from Ibrahim Lodi and from there he did not go ahead towards Rajasthan and came to Ayodhya for curbing the Afghans as an invader, but could not succeed. His representative, Meerbaki Tashkandi, according to the then references, stayed in Ayodhya for one year and few months and after that he left from Ayodhya.

Learned advocate cross examining the witness draw the attention of witness towards para -13 of his examination in chief affidavit. Witness, after reading it said that construction by the Meerbaki, commandant of Babar, at Shri RamJanambhoomi at Ayodhya was referred therein. Dr. Radheyshyam had written in this context, in his book "Babar". Dr. Radheyshyam is a recognized author. He has been a professor in Department of History in Allahabad University. There is a reference in Alamgirnama that Chabutra at Shri RamJanambhoomi was demolished and from its rubble a mosque was constructed. Babar was not present at that place when this incident under Meerbaki happened. The main objective behind this incident to demolish the place of temples was to construct a building for his use. It appears from the building material used for the new construction that earlier building was of the time of Govind Chander which belonged to Gaharwal Dynasty. In my view, Babar had demolished the idols as a matter of his policy. Like Hindu Beg had done in Sambal and Meerbaki had done in Ayodhya. Similar demolition was carried out in the region of Punjab. The aim was to establish a Muslim Kingdom but no policy appeared behind this. Although it is correct that demolition of temples was covered under State Shastriya provision. I have the knowledge that Muslim period from 1206 to 1526, was divided into many genealogy. Rule of Slave Dynasty was there since 1206 to 1290 whereas this was not a Slave Dynasty because there were three branches of it i.e., Mamlook, Ilabari and Shamsi. Qutabuddin Aibek, Sultan Aramshah, Iltmush, Ruknuddin Feroz, Razia Sultan, Muizuddin Behramshah, Allauddin Masoodshah, Nasiruddin Mahmood, Balban, Kaikbad and Kaimoor were among the kings of that time. Khilji Dynasty rule was from 1290 to 1320. Jalaluddin Feroz Khilji, Allauddin Khilji, Qutabuddin Mubarak were

among the kings of that time. Tuglak Dynasty ruled from 1320 to 1414. Gayasuddin Tuglak, Mohammad Bin Tuglak, Ferozshah Tuglak and three other weak rulers including last ruler Mohammad Shah were of that time because Sayeed Dynasty was established in 1414. Khizrakhan Sayeed was the founder of this Dynasty. Sayeed Dynasty remained in power from 1414 to 1450. Lodi Dynasty began from 1450; Bahlol Lodi, Sikander Lodi and Ibrahim Lodi were the rulers of this Dynasty. Thereafter Mughal period began in 1526. The above rulers, in addition to rule of Governance, had to follow the practical skill but administrative authorities had caused atrocity, injustice and mass destruction.

Verified the statement after reading .

Sd/-
Bishan Bahad

8.4.2005

Typed by the stenographer as dictated by me in Open Court. In continuation to this suit may be listed for further Cross-examination for 11.4.2005. Witness to be present.

Sd/-
(Hari Shankar Dubey)
Commissioner

8.4.2005

Before: Commissioner, Shri Hari Shankar Dubey,
Additional District Judge/Officer on Special Duty High
Court, Lucknow Bench Lucknow.

Dated 11.4.2005

D.W. 13/1-3 Dr. Bishan Bahad

(In continuation to dated 8.4.2005, Cross-examination on
an Oath, by Shri Tarun Jeet Verma, Advocate on behalf of
Nirmohi Akhara, plaintiff of Other Original Suit No. -3/89,
continued.)

Learned advocate cross examining the witness draw
the attention of witness towards first three lines at page -
4 in para -9 of his examination in chief affidavit. Witness
in a reply to a question said that the damaged temple,
referred in this para, was demolished fully after the attack.
Volunteer : that the references given in this regard in the
book "Meerat-e-Masoodi" written by Abdul Rehman Chishti
is notable. I have, at page -17 of my statement, stated
that Sayeed Salar Masood was a nephew of Mahmood
Gazni. I have said it because the word nephew covers
son of brother and son of sister both. Sayeed Salar
Masood was a son of sister of Mahmood Gazni. Mahmood
Gazni had attacked on Somnath Temple, much before
Sayeed Salar Masood attacked on the temple of Ayodhya.

Much before, I mean about more than 3 year before.
Nephew of Mahmood Gazni had not attacked on Punjab
but the Governor of Punjab, Niyalatgeen, appointed by
him, had again attacked on Avadh region. It is not fully
correct to say that Mahmood Gazni was astonished when
he saw the wealth and prosperity of Somnath Temple, at
the time of attack. And this was the reason he asked his
family members to demolish the temples. The fact is this

that these invaders were surprised to see the wealth of India and thus they made up their mind to loot this wealth. The then evidences prove it. Not only family members but commandants had carried out the demolition at a number of places and looted the property. These peoples were fully involved in it. Niyalatgeen, Governor of Punjab, had himself attacked on Avadh Region. According to my knowledge, Mahmood Gazni and his associates had not constructed any thing after demolition, at those places. It is correct that initial aim of these invaders was to loot the property and to carryout the demolition. It was not easy to rule in these circumstances. Mahmood Gazni and Gaznavi is one and the same person. Gazni, is written as Gaznavi in Hindi in corrupt form. "Gaznavi" is not a correct word. I have at page -17 of my statement, stated that Satrakh was called as Ayodhya, I have stated this with reference to Cunningham. It is correct to say that Satrakh as present is situated in Barabanki District. "Satrakh" and "Satrikh" are the names of one and same place.

Learned advocate cross examining the witness draw the attention of witness towards the matter – "Babar later on again accepted the Sunni Sect", written in the tenth and eleventh lines at page No. -25 of his statement dated 8.4.2005. Witness said that Babar had again accepted the Sunni Sect because political and administrative position of Babar had became very strong in Kabul and he had established himself as an independent ruler during the period 1514 to 1525. Therefore, there was no justification to remain under the control of ruler of Iran. In my view this was not an act of opportunism but it would be appropriate to say that it was more as adjustment with the then political situation. Consequent to acceptance of Sunni Sect by Babar, no changes were effected with his relation with Shah Safvi of Iran.

Learned advocate cross examining the witness draw the attention of witness towards the matter – “Battle of Ghaghra was fought” written in the last line of para first of his statement dated 8.4.2005 at page –26. Witness said that from the words “Battle of Ghaghra” means, the battle fought at Baxaur. There was a reference about Ghaghra and battle of Ghaghra, in Babarnama. Battle of Ghaghra was fought in between the ruler of Bengal, Nusrat Shah and Babar.

Learned advocate cross examining the witness draw the attention of witness towards the part “to construct a building for his own use” of his statement at page –27, dated 8.4.2005. Witness said that with which motive the building mentioned in it, was constructed is not clear. Because time-period of construction and the name of constructor was available in the records but the purpose was not mentioned. It is not mentioned that this building was constructed to be used as a mosque.

I have stated in my statement above that I have little knowledge about modern history. I know about Nawab Shujauddaula. I know about the Afghan war of Nawab Shujauddaula.

Question: I am to say that Nawab Shujauddaula had sought help from Marathas in the war with Afghans in 1756. What you have to say in this regard?

(Upon this question learned Advocate Shri Abdul Mannan has raised an objection that this question is not relevant. Hence such question cannot be allowed.)

Answer: It is correct to say that the reference about seeking help from Marathas is available.

I do not know about Radhawa, agent of Marathas. I have no knowledge about the conditions, on which Marathas had offered or not to help to Shujauddaula.

Question: I am to say that Marathas had laid an important condition before Shujauddaula that Shujauddaula will give the three temples (the then disputed) of India back to Marathas.

(Upon this question, Learned Advocate Shri Abdul Mannan has raised an objection that this question is not relevant. Hence cannot be allowed.)

Answer: I would be able to say only after seeing and confirming the reference.

Learned advocate cross examining the witness draw the attention of witness towards para -13 of his examination in chief affidavit. Witness said that the words "Rubbles of temple were used for" were used in the last two lines of this para. From this I mean, Pillars of Kasouti Stones were used. Figures were engraved there upon. The pillars used, are as it is. I have stated this on the basis of references available in the numerous books.

Learned advocate cross examining the witness draw the attention of witness towards para -13 of his examination in chief affidavit. The word "First ever" was used in second line of this para, which I mean that this is being continued for long time and not for a particular time. The word "traditionally" used in the third line of this para, which I mean a system, which, has been developed not

from years but from the ages. This means an established faith, belief and thought is a tradition.

I recognize the author who produces his thought on the basis of evidences. All the events written by the author, who write history while being under the protection and patronage of particular king, are not wrong or credible. Their viewpoints and the then situation have to be scrutinized in depth. Thereafter only facts can be produced as evidence. If an author, under the protection and patronage of a particular King, writes the history, he would definitely write much about the said king and in these circumstances his credibility will not be beyond doubt as his viewpoint will have the bearing of imperialism. The credibility of two category of historian mentioned above, cannot remain impartial at every place. And it is also cannot said that their entire writings are full of partiality. My personal view is that the fact based on the historical evidences and contemporary references would be much nearer to the history and any author can produce it.

Prior to the building at the disputed site, which was demolished by Meerbaki, there was a temple renovated by Govind Chand of Gaharwal Dynasty. This was referred in "Raghuvansh" by Kalidas, it means, temple was there during the Gupt-period.

Age of Ayodhya was referred in Ramayana, Mahabharata or Purans. This remains a holy place, politically and administratively an important place being a birthplace of Rama.

(Cross-examination by Shri Tarun Jeet Verma, Advocate, on behalf of Nirmohi Akhara, plaintiff of Other Original Suit No. -3/89, concluded.)

(No Cross-examination from this witness was conducted by Learned Advocate Shri Madan Mohan Pandey, on behalf of defendant of Other Original Suit No. -4/89.)

(No Cross-examination was conducted by Learned Advocate Kumari Ranjana Agnihotri on behalf of defendant No. -20, Learned Advocate, Shri Ved Prakash and Shri Ajay Kumar Pandey of Other Original Suit No. -5/89.)

(No Cross-examination was conducted by Learned Advocate, Shri Puttu Lal Mishra and Shri D.P. Gupta, Advocate on behalf of plaintiff of Other Original Suit No. -1/89.)

(Except the defendant, Other Original Suit No. -4/89 and defendant No. 4, 5, 6 and 26 in Other Original Suit No. -5/89, none on behalf of any defendant was present for conducting Cross-examination.)

(Cross-examination by Shri Abdul Mannan, Advocate on behalf of plaintiff No. 9 and 10/1, Mahmood Ahmad and Mohammad Farooq, begins.)

XXX XXX XXX XXX

Gazani is a city, presently in Afghanistan. King of Gazani was the ruler. Because Mahmood Gazni was from that city, so the word "Gazni" was used with his name. Mahmood Gazni was not the first invader; India was invaded, prior to him, at a number of times. Mohammad Bin Kasim of Arab had, in the year 711 -712, attacked the

frontier of Sindh of India. Even before this persons from Arbas countries had attacked Sindh also. References about five attacks are available. So far I know southern part of Hindustan was not attacked during that time. Mohammad Bin Kasim attacked the Sindh area first in 711-712. The ruler of Sindh, Dahir was defeated in this battle and Mohammad Bin Kasim conquered the place called "Brahmanavad".

Invaders from Arab had conquered the Sindh province and ruled over for 300 years continuously. Details in this regard are available in "Chachnama" by Badrechach. Mahmood Gazni attacked on Hindustan in 1000 A.D. Mahmood Gazni was from Gazni. Gazni attacked upon Hindustan through Punjab. At that time Delhi was under the rule of Chauhans'. Mahmood Gazni attacked upon Hindustan continuously from 1023 to 1027. In the book written by Prof. Mohammad Habib, the numbers of attacks were mentioned as 10-11, whereas other historians says that he attacked at 17 times during the period of 25 years. After these attacks, his kingdom extended up to Punjab excluding Delhi. These attacks were launched at different times. Invaders caused destructions, ransacked and went back. I do not remember at present if the rule of Chauhans' remained over Delhi during the period of 25 years when Gazni attacked on Hindustan. I will tell you after sometime about this. Mahmood Gazni attacked on Kannauj, Mathura, Somnath. At the time of attack by Mahmood Gazni, Kannauj was under the rule of Rashtrakoot. Rashtrakoot is regional name who was ruling the Kannauj. They also had relation with the Southern part i.e., Southern States. Rashtrakoots were not the residents of north Kannauj and also not from Southern States. These people had come from the frontier of Southern States, but I would not be

able to state in detail about this. These people had not come from the areas near to Bombay because this place was far away in south from Kannauj. For how long Rashtrakoots were living there when Mahmood Gazni attacked Kannauj, I cannot say. I have read the Indian History and Medieval period. Rule of Kannauj, during the period of Gaharwal, was up to the border of Bengal. In the west, Punjab and at present Rajasthan were not under his rule. Their rule extended from east, U.P. except Nepal, present Kannauj, Ayodhya, Faizabad, Varanasi, Barabanki and some parts of the present Bulandshahar were covered excluding present Bihar. Volunteer : that I have given details in this regard in para -7 of my examination in chief affidavit. Kashi Kaushik, present Allahabad, Bulandshahar was called Indrasthan and Kannauj were among the area under his rule. Rule of Gaharwal remained for about 100 years from 1085 to 1100. A rule of one king came to an end after 1100 but the rule of Gaharwal Dynasty continued till 1225-1226, up to the period of Harishchander S/o Jaichand. After the end of rule of Gaharwal, Iltutmish the ruler of Delhi had appointed his son Nasiruddin as Governor of Avadh.

King of Gaharwal Dynasty of Kannauj was the original resident of Kannauj. They did not come from outside. After the end of rule of Gaharwal Dynasty, Iltutmish had appointed his son Nasiruddin as a Subedar of Avadh. He controlled the situation to a large extent. After his death rulers of Delhi faced great difficulties in maintaining their control in this area. In this connection the name of a local leader, Prithu is described. Mihajuddin Siraj, in his book "Tabkate Nasari" had given the details about the battles and stated that Prithu remained alive, Delhi had no effective control over Avadh. The same situation continued during the period of Sultan

Balvan; even after the appointment of Subedar by Delhi. In 1393 up to establishment of independent rule of Sharki Sultans, Sultans of Delhi had strained relation with Avadh. Kannauj was in Avadh. Kannauj remained a part of Avadh province up to the period of Balvan. Volunteer : that Delhi had no direct control over the Avadh region ie not in the limits of Avadh region .Governor was living in Avadh and was in dispute with the local people and local powers. Avadh had no control up to Nepal border. So far I know, 12 districts of Avadh were not under the control of Delhi. Abul Fazal had for the first time in Akbarnama, stated it as a "Region". He talked about five provinces. I do not remember the name of those five provinces. These provinces were divided in five categories to facilitate the administration. I have no information whether "Kichhochha Sharif" was in the Avadh or not. According to my knowledge, King of Gaharwal Dynasty did not come from northern India i.e., Nainital, Gharwal etc. Rulers of Gaharwal were the followers of Hindu faith i.e., Vaishnav Religion. Rule of Gaharwal Dynasty was up to the western side of present Bulandshahar and not in south. I have no knowledge whether present Lucknow was under the rule of Gaharwal or not. In addition to the followers of Vaishnav Religion, followers of Buddha Religion, followers of Shaiv Sect were under the rule of Gaharawal. The followers of Vaishnav Religion only were in Ayodhya during the period of Gaharwals. There was no mention about Buddhist and Shaiv in Ayodhya. I have no knowledge if Jain Temples in Ayodhya were demolished during the rule of Gaharwals. As per my knowledge no temple belonging to Jain, Buddhist and Shaivs were demolished in 8th Century. During 8th and 9th Century, Ayodhya was the main center for Hindu Religion from the point of view of idol worship. I do not remember if there was any Jain or Buddhist temple in Ayodhya during 8th and 9th Century. I cannot say about

the minute differences in building construction art of Hindu Temples and Jain Temples but these two have the basic differences. In Vaishnav Temples there are Garbh Grih, Large Rooms and Pitchers whereas these are not found in Jain Temples. References to this effect are available in legends. Jhatak tales that in Jain Temples, pillars at the gate are decorated with engraved idols. Jhatak tales, I mean, the tales relating to the religious spiritual life of Mahabira. There are many tales relating to Mehabira and Kushinagar. But I did not possess the detailed knowledge in this regard. I have not been to Kushinagar. I have been to Sarnath near Banaras but I am not in position to say anything about it. I have been to Sarnath only once. There are many Buddhist temples in Sarnath.

I have not seen any Buddhist temple there. I did not stay there and came back on the same day. I went there for only 2 -4 hours. I have no information about the number of Buddhist temples in Sarnath. Mahatma Buddha delivered his first discourse in Sarnath.

Verified the statement after reading .

Sd/-

Bishan Bahad

11.4.2005

Typed by the stenographer as dictated by me in Open Court. In continuation to this suit may be listed for 12.4.2005 for further Cross-examination. Witness to be present.

Sd/-

(Hari Shankar Dubey)

Commissioner

11.4.2005

Before: Commissioner Shri Hari Shankar Dubey,
Additional District Judge/Officer on Special Duty, Lucknow
Bench, Lucknow.

Dated 12.4.2005

D.W. 13/1-3, Dr. Bishan Bahadur

(In continuation to dated 11.4.2005 Cross-examination on
an Oath by Shri Abdul Mannan, Advocate on behalf of
plaintiff No. -9 and 10/1, Mahmood Ahmad and
Mohammad Farooq, continued,)

I have no knowledge about the distance from Sarnath
to Banaras. I went to Sarnath about 10-12 years ago. I
have not seen any tourist place of Sarnath at that time. I
have not seen any Buddhist temple at Sarnath. I have
read in the book about the Buddhist temples in Sarnath
but I have not seen any temple individually. I have no
knowledge what type of place the Sarnath is. I went to
Sarnath with a person in connection with a work and came
back with him. So I cannot guess about that place.
Banaras is near to Sarnath but I have no knowledge if
Banaras is at a distance of five miles from Sarnath. I have
read in books about the Bodh Vihar in Sarnath. I could
not see the Sarnath fully because the person, with whom I
went to Sarnath, had a personal work there. I stayed at
Sarnath only two to four hours. I have not seen that place
of Sarnath where God Buddha delivered his first
discourse, because I did not have any opportunity to visit
there. I am lecturer of medieval history in the University.
I teach the students of B.A. and M.A. and direct the
research work for Ph.D. So far 22 students have got the
Ph.D. Degree under my direction. A few, among the 22
students got the Ph.D. in the ancient history subject and
none in Buddhist Literature. Only one student at present,

doing research in Buddhist Literature under my direction. He has completed two years. Researchers are not required to be taught but are required to be directed. They have to be helped in investigation, data collection etc. I have not stated anything about Sarnath to my student mentioned above, who is doing research work on Buddhist history, because Sarnath is not related to his research work. His work is to arrange the Chakma Buddhist History sequentially. "Chakma" is a name of a region and he wants to write the history of Buddhist people living in a particular region about which no fact has come up so far. He is getting the fellowship from I.C.H.R. The above researcher is doing research to find out where Chakma region in Hindustan is. There is possibility of this region being in Assam, Bengal and in foreign land and above researcher is doing research in that connection. The material collected by the above researchers is vetted by me and he was directed accordingly. I cannot disclose the fact collected by him during his research. It can be made public only after publication of thesis. Because the researcher have the right to keep this fact totally confidential till his thesis are published. I have seen the fact submitted before me and I have accordingly directed him but I am not authorized to intervene into and to made it public. I cannot divulge these facts. I am only a supervisor and have no right in this connection. The researchers have the privilege in this regard. The above researchers compiled data not only in India but also in foreign countries, wherever there is a possibility of getting any information. Since the student himself is a Buddhist so he has distinctive interest in this regard. The above mentioned student is a Buddhist promulgator. He had been to Indonesia, Kambodia etc. He is an Indian. I have no knowledge whether he requires passport for going to foreign countries or not. But he must be having a

passport because in absence of the same, he cannot travel aboard. I am not in a position to divulge the date, which he obtained from Assam. He went to Assam on a number of times in connection with his research work, but how many times, I cannot say. He must have visited the Northern Region of Assam but at which places he went, he did not tell me. I have not asked about this because I first evaluate the facts only, and thereafter guide him. Much information was obtained from the above researcher about Assam but I am not divulging anything till his work is published. Till that time, I cannot publish the relevant facts.

Question: Whether your above student also went to Bhutan?

(Upon this question Learned Advocate Shri Ved Prakash on behalf of plaintiff of Other Original Suit No. -5/89 has raised an objection that the questions asked for, was not relevant to any point of Suit. Fully irrelevant questions were asked to harass the witness. Hence such questions cannot be allowed.)

Answer: Yes. The above student also went to Bhutan.

As per my knowledge, most of the people of Bhutan are the followers of Buddhist Sect. I have no knowledge about the number of followers of Buddhist Sect and others. I have no knowledge if the people living in northeast region of Bhutan are the followers of Buddhist Sect or not. Because this is not the area of my study.

Question: What is the subject of your study?

(Upon the above question, Learned Advocate on behalf of plaintiff of Other Original Suit No. -5/89 has raised an objection that Learned Cross-examiner has asked this question at a number of times and time of Court is being wasted by asking a question time and again. Hence permission for asking a question repeatedly cannot be granted.)

Answer: Medieval history a subject matter of my study.

Mughal rule also comes under the Medieval Indian History. The rule of Mughal was Delhi centric but the area of Delhi kept on increasing or decreasing under the various Rulers. Mughal period was from Babar to Aurangzeb. Hence if asked about the area under a particular ruler, it can be explained whether his empire was from Delhi to Central India or not.

Question: Was Uttar Pradesh under the rule of Mughals?

(Learned Advocate Shri Ved Prakash on behalf of plaintiff of Other Original Suit No. -5/89 has raised an objection that since Uttar Pradesh was not under the rule of Mughals hence there is no need to ask such question. Hence permission cannot be granted to ask such questions.)

Answer: Avadh was not under the control of Mughals during the time of Babar. He had appointed Meerbaki after acquiring the area to look after the affairs there. He, according to available references, stayed there for one year and three months and thereafter left from there. During the time of Humayun also, this area was not under him.

During the period of Akbar, only in the form of one province in this region, was under the control of Mughals. During the time of Akbar, Lucknow and Barabanki were under the Avadh. The entire province was divided into five parts to facilitate the administrative affairs. Barabanki and Lucknow were two different provinces, Names of remaining three provinces are not remembered by me at present. Ayodhya at that time was under Avadh. Western and eastern region of Delhi i.e., east and west parts of Jamuna River were not under the rule of Babar. Situation of conflicts was there. Stability had been reached at, during the time of Akbar. Administrative control had begun. Avadh Province was under the Mughal ruler during the time of Akbar. Most of the area of Haryana and Punjab had been covered under the rule of Delhi. It is said that Mughal period came to an end with the period of Aurangzeb in 1707. Mughal period was not in existence after 1856, when British Empire had abolished the Badshahat. This rule came to an end with the period of Bhadur Shah second or known as Bahadur Shah Zafar.

It cannot be generally said about all Mughal rulers that they had committed atrocities on Hindus. But in particular circumstances, such as during war and while maintaining the peace and administrative provisions, they have, at the earliest opportunity, committed atrocities against Hindus and also carried out destruction. So far the present situation of Uttar Pradesh is concerned, in my personal opinion is that there is good governance.

Question: Is the Muslims' population in U.P. is seventeen and half percent of the total population of Uttar Pradesh?

(Upon the question Learned Advocate on behalf of Other Original Suit No. -5/89, has raised an objection that question asked for is neither in the interest of country nor it is related to the Suit. Also not related with the points raised in the suit because the view in this regard is different. It is not good for the country if people are known with the name of Hindu, Muslim, Christian and Parsi etc. It is not good for the country. Hence such question should not be allowed.)

(In reply to above objection, Learned Advocate Shri Zaffaryab Jilani, Advocate has raised a counter objection that the above objection raised by Learned Advocate of plaintiff Suit No. -5/89, is irrelevant and wastage of Court's time. Learned Advocate through this objection is unnecessarily, trying to record his viewpoint in the record of Court. Because constitution of India is Supreme, wherein it is provided that every follower of a particular religion has the right to live his individual life and Constitution of India gives them rights, as per their population and data of population is published after every ten years. Hence asking about the population of Muslims is neither irrelevant nor unconstitutional and not even against the interests of the country.)

(On the above objection raised by the Learned Advocate of Other Original Suit No. -5/89, Cross-examiner Advocate Shri Abdul Mannan has raised an objection that the question asked for by me about the population of Muslims under the Article -25 and 30 of the Constitution, is fully relevant.)

Answer: I have no knowledge about the data.

It is correct to say that Muslims ruled over Delhi up to 1857 in one or another way. Last emperor was so weak

that he spent his life in jail under the British Rule. It is correct to say that Hindus were in majority in east and west Delhi, during the Muslim rule up to 1857. Hindus also were in majority in Delhi. I have no knowledge about proportion of population of Hindus to others. Muslims were in majority in Golkunda and Bijapur, in the south, during the time of Aurangzeb, Muslims were also living in other parts.)

(Cross-examination by Shri Abdul Mannan, Advocate on behalf of plaintiff No. 9 and 10/1 Mahmood Ahmad and Mohammad Farooq, concluded.)

(Cross-examination by Shri Zaffaryab Jilani, Advocate on behalf of plaintiff No. 1, 6/1, 8/1 Sunni Central Board of Waqf, Jiyauddin, Maulana Mahfuzurrehman, begins.)

XXX XXX XXX XXX

I have done in-depth study about the Medieval History from 1206 to 1757 and also teach it. The main authenticated books, I have read in this regard, are as under:-

1. Tabkat-e-Nasiri – by Minhazuddin Siraj.
2. Tareekh-e-Ferozshahi –by Jiyauddin Barni.
3. Tareekh-e-Ferozshahi –by Shamshiraz Afif.
4. Tareekh-e-Slateen-e-Afghana –by Ahmad Yadgar.
5. Makhzan-e-Afghana –by Abdullah.
6. Tazul Maasir –by Hassan Nizami.
7. Chachnama –by Badre Chach.
8. Tareekh-e-Yamini –by Al Utavi.
9. Tareekh-e-Rashidi –by Mirza Haider.
10. Tuzuk-e-Babri –by Babar.
11. Humayunnama –by Gulbadan Begum.
12. Tazkirtul Wakeyaat –by Johar.

13. Tareekh-e-Shershahi –by Abbas Khan Sarvani.
14. Akbarnama –by Abul Fazal (Aain-e-Akbari is a part of it).
15. Tabkaat-e-Akbari –by Nizamuddin Ahmad.
16. Muntkhabutwareekh –by Abdul Kadir Badayuni
17. Tuzuk-e-Jahangiri –Autobiography of Jahangir.
18. Padshahnama –by Abdul Hameed Lahori.
19. Alamgirnama –by Khafi Khan.
20. Dil-e-Nakush –by Bhimsen.

In addition to above books, I have read many other books, but the above books are recognized as then source books. Muslims rule was there in Delhi from 1206 to 1757. Some local rulers had ruled some other regions beside Delhi. Some regions were under Delhi, these regions keep on changing from time to time.

Daulat Khan Lodi, Governor of Punjab, appointed by Sultan Ibrahim Lodi of Delhi, invited Babar, when Babar attacked at the last time. No Hindu king had invited Babar to India. I have based upon the Tuzuk-e-Babri for the above facts. Tuzuk-e-Babri, which is in Turkish Language, was translated in to Persian Language and from Persian to English. I have read its English Translation and also Hindi Translation by Sayeed Athar Abbas Rizvi. I have no knowledge whether Sayeed Athar Abbas Rizvi was a reader of History in Aligarh University or not, but his above book was published by the History Department of Aligarh University. Sayeed Athar Abbas Rizvi rendered Hindi Translation from the English book by Arskin Layden. This book is translated into English from the book written in Persian. I have also read the Persian text of Babarnama kept in Hyderabad and referred it in my book. I have read the book by Sayeed Athar Abbas Rizvi during my study and also have been reading its particular references after that period. The book of Sayeed Athar Abbas Rizvi is not available with me at my residence.

Translation rendered by Sayeed Athar Abbas Rizvi is reliable to the large extent.

Babarnama, which is in Turkish Language, was translated by Bevirij in English. I have read its some parts and not the whole book by S.S.Bevrij. I have read the book translated from Babarnama by "Eliot and Douson". Its volume -4 contains the extracts from Babarnama. I have also read a part of Babarnama, in English by Arskin and Layden. Babarnama was written by Babar himself. Babar was a great scholar. Original Babarnama was written according to the dates. It can be called a diary of Babar. Babarnama contains the history of India from 1519 when Babar attacked upon India for the first time. Babar returned from Punjab during first attack and he could not reach Punjab in the second attack. He came up to the Sindh in second attack. During the first attack he was faced by the tribes of Bajoure. Bajoure were Muslims. Second time he was faced by local Afghan Tribals from Bajoure to Bhera, these people were also Muslims. The third time Babar came up to Punjab where he had to face Daulat Khan Lodi, Governor of Ibrahim Lodi. Babar went back from there. Fourth time, when Babar again attacked he was faced by Daulat Khan Lodi but he entered in to an agreement with Dilawar Khan S/o Daulat Khan during the war. After this, Punjab came under his control. After fourth attack Babar went back because he had made an agreement with Alamkhan Lodi, uncle of Ibrahim Lodi, too. He fought the fifth battle with Alamkhan Lodi in Punjab because the agreement was over by then. Later Babar fought a battle of Panipat with Ibrahim Lodi, in which Ibrahim Lodi was defeated and after this battle he became the ruler of Delhi. It happened in 1526. Up to 1526, Babar reached Panipat from Punjab and He could not reach to any other place of India. It was referred in

the book "An Empire Builders of the Sixteenth Century" that after establishing himself in Delhi, he had given top priority to defeat the Afghan Sardars appointed by Delhi or who had declared themselves as an independent ruler and Rajputs. He fought a battle with Rajputs at a place called Kanwa, at a distance of ten miles from Fatehpur Sikri. There Babar defeated Rana Sanga in this battle. At that time Bayana, Dhaulpur and Gwalior were under the Babar. Babar had also fought a battle with Rajputs with Mednirai at Chanderi. Babar won the battle. Thus Babar's Empire spread over to Malwa, the capital of which was Chanderi. At present, this region is in Madhya Pradesh. This incidence took place in 1527. Thereafter Babar went towards Uttar Pradesh, where Baizeed and Babban, Afghan Sardar, were ruling independently. At that time Baizeed was the independent ruler of Kannauj and Avadh region. Babban was ruling Lucknow. Baizeed and Babban were supporters of each other. Babar came to Lucknow via Kannauj. Kannauj was conquered. Babar from Kannauj via Lucknow, came to Ayodhya. Babar stayed at the bank of Saryu at a distance of two to four miles from Ayodhya. He camped there from 28th March 1528 to 2nd April 1528. Before Meerbaki, Ayodhya was under the control of Baizeed. Meerbaki was a commandant to Babar. He was deputed by Babar to take control of Administration and military formation in Ayodhya. From there Babar went back to Agra to fight with Afghans, who were gathering in Bengal. I agree with the view of A.S Bevrij, that the place, where Babar camped, was in Ayodhya. Babar stayed in the north of Saryu River and Ayodhya was inhabited up to the southern part of Saryu River. I have no knowledge about this, at present Ayodhya is inhabited up to the southern part of Saryu River and not towards north of Saryu River. I agree with the view of William Finch that Ayodhya was fully and densely

populated at the time when Babar stayed near Ayodhya. Its population was more than thousands. Heinz Backer had written in this regard in his book. But I do not remember at present the details given by him. No details were given about buildings, temples and mosques in Ayodhya, in Babarnama. There is no reference in Babarnama that Babar had faced any resistance in Ayodhya while taking its control. Witness himself said that Babar's reaching Ayodhya and boosting the morale of soldiers, proves that Meerbaki had to fight heavily with Afghan soldiers. Dr. Radheyshyam has referred this conflict in his book "Babar". As per my knowledge there is no reference in any book that Meerbaki had faced any resistance in Ayodhya. Meerbaki came to Ayodhya much before Babar. He had to face the resistance from Afghan Soldiers, when he came to Ayodhya. No battle was fought in between Hindu Kings and Meerbaki.

Babar after going from Ayodhya never came back there again. No reference is available in any book about the successor of Meerbaki. Babar met Meerbaki in 1529 and thereafter he never came back to Ayodhya. As per my knowledge Babar met Meerbaki at Sambhal, at present situated in Moradabad. No reference is found in Babarnama from 2nd April 1528 to 18th September 1528. Description from 18th September 1528 to 1530 is available in Babarnama. No reference is available in Babarnama about demolition of any temple or construction of any mosque in Ayodhya during the period from 18th September 1528 to 1530. Babarnama contains the details about demolition of idols of temples and construction of any mosque at other places. Babarnama contains the appreciation about an art of idols but they had not accepted it. Babar had given order to demolish some Jain temples. Reference about this is found in the book "Crescent of India" written by Prof. S.R. Sharma.

According to Babar, he had ordered the demolition of the idols, which were naked and obscene. He not only ordered to destroy the naked part of idol but to destroy the face also. On one side he ordered to completely destroy the idols and on the other hand appreciated the arts, which proves his contradictory character. It is correct to say that Babarnama does not contain the details about destruction of naked part of the idols excluding other parts. But his employees had destroyed the other parts of the idols also. Babar died in 1530 but the date and month I don't remember. Babar died in Hindustan. He was burried in Kabul according to his will.

I have seen the book written by Yugjeet Nawalpuri, which is a translated version of Babarnama. I have read the translated version of Babarnama by Athar Abbas Rizvi and not any Hindi translated version. I have read the Babarnama written by Talbot in English.

I have, on the basis of book "Babar" written by Dr. Radheyshyam, mentioned in my examination in chief affidavit that Meerbaki had demolished the RamJanambhoomi temple situated at the disputed site in Ayodhya. My answer in this regard is also based on the book "Crescent of India" written by Prof. S.R. Sharma, beside the book "Babar" written by Dr. Radheyshyam. My conclusion is also based upon the other books, names of which are not remembered by to me at present.

Verified the statement after reading

Sd/-

Bishan Bahad

12.4.2005

Typed by the stenographer as dictated by me in the Open Court. In continuation to this suit may be listed for further Cross-examination for 13.4.2005. Witness to be present.

Sd/-

(Hari Shankar Dubey)

Commissioner

12.4.2005

Before: Commissioner Shri Hari Shankar Dubey,
Additional District Judge/Officer on Special Duty, Lucknow
Bench, Lucknow.

Dated 13.4.2005

D.W. 13/1-3, Dr. Bishan Bahadur

(In continuation to dated 12.4.2005 Cross-examination on an Oath by Shri Zaffaryab Jilani, Advocate on behalf of plaintiff No. -1, 6/1, 8/1, Sunni Central Board of Waqf, Jiyauddin and Maulana Mahfuzurrehman, continued.)

I have studied the history books concerning to RamJanambhoomi Babri Mosque dispute but not any other book written independently concerning to the dispute. Learned advocate cross examining the witness draw the attention of witness towards book exhibit O.O.S. -5 -3 filed in Other Original Suit No. -5/89. Witness said that I have not read this book written by Shri Thakur Prasad Verma and Shri Swarajya Prakash Gupta. I have not seen this book before. I have heard about this book but have not tried to know about this book. I have got the information about to depose in this suite, 15 -20 days before. On receiving the information, I immediately gave my consent to depose in. Some one met me with reference from Shri Dharmdas. He had asked me whatever I Know on the subject , can I depose in the suit. I gave him my consent. Volunteer : that I did not meet Dharmdasji. I had given my consent in the same way in which prior consent is taken from me to participate in the conference. I have prepared my examination in chief affidavit draft on 6th April 2005 at Lucknow. On the basis of this draft, Shri Rakesh Pandey, Advocate has prepared the affidavit.

Learned advocate cross examining the witness draw the attention of witness towards para -13 of his examination in chief affidavit. Witness said, I prepared the draft of para -13 at Aligarh and brought it with me. I have read in the newspapers about the main dispute points of the suit. I got the information about the dispute points in the suits pending in this case from newspapers only. I have prepared an affidavit on the basis of newspapers. About the building referred in para -13 of my examination in chief affidavit, I have read about it in the book mentioned below in addition to the books referred in my statement concerning to medieval history:-

The Religious Policy of the Mughals - by Prof. S.R.Sharma.

In addition to this, I do not remember the name of any book, at present which I have read, in this connection.

In Indian History Congress, subject relating to archaeology is read, discussed and articles are read. I have no knowledge if articles concerning to the disputed subject of Ayodhya was read in the conferences of Indian History Congress, after 1986, or not. Because I have participated in such conferences only in the political, economic and social subject sessions and that is too about the medieval Indian History period. In my view, if the articles were read, these must had been read in the sessions concerning to archaeological study. Prof. Sheerin Moosavi was the Secretary of Indian History Congress for once. She was a Professor of History in Aligarh Muslim University. I knew her very well. She is also a professor of medieval period. Prof Irfan Habib has also been a Professor of medieval History in Aligarh Muslim University. We know each other very well.

Knowledge of the then language i.e., Persian language is desirable and not essential for studying the medieval history. These who have no knowledge of this language, they do manage their study on the basis of translation. I have no knowledge of Persian language. I have done my research on the basis of obtaining knowledge from the scholar of Persian Language and confirming it from other sources. I can not read but understand and speak Urdu. Volunteer : that I have viewed Dakhini Urdu. Prof. Athar Ali was a professor of medieval history in Aligarh Muslim University. He had since expired. Educational world cannot ignore the contribution made by Prof. Irfan Habib, Prof. Athar Ali and Prof. Sheerin Moosavi in the field of research. Prof Irfan Habib is recognized as an international level Historian in the field of medieval history. Prof Athar Ali has done research in connection with medieval history particularly to Aurangzeb's period and has written a book in this connection. I have the knowledge about one of his book. Prof. Sheerin Moosavi has also done research in medieval history and has written a number of articles. But I have no knowledge about any of her book. She has a good knowledge of Persian Language.

I have heard the name of Prof. Ram Sharan Sharma. I have seen two books written by him but have not read any. His field was ancient Indian History. He was a Professor in Delhi University and Chairman of Indian Council of Historical Research. I.C.H.R is recognized by Central Government. Prof D.N.Jha is a professor of Ancient Indian History in Delhi University. Prof. Surajbhan is associated with Archaeological Department and was a head of Department of Ancient Indian History in Kurukshetra University.

Learned advocate cross examining the witness draw the attention of witness towards document No. 110 C – 1/96 in Other Original Suit No. –5/89 – "Babri Mosque and Rama's birthplace – Historians' report to the Nation" written by R.S. Sharma, M.Athar Ali, D.N.Jha and Surajbhan. Witness after seeing it said that I have not seen the report.

Learned advocate cross examining the witness draw the attention of witness towards document No. 308 C –1/1 to 308 C –1/8 of Other Original Suit No. –5/89, a photocopy of the article written by Prof. Ram Sharan Sharma. Witness said that I have not read it.

Learned advocate cross examining the witness draw the attention of witness towards document No. 108 C – 1/10 to 108 C –1/15 of this Suit which is a copy of the report "Eastern Indian School of Medieval Sculpture" written by R.D. Banerjee. Witness after seeing it said that I have not read this book, because it relates to Archaeology.

Learned advocate cross examining the witness draw the attention of witness towards document No. 302 C –1/1 to 302 C –1/9 of the above Suit, which is an extract from the book Temples of India published by Publication Division, Ministry of Information and Broadcasting. Witness said that I have not seen the book.

Learned advocate cross examining the witness draw the attention of witness towards document No. 301 C –1/1 to 301 C –1/4, the extract from the book "Society and Culture in Northern India in the Twelfth Century" written by B.N.S. Yadav. Witness said that I have read some parts of this book. In my view, economic study contains in the

book is authentic and I have used it in my research work. One chapter in this book is about the religion also. I have also studied this chapter. But I do not remember at present the references of it.

Learned advocate cross examining the witness draw the attention of witness towards document No. 300 C -1/2 (page -36) of this book. Witness said that the reference given by Dr. Yadav in first two paras of the title "Vaishnavism" is correct. The petrography referred in by Dr. Yadav is correct. Description given at page No. -357 of this document, is correct in respect of Rajasthan.

Upon inviting the attention of witness towards second para at this page, witness said, after reading it that I have no knowledge about the facts written in it about Bengal.

Upon inviting the attention of witness towards para four at page No. -358, witness after reading it said that I agree with the facts written therein. In my view, the facts written in the para, under title "Avtarwad" at this page, running in to next page, are correct.

Upon inviting the attention of witness towards second para at page No. -358, witness said, after reading it that the reference about Kshemendra and Jaidev, given therein is correct. I cannot give comments on the other points given therein because these are concerned to philosophy.

Upon inviting the attention of witness towards fourth para at this page; witness said that Avtarwad has been linked with social reforms and the back- ground to Bhakti movement has been associated with the social reform movement. These are the individual views of Dr. Yadav. There are other aspects also. Learned advocate cross

examining the witness draw the attention of witness towards the matter written under the title "Krishnacult" in second para at page No. -359 of the above book. Witness after reading it said that the tradition of Krishna adoration, during the period of Kushan, Gupt, Pal and Chalukya, given in this para are correct because the same tradition was before that also. The references about the tradition of engraving the Krishna Leela in Jain Temples of Mount Abu, in 11th and 12th Century, is not seen elsewhere. The facts written therein are correct. There is a reference about it in "Rajtarangani" of 12th Century written by Kalhan. There was reference about Jaidev and Nimbark of 11th and 12th Century, in this para. Jaidev is an author who has written "Geet Govind". Nimbark was a Saint. Learned advocate cross examining the witness draw the attention of witness towards the matter written under the title "The Ramcult" at this page. Witness after reading this said that the matter written in it is correct. Learned advocate cross examining the witness draw the attention of witness towards the matter written under the article - "The enforcement of Vaishnavism", in this para, running in to page no.360. Witness after reading it said that the devotion of Jaidev and Nimbark was the cause of raising Bhakti movement but not the sole reason. Most of the facts written therein are correct. Nothing is wrong in it. But it is possible that there may be other point of view.

Religious importance of Etah and Khajuraho was less than Ayodhya during 11th and 12th Century. I have not read the book "Rajtarangini".

Learned advocate cross examining the witness draw the attention of witness towards document No. 301 C -1/1 to 301 C-1/3, "The Sharki Architecture of Jaunpur" written by "Fuhrrar". Witness said that I have not read the above

book. The period of Sharki architecture as related to medieval history. Atala mosque situated at Jaunpur is referred in this book, who constructed this mosque, I do not remember.

Learned advocate cross examining the witness draw the attention of witness towards document No. 298 C -1/1 to 298 C -1/5 of the above Suit, a book "An encyclopedia of Indian Architecture", by A. Ghosh. The witness after seeing it said that I have not read this book. It is understood that A. Ghosh He was a Director General of I.S.I. This book was published by Indian Council of Historical Research. This organization has the importance in the field of history. Volunteer : that there might be dissimilarity in the views expressed in the books published by this organization. I have heard the name of book "Fawaydul Fawad" but not read it.

Learned advocate cross examining the witness draw the attention of witness towards the application No. 31 (O)/2001, dated 19.11.2001 filed along with the extracts of book at Sl. No. 1 in Other Original Suit No. -4/89. Witness after seeing it said that I do not know the name of author of the book Fawaydul Fawad. The extracts of the book, given in miscellaneous application No. 31 (O)/2001 are in Persian. I do not know this language. I have no knowledge of this fact if it is an important book of 14th and 15th Century or not.

I have heard about the book "Khairul Majalis" referred at Sl. No. 3 along with the miscellaneous application but not read it. Volunteer : that there are other books also, which are important. I cannot say about the period of the book "Khairul Majalis". Kahleek Ahmad Nizami, Professor of Department of History, in Aligarh

Muslim University, edited this book in English. I have no knowledge, which period "Sheikh Nasiruddin Chirag Dehlavi" belonged to. I do not know what relation he had with Ayodhya. I have not read the book "Khula-Satut-Twareekh" and I have no knowledge about its author. I have heard the name of Sujan Rai but not of Sujan Rai Bhandari. The petrography fixed in the disputed Bhawan was published by I.S.I in Epigraphia Indica in 1965. I have not read the original book but I have seen the extract published in the book by Abbas Rizvi and Prof. Radheyshyam.

Learned advocate cross examining the witness draw the attention of witness towards the extracts given in miscellaneous application at Sl. No. 7. Witness said that the plate of petrography, as given at page No. 59, 60, and 61 of this para, is given in the book by Athar Abbas Rizvi and Prof. Radheyshyam.

Verified the statement after reading

Sd/-

Bishan Bahad

13.4.2005

Typed by the stenographer as dictated by me in the Open Court. In continuation to this suit may be listed for further Cross-examination for 15.4.2005. Witness to be present.

Sd/-

(Hari Shankar Dubey)

Commissioner

13.4.2005

Before: Commissioner Shri Hari Shankar Dubey,
Additional District Judge/Officer on Special Duty, Lucknow
Bench, Lucknow.

Dated 15.4.2005

D.W. 13/1-3, Dr. Bishan Bahadur

(In continuation to dated 12.4.2005 Cross-examination on an Oath by Shri Zaffaryab Jilani, Advocate on behalf of plaintiff No. -1, 6/1, 8/1, Sunni Central Board of Waqf, Jiyauddin and Maulana Mahfuzurrehman, continued.)

English translation of plate No. 4 at page No. 59, 60 and 61 of the extract of book referred at Sl. No. 7 of miscellaneous application No. 31 (O)/2001 of Other Original Suit No. 4/89, is correct. Hindi version of this plate rendered by Athar Abbas Rizvi is conformable to English translation. Witness, on seeing the "appendix - D" at page No. 659 and 660 of the "Mughal Kaleen Bharat - Babar" (by Athar Abbas Rizvi, Translation of Tuzuk-e-Babri) which he brought with him, said that the Hindi and English translation both are emerging with same meaning. At the comments given below in the "appendix -D" of the above book by Athar Abbas Rizvi, 935 Hizri has been shown as 1530. It is not correct. This may be due to a printing mistake. At page 59 and 60 of the book Epigraphia Indica (at Sl. No. 7 of miscellaneous application No 31(O)/2001 of Other Original Suit No. 4/89) 935 Hizri has been shown as the year 1528-1529. It is correct. Translation given in Epigraphia Indica is more correct.

History of epigraph is very important to know about history. It is very clear from the above epigraph that Meerbaki, commandant of Babar had constructed the disputed building. Babar had himself not constructed the building. The petrographies fixed in it are in Persian. There are two petrographies, one fixed at the outside of the disputed Bhawan and another is installed inside.

I have mentioned about "William Finch" in my statement. In reference to the medieval history his journey detail holds very important place. Journey details of William Finch were published in the book written by "William Fester" the extract of which has been filed as a part of book at Sl. No.-8 in miscellaneous application No. 31 -O/2001. The period of visit by "William Finch" to India given, as 1608 to 1611 is correct. In the third para at page No. 175, running in to page No. 176, Agra, Lucknow, Kannauj, Avadh and Ayodhya etc. are mentioned.

"Potan King" was mentioned in the third line at page No. 176, which means the then ruler of Delhi and same was referred to it. "Potan King" means the kings of Mughal period. A particular region of Ayodhya was referred in this para, which is in demolished condition. A four hundred years old fort was referred at the same place, which was in a dilapidated condition.

The matter written in the fourth and fifth line at page No. 176 means there were the ruins of Forts and buildings of Ramchanderji. Volunteer : that this does not mean that this was the fort, constructed by Ramchanderji. It becomes quite clear from the journey details of "William Finch" that he had conducted a detailed survey of Ayodhya. In the detail given in seventh line at page 176, William Finch had mentioned the ruins of Ayodhya, faith

and belief of the people of Ayodhya and also his viewpoints. He, explaining the faith of the then people said that this tradition was, as per their faith, four-lakh year old. He also referred a cave i.e., narrow route, at the bank of river. It is said that remains (bones) of Ramchanderji were buried there. William Finch mentioned about the black rice, having gunpowder colour, found at that place and also mentioned about the faith of people that a huge wealth is buried under the ruins. William Finch has also mentioned in the last 6 lines of this para that Ayodhya was a big centre of commercial and economic activities at that time. He has also written that a number of items were used to prepare different things there with the horns and skin of animals. He also mentioned that animals were used to be hunted there. He also mentioned that the items prepared from their horns were sold at very good prices abroad. It is said that these items were costlier than the items of Gold. It is also written that these items cannot be compared with the items of diamond i.e., these were more costly than the items prepared from diamond. In second para at this page there is reference of going from there to Akbarpur to Varanasi and from Varanasi to Jaunpur by William Finch. He referred a bridge at Jaunpur and compared it with a bridge of London. He also referred a Fort there. Witness said that the "Potan King" referred therein but I am not familiar with word "Potan". It is correct that William Finch had not referred any particular place, where Ramchanderji was born and people's faith about the birthplace of Rama. But he referred that Ayodhya is connected with very long tradition. William Finch had not pinpoint at any place in Ayodhya where a mosque was constructed by demolition of a temple.

Learned advocate cross examining the witness draw the attention of witness towards the extract of a book referred at Sl. No. -9 of document No. 31(O)/2001, miscellaneous application. Witness said that I have not read the book written by "Gopal Narayan Bahura" and "Chandermani Singh".

During my study of medieval history, I have read the literature written by Tulsidas but not in depth. I have viewed "Ramcharitmanas" but viewed Valmiki Ramayana more. I have viewed other literatures by Tulsidas like - "Kavitawali" and Geetawali", but not in depth. I would not be able to say the numbers of books written by Tulsidas. Upon inviting his attention towards the book "Sikh Itihas main RamJanambhoomi" written by Shri Rajinder Singh, witness said that he had not seen the book before and have only heard about the book. I have neither met nor know Shri Rajinder Singh, author of "Sikh Itihas main RamJanambhoomi".

Upon inviting his attention towards the book "Ayodhya Ka Itihas" written by "Avadhwasi Lala Sitaram", filed in the Other Original Suit No. -5/89 (document No. 107 C -1/122), witness said that he has not seen this book. I have not seen this book before today.

Learned advocate cross examining the witness draw the attention of witness towards the author of book "Shri RamJanambhoomi" (document No. 107 C -1/54), written by Dr. Radheyshyam Shukla, witness said that neither he had seen the book nor heard about it. I have not read the reference this of book in any other book. Witness upon seeing the book "RamJanambhoomi through the Ages" written by J.C. Aggarwal and N.K.Chaudhary, witness said that he had neither seen nor read the book.

Upon seeing the new edition of 2001 of the book : "Ayodhya Ka Itihas" written by Avadhvasi Lala Sitaram, witness said that he had not read the book. Witness said that I have heard about the book "The Babri Masjid Question – 1528 –2003- A matter of National Honour", which is in two volumes, but not read the book. Upon seeing the book "Ayodhya Demolishing a Dream" by C.R. Irani, witness said that he has not seen the book. Upon seeing the book "Aaj Ke Prashan – Ayodhya Aur Usse Aage", edited by "Raj Kishore", witness said that he had not read this book.

Learned advocate cross examining the witness draw the attention of witness towards the book "Slouching towards Ayodhya", written by "Radhika Desai". Witness said that he has not seen the book. Similarly upon seeing the book "Aydhya Kiski? Na Ram ki, Na Babar ki; Boddhistava Lomash ki", by Balwant Singh Chawark, witness said that he had not seen the book.

Learned advocate cross examining the witness draw the attention of witness towards the book "Ayodhya the Final", by Koyanrad Alast, witness said that he has not read the book. I have also not read the book "Ayodhya the Case Against the Temple" by Koyanrad Alast.

I have not read the book "Voice of Conscious" written by Justice K.M. Pandey. I have not read the book "RamJanambhoomi Babari Masjid dispute and demolition episode" by Justice K.N. Mishra.

Learned advocate cross examining the witness draw the attention of witness towards the book "the disputed Mosque – a Historical Enquiry" written by Sushil

Srivastava. Witness after seeing this book said that he has read the book. I do not know "Sushil Srivastava", individually. I do not remember if I had ever met him or not in Indian History Congress or not.

I have not read the "Priya Kalptaru" by Laxmidhar Bhatt. I have not read the book "Kirti Prakash" edited by Pandit Vishnu Prasad Mahamahopadhyaya. I have not read "Skand Puran" and "Ayodhya Mahatamya" given in it. Separately I have not read the book "Ayodhya Mahatamya". I have not read the book "Twareekh-e-Avadh" by Kamulddin Haider Hussaini. I have not read the book "Memoirs of Zahiruddin Mohammad Babar" by John Layden. I have read the book "Mughal Empire in India" written by S.R. Sharma. I have read this book's edition in one volume. I have no knowledge if this book have now been published in two volumes. I have read very old Edition of this book. I have read its second edition much earlier.

I have not read the book "Babar" by Mohibul Hassan. I have not read the book "Jahangirnama" translated by Munshi Devi Prasad Din and edited by Dr. Raghubir Singh. I have read its translation by Bajratan Das. I have read the book "A short History of Aurangzeb" written by "Yadunath Sarkar". I have not read the book "Great Mughals" by Abraham Ireli. I have read the book "A History of India under the two first Sovereigns of the House of Taimoor – Babar and Humayun", which is in two volumes.

I have fully read "the History of India" by Eliot and Dousen, which is in many volumes. I have read the third and fourth volume of "A History of India" by R.C. Majumdar. I have read some relevant portion of "A

Journey through the Kingdom of Avadh" written by W.H. Sliman through my own perspective. I have also read "The Empire Builders of Sixteenth Century", by "Rushbrooks William".

I have not read the "RamJanambhoomi Ka Raktranjit Itihas" by Ramraksha Tripathi. I do not know Ramraksha Tripathi. Prof. D.Mandal was a professor of History in Allahabad University. I never met him. I have not read any book written by him.

I have no information about the "Indian History Congress" held in December 2001 because I have not participated in it. Sikh History also comes under medieval history. I have not read the book "The Evolution of the Sikh Community" by W.H. Macloyd, but I have heard about the name of its author.

Macloyd is a famous writer of History. I have not read any of his books. I have read only one Gazetteer edited by Nevil, concerning to Faizabad, published by British Government. I have heard the name of P.Karnegi but I have not read the book "Historical Sketch of Faizabad Tehsil – including the Capital of Ayodhya and Faizabad", written by him.

Verified the statement after reading

Sd/-

Bishan Bahad

15.4.2005

Typed by the stenographer as dictated by me it in the Open Court. In continuation to this the suit may be listed for further Cross-examination for 18.4.2005. Witness to be present.

Sd/-

(Hari Shankar Dubey)

Commissioner

15.4.2005

Before: Commissioner Shri Hari Shankar Dubey,
Additional District Judge/Officer on Special Duty, Lucknow
Bench, Lucknow.

Dated 19.4.2005

D.W. 13/1-3, Dr. Bishan Bahadur

(In continuation to dated 15.4.2005 Cross-examination on
an Oath by Shri Zaffaryab Jilani, Advocate on behalf of
plaintiff No. -1, 6/1, 8/1, Sunni Central Board of Waqf,
Jiyauddin and Maulana Mahfuzurrehman, continued.)

I have read the matter, written in para -9 of my
examination in chief affidavit, from second volume of Hindi
translation of the book "Bharat Ka Itihas", written by Eliot
and Douson. I have read the book in English by Eliot and
Douson and its translation in Hindi. Translation of
extracts from various books written in English in the book
by Eliot and Douson, was rendered by Eliot and Douson
themselves. The book in English by Eliot and Douson, is
"The history of India as told by its own historian".

The matter written in para -9 of my examination in
chief affidavit was taken from the extract given in book,
volume -2, written by Eliot and Douson, from the book
"Mirat -e- Masoodi" were given from page 513 to 549 in
the book "The history of India as told by its own
historians", written by Eliot and Douson in English. The
extracts from this book has been filed in Other Original
Suit No. 5/89 as document No. 315 C -1/1 to 315 C -1/10,
which is before me. Witness after comparing the above
extracts, filed as document No. 315 C -1/1 to 315 C -
1/10, with the original book by Eliot and Douson, said that
the extracts filed in the Court are in accordance with the
original book. Witness after reading the matter written

under title "Mirat -e- Masoodi" in above extracts given at page 513 (document No. 315 C -1/2), said that the language used in this, is of Eliot and Douson, which he has written on the basis of "Mirat -e -Masoodi". Learned advocate cross examining the witness draw the attention towards page -533 (document No. 315 C-1/3). There is reference that Sultan Masood went to Punjab before coming Delhi. Sultan Masood went to Ayodhya and stayed there. Sultan Masood also attacked on Ayodhya and then stayed there. Sultan Masood had also caused damaged to the temples of Ayodhya. The place, Hatila Ashokpur is not in Ayodhya. It is in Baharaich District. Salar Masood stayed in Ayodhya for more than a week. I am stating all these facts on the basis of a chapter "Mirat -e- Masoodi" of the book by Eliot and Douson. Extracts from page No. 514 to 531 of the above book by Eliot and Douson were filed by defendant No. 4 on 24.4.1989 in Other Original Suit No. 5/89, as document No. 319 C -1/1 to 319 C -1/9 along with the application. This extract is in accordance with the original book by Eliot and Douson, which is before me. Extracts given under "G" at page 513 (document No. 315 C -1/2) by Eliot and Douson is running in to page No. 514 and concludes at page No.515 (document No. 315 C -1/1). Extract at page No. 515 (document No. 319 C) at -1, chapter -1 is from the book "Mirat -e -Masoodi". "Twareekh -e- Mahmoodi" was referred in book "Mirat -e -Masoodi" at a number of times. This was referred at page No. 517 and 519 and at various pages. "Twareekh -e- Mahmoodi", was written by Mullah Mohammad Gaznavi. He was a servant of Sultan Mahmood Subuktgin and Mahmood Gaznavi. Details before the period when Salar Masood reached Delhi are given at page No. 530 in second para, document No. 319 C -1/2. Details about reaching "Ajudhan" i.e. Pakpatan (Punjab) was referred therein. This Ajudhan is not Ayodhya but it is Pakpatan

place of Punjab. In the last line, at page 530, Ajudhan by mistake was taken as Ayodhya. It was referred in the note at the end of page concerning to Ajudhan. From Ajudhan he went to Delhi. Delhi was at a distance of 150-200 Kms. from Ajudhan. It was referred in fourth and fifth line at page -531 that Rai Mahipal was a King of Delhi. Rai Mahipalpur faced Salar Masood because Salar Masood was resisted in Delhi. After this encounter he won Delhi and thereafter he went towards Kannauj from Delhi.

Learned advocate cross examining the witness draw the attention of witness towards page -533 (document No. 315 C -1/3). After a stay for 6 months in Delhi, Salar Masood went to Kannauj. In Kannauj he defeated Rai Ajaypal and pardoned him. From there he went towards Satrakh. It is written in last para at page 533 that it took him 10 days to reach Satrakh. In first para at page No. 534 (document No. 315 C -1/4) that Satrakh was a prosperous city of India. Salar Masood made Satrakh his Headquarters. From there he send his forces towards the four directions. He send Salar Saifuddin and Miyan Rajjab with the army. This is referred at page No. -535. On facing the shortage of food, he had called the Cahudharies of seven to eight sub-divisions. Among these Chaudharies, Chaudhary of Pipas, Adhur and Chaudhary of Amethi, Narhari had encouraged him. Salar Masood gave them money to bring food grain. Salar Masood gave them clothes. They had offered such things to him as a symbol of their acceptance of his dependence. Salar Masood sent Meer Bakhtiyar to Baharaich as a messenger. Meer Bakhtiyar was a brother of Salar Masood. Meer Bakhtiyar was killed on the way. So far I know, he had hardly reached up to Kannoor. Salar Masood sent his messengers towards Mohana, Gopamau and Banaras and he himself stayed at Satrakh.

Representatives of Princes of Karaha and Manikpur also met Salar Masood along with the presents. It is written in para -3 at page No. 536 (document No. 351 C -1/5) that Salar Masood was 18 years old at that time. It is written in the last three lines of second para at page 536 that Rai tried to kill him by poisoning but could not succeed. This description makes it clear that I have read this statement earlier also. I do not agree with the statement - " Salar Masood was poisoned". Volunteer : that poisoning was not reducing the apprehension of war. It is written in bracket at page 536 that "Salar Masood's mother died due to this war and his father went to see his son Salar Sahu". It was mentioned under Chapter -4, at page -536 and 537 that Salar Masood defeated the kings of Karaha and Manikpur. Kings of Karaha and Manikpur were arrested and sent to Satrakh. In para second at page -538 of the book (document No. 315 C -1/6) that Salar Saifuddin had asked for the reinforcement from Salar Sahu. Upon this Salar Masood, with the permission of his father tried to go to Baharaich. It is written in third para at this page that there was holy place name Surajkund on the bank of a tank, where there was a Sun-temple called Balarukh. This temple was recognized throughout the country. It is correctly written in the last para of this page that Salar Masood reached Baharaich on the seventeenth day of Shaban, 430 Hizri. One month after that day, he came to know through a letter that his father has expired and had been buried in Satrakh. I have no knowledge if tomb of Salar Sahu is still in Satrakh or not and a fair is organized there or not.

Question: I am to say that Satrakh town where the tomb of Salar Sahu is situated, at present is in Barabanki and is about at the distance of 100

Km. from Ayodhya. What you have to say in this regard?

Answer: Area of "Satrakh", as mentioned in "Mirat-e-Masoodi", was very vast. It might be possible that distance between Satrakh and Ayodhya was 100 Km. Both may be under one region. Because the area of Satrakh at that time was within a radius of 100 miles.

Question: I am to say that in 1032-33, area of Ayodhya and Satrakh was different. These were recognized as separate administrative units. What you have to say in this regard?

Answer: These areas may be separate administrative units, but on the basis of Cunningham, I am of the view that Satrakh and Ayodhya was one place. This means Ayodhya's name was Satrakh.

Question: Are you saying this on the basis of these so called opinion of Cunningham that Satrakh and Ayodhya were the name of one place?

Answer: I, only on the basis of Cunningham have said that Satrakh and Ayodhya is one and same.

I have read the viewpoint of Cunningham in the Hindi version rendered by Prof. Mathura Lal Sharma, of the book by Eliot and Douson. There is no chapter by the name of Cunningham in 2nd Volume of the book by Eliot and Douson. But Cunningham had been referred in it. I have not read any book written by Cunningham. Cunningham was famous by the name of General Cunningham. He was archaeologist. I recognize him as a historian because his viewpoints are regarded as an important view. He was also associated with Archaeological Survey of India. He

was Director General of this Organization. Cunningham has conducted archaeological survey in Ayodhya. Archaeological Survey means the survey of remains under the earth.

Question: Has Cunningham conducted any survey in Ayodhya by excavation?

Answer: Yes. He has conducted survey by excavation in Ayodhya before Fuharar?

There is an archaeological report prepared by him concerning to excavation in Ayodhya. I have not read the full report. I have read its part. I have seen the report in printed form. How many pages this report contains, I do not know; 100-200 pages or 400-500 pages. This report might had been printed by the name of "Archaeological Survey of Avadh". This survey was conducted in 1862. Year of publication of report is not known to me.

Question: I am to say that the title of the report of Cunningham, which was published by Archaeological Survey of India is - "For Reports made during the years 1862 - 63 -64 -65". No word "Avadh" and "Ayodhya" was included in this title. What you have to say in this regard?

Answer: It is correct to say that the word "Avadh" was not included in the title of this report. But Cunningham was referred in the book by Eliot and Douson.

Witness again said that I have not read the report by Cunningham, I have seen only its references in the book by Eliot and Douson.

Learned advocate cross examining the witness draw the attention of witness towards document No. 322 C -1/1 to 322 C -1/22, filed in Other Original Suit No. 5/89. Witness after seeing it said that I have not seen this report by Cunningham. I never felt the need to read this report after reading the extracts from the book "Mirat-e-Masoodi" written by Eliot and Douson.

Question: I am to say that Cunningham, in his report, have not written that Satrikh and Ayodhya is one and same place. What you have to say in this regard?

Answer: How I can say that Cunningham in his report have said that Satrikh and Ayodhya is one and the same when I have not read his report.

Learned advocate cross examining the witness draw the attention of witness towards the document No. 322 C -1/15 to 322 C -1/18, at page No. 293 to 296. Witness said that it is nowhere written in the details given at these pages under the title "Ayodhya" that Ayodhya and Satrikh is one and same. Witness after reading the above part said that it is correct to say that in the above pages under the title of Ayodhya, it is nowhere written that Satrikh and Ayodhya is one and same.

Learned advocate cross examining the witness has again drawn the attention of witness towards page No. 317 to 319 of the said report (document No. 322 C -1/19 to 322 C -1/21). Witness after reading the pages, said that Saket and Ayodhya both were used in this report for one place. Witness said that it was further written in it that Fahayan called it Vishakha and Sakshi. These names were also used for Saket and Ayodhya.

Question: I am to say that the matter written in the book written by Eliot and Douson that Satrikh and Ayodhya is one and same, by citing a reference of Cunningham, is not correct and not in

accordance with the factual position because Satrikh and Ayodhya never by name had been a one place. What you have to say in this regard?

Answer: It appears on the basis of report by Cunningham that Satrikh and Ayodhya are not the names of one place. But it is not correct to say that Ayodhya is not called Satrikh.

I do not remember at present the reference, I read in this regard.

Learned advocate cross examining the witness draw the attention of witness towards the last para at page No. 546 and 547 (document No. 315 C -1/10) of the book by Eliot and Douson. Witness said that this para contains the details about the death of Salar Masood. Details concerning to Salar Masood is running up to the second para at page No. 547. In the next para, author has pointed out his own viewpoint. There was no reference about the demolition of any building of a holy place of Satrikh and Ayodhya at page No. 513 to 547 of the above book by Eliot and Douson.

Verified the statement after reading
Sd/-
Dr. Bishan Bahad
19.4.2005

Typed by the stenographer who typed it in the Open Court as dictated by me. In continuation to this the suit may be listed for further Cross-examination for 20.4.2005. Witness to be present.

Sd/-
(Hari Shankar Dubey)
Commissioner
19.4.2005

Before: Commissioner Shri Hari Shankar Dubey,
Additional District Judge/Officer on Special Duty, Lucknow
Bench, Lucknow.

Dated 20.4.2005

D.W. 13/1-3, Dr. Bishan Bahadur

(In continuation to dated 19.4.2005 Cross-examination on an Oath by Shri Zaffaryab Jilani, Advocate on behalf of plaintiff No. -1, 6/1, 8/1, Sunni Central Board of Waqf, Jiyauddin and Maulana Mahfuzurrehman, continued.)

Except the extracts from the book written by Eliot and Douson, wherein it is stated that Ayodhya and Satrikh is one and the same place, I do not remember if I had read in any other book about this or not. The above comments by Eliot and Douson, where in author had stated that "Satrikh" and "Ayodhya" is one and the same, are comments of Author and is not a part of "Mirat-e-Masoodi". I have read this comment in English book by Eliot and Douson and in its Hindi version. It appears that this comment by Eliot and Douson are based upon the article by Cunningham. At what place and which type of statement, Cunningham had written in his book, I have not personally read it.

I have referred "Chachnama" in my statement, which relates to history of Sindh Province. "Chachnama" contains the details about the attack by Mohammad Bin Qasim. This period is prior to 18th century. This was referred by Eliot and Douson at page 121 to 211 in first volume of his book. It is named - "Tareekh-e-Hind and Sindh". People generally know it by the name "Chachnama", written in Arabic Language. Its translation in Persian was rendered by Mohammad Ali Bin Hamid Bin

Abu Bakra Kuffi. "Chachnama" does not contain any detail about the time of Babar.

Learned advocate cross examining the witness draw the attention of witness towards the extracts of volume -1 and -2 of the book - "A Journey through the Kingdom of Avadh" written by Maj. Gen. W.H. Sliman, given at document No. 311 C -1 to 311 C -1/9 of Other Original Suit No. 5/89. Witness after seeing these papers said that I have not read the book, but I know about the author. I have not read the Gazetteer. I have not read the Gazetteer of Faizabad by Edward Thorton (year of first publication - 1858); Gazetteer of the province of Avadh, document No. 312 C -1/13 to 16 (year of first publication 1877 -78); "Imperial Gazetteer of India - Agra and Avadh", document No. 312 C -1/22 and 312 C -1/23 (published in 1934); "Barabanki -A- Gazetteer"(republished in 1921), document No. 312 C -1/31 to 312 C -1/34; Faizabad -A- Gazetteer, by H.R. Nevil (year of publication -1928), document No. 312 C -1/45 to 312 C -1/47; Faizabad Gazetteer, Uttar Pradesh District Gazetteer, Faizabad (first publication -1960), document No. 312 C -1/48 to 312 C -1/55. But I have read Gazetteer of Faizabad, by H.R. Nevil, published in 1905 and which was about the joint province of Agra and Avadh.

I have not read the book "Historical Sketch of Faizabad with the old capital of Ayodhya and Faizabad", written by P. Karnegi. I have not read the "The Journal of the United provinces - Historical Society" document No. 312 C-1/56 to 312 C -1/62. I have read the reference "Babar and Hindus" given in this Journal, in the book by S.R.Sharma. This article was published in 1936 for the first time. S.K. Banerjee was a professor of history but in

which University he was, I do not know. I have not read the report by A.F.Millet – "Report on the settlement of the land Revenue of Faizabad District", document No. 312 C – 1/17 to 312 C –1/21.

Learned advocate cross examining the witness draw the attention of witness towards document No. 312 C – 1/24 to 312 C-1/30 and 312 C-1/44, filed in Other Original Suit No. –5/89. Witness said that these Gazetteers are about Faizabad and both are same. Page No. 171, 178 and 179 are not included in the copy of first Gazetteer whereas these pages are included in the second one. I have read the extracts of Gazetteer of 1905 by H.R. Nevil, filed in the above suit. H.R. Nevil was an employee of British Government. H.R. Nevil was an I.C.S. Officer. He was not a historian. He had written the information, in the above mentioned Gazetteer obtained from local sources.

Learned advocate cross examining the witness draw the attention of witness towards Gazetteer of Faizabad, document No. 312 C –1/36 to 312 C –1/44.

Witness said that this contain the detail about Ayodhya. It is written therein that Ayodhya was under the Haveli Avadh province. It is nowhere mentioned in document No. 312 C –1/36 to 312 C –1/44 (Page 171 to 179) that Satrikh and Ayodhya is one and the same. Satrikh has not been mentioned therein. Volunteer : that Avadh was famous at that time. So far I think, "Haveli Avadh" as written at page No. 171 because it was a revenue unit. I have no knowledge, when "Haveli Avadh" was started to be used with Avadh. I have not read "Haveli Avadh" except in the Gazetteer of 1905. "Avadh" was being used for Ayodhya since 1206.ie.,during the beginning of mediieval history. The word "Avadh" was

being used for Ayodhya for long time. "Avadh" was being used for Ayodhya with the downfall of Gaharwal Rule.

Learned advocate cross examining the witness draw the attention of witness towards document No. 312 C – 1/37 (Page No. 172). Witness said that the detail given at this page is correct. The statement of population was given by author, on his own knowledge. I do not agree with the contents that initial history of Ayodhya is not clear because this history is in sequential form.

Learned advocate cross examining the witness draw the attention of witness towards document No. 312 C – 1/38 (Page 173). Witness said that I do not agree with the contents that importance of Ayodhya was increased after the creation of "Ramcharitmanas" by Tulsidas. This was an administrative seat during the time of Sharki Rulers and its importance was increased further during the period of Akbar. Abul Fazal had described it as a RamJanambhoomi in "Aaina-e-Akbari". I do not agree with the contents of sixth to 12th line at page 173. Matter written in the next para is correct. Matter written in the first 6 lines in second para at this page is correct. Regarding the contents in sixth, 7th and 8th line of this para, author has collected information from local sources. Details in next lines were also given on the basis of local sources. The contents that Babar had demolished the ancient temple and constructed a mosque, are not correct. Volunteer : that Babar had given the order.

If history is written on the basis of information collected from local sources, it becomes recorded evidence but if matter is written after a lapse of hundred or two hundred years, on the basis of sayings, it is called survey and it is treated as a history only if it is based upon

a concrete evidence and its corroborative evidence is available.

Learned advocate cross examining the witness draw the attention of witness towards document No. 312 C-1/48 (Page -173). Witness after reading it said that the contents of second line to fifth line of second para at this page is based upon the information collected from local sources. This fact is proven from the historical point of view if corroborative evidences are there. Corroborative evidences depends upon the viewpoints of different individuals.

After construction in 1528, the disputed Bhawan always remained under the control of Muslims from the period of Babar to Aurangzeb. I have no knowledge if the said disputed Bhawan was under the control of Muslims since the time of Aurangzeb to the year 1857. I have not read in any book of history that Hindus got the control of the said disputed Bhawan during the time of Britishers. Disputed Bhawan was under the control of Muslims from 1528 to 22nd/23rd December 1949, but was it being used as a mosque or not, I cannot say. I have not read about the contents of third line to fifth line of second para of document No. 312 C-1/40 (Page -174) in any history book. I have not read about the contents of seventh line to tenth line of this para, in any history book. I have not read about this. The year 1855 was the period of Nawabs. Nawabs were ruling the Avadh at that time. I have not read the matter written in twelfth to sixteenth line of this para in any history book. I have neither read the matter written in the lines sixteenth to last to the para nor I have any knowledge about this. I am aware of this fact that there was a building with three domes at the disputed site and a Chabutra outside of the building, called Ram

Chabutra, was there. The matter written in this Gazetteer is not correct that this Chabutra was constructed after 1857. As per my knowledge this Chabutra was constructed along with the building with three domes. I do not remember at present in which book I have read about the Chabutra. There was no reference about the construction of Chabutra on the outer side of the disputed Bhawan in the history book up to the time of 1855, from the date of its construction in 1528.

The matter written in last but sixth and seventh line of second para at page 174 that Hindus and Muslims used to worship together in a same building was based on the legends and people's sayings. Volunteer : that there was no evidence in the history about performing Puja and reading Namaz at one place.

Aurangzeb presently never went to Ayodhya. It is correct that when Aurangzeb had not visited Ayodhya how he himself could construct the mosque in Ayodhya. Aurangzeb himself had not demolished a temple in Ayodhya. Witness himself said that he had given order to this effect. There is mention in the book "Religious Policy of Mughals" written by Prof. S.R. Sharma that temples were demolished in Ayodhya on the orders of Aurangzeb. Order given by Aurangzeb to demolish temples in Ayodhya is available in the book by S.R. Sharma. This was a general order. There was no specific order to demolish the temples of Ayodhya. I cannot say the year of that order. This order was given during the first half of the period of Aurangzeb. I have not brought the book by S.R. Sharma to day but I can produce the above book tomorrow. There was no reference, in any book of Aurangzeb's time, about the demolition of temples in Ayodhya, on the order of Aurangzeb. I have not read in

any historical book of the time of Aurangzeb that any temple was demolished in Ayodhya on the order of Aurangzeb.

The book "Alamgirnama" was written by "Kazim". I have studied the book. It is in Persian. I have read its English translation. I do not remember if there is an order of Aurangzeb to demolish the temples of Ayodhya.

Question: Is there any reference in "Alamgirnama" that Aurangzeb had ordered to demolish the temple or temples of Ayodhya?

Answer: In this regards I do not remember at present.

I have read the famous history book "Muntkhab Ulalubab" Khafi Khan of the time of Aurangzeb. I have not read this book. I have read the extracts of this in the book written by Eliot and Douson. I have not read the original book but read its extracts only. Many of its extracts are authentic. According to my view, no book is authentic. I meant to say that the reference, which revealed the facts and authenticate these facts and where there is no scope for doubt, is called authentic. Biographies can be treated as authentic if these are not biased. I have read the book by Yadunath Sarkar about Aurangzeb. I do not remember if there is any reference about the order of Aurangzeb to demolish or not to demolish the temples of Ayodhya. It might be that reference about the order of Aurangzeb to demolish the temples of Ayodhya was not given in the book by Yadunath Sarkar. Learned advocate cross examining the witness draw the attention of witness towards the matter written in third to fifth line of third para of document No. 312 C -1/27 (Page -174). Witness after reading it said that the matter written therein is based on "unfailing tradition". I have heard and read about this. I

do not know at what place the "Treta Ka Thakur" is. I have not heard about the place "Treta Ka Thakur". I cannot say where this place is situated, within the Ramkot or outside of it.

Question: Can you tell about the sacrifice of Ramchanderji referred in third to fifth line of third para of above document No. 312 C -1/27?

Answer: What sacrifice was referred to, I do not know.

Question: If you neither have the knowledge about the place of "Treta Ka Tirath" nor you know about the sacrifice made by Shri Ramchanderji, then which tradition you have heard or read about it ?

Answer: In the above mentioned lines I cannot say what sacrifice made by Shri Ramchanderji was referred therein. I also have no knowledge about the specific tradition in this connection.

Words – "and set up images of himself and Sita", mentioned in the above lines means that Ramchanderji had himself installed the idols of his own and Sitaji. I have neither read nor heard about the tradition referred about the installation of idols of Ramchanderji himself and Sitaji.

Question: Can it be treated a unfailling tradition, only on the basis of its mention in Gazetteer of Nevil, about the installation of his own and Sita's idol by Ramchanderji at the place "Treta Ka Thakur"?

Answer: Above tradition will be treated for about a particular place and it was not referred at any other place.

Question: If such a tradition or conception of belief was there in Ayodhya in or around 1905, it would have been referred in other history books of Gazetteer?

Answer: It might be possible that other writers do not know about this, who had written the books on Ayodhya in or around 1905 or later.

Question: If you treat it an unfailling tradition, it would have been referred by the local people of Ayodhya in or around 1805 and also in 1705 or 1606. But you have not read about this in any book of history of that period. Then how you can say it a unfailling tradition?

Answer: No reference is found in any Persian book for the period 1605 to 1905 about the above tradition of "Treta Ka Thakur". No reference by any English or French writer is available about this.

I have not found any reference about this tradition in any book, I have read so far. The reference about substitution of a mosque in place of temple situated at Swargdwar, referred in the second and third line of second para at page No. 174, cannot be treated as a tradition but it is our view or fact of writer.

Question: Do you, without any other historical evidence, treat it correct the reference about construction of a mosque in place of a temple at Swargdwar in second and third line of third para of document No.312 C-1/27?

Answer: There is no historical evidence in this regard.

I have not got any historical evidence in this regard so far. I have neither agreed nor disagreed with the above study.

Question: Does a historian cannot express his disagreement with the facts given without any historical evidence?

Answer: Disagreement can be expressed with any tradition and conception.

Learned advocate cross examining the witness draw the attention of witness towards matter written in the last two lines of last para at page No. 174 to the first line at page No. 175. Witness after reading it said that question about throwing the idols does not arise when Aurangzeb did not come to Ayodhya.

However, the idols found, were replaced. It is a fact. Idols were found in the river. It is a view of the writer i.e., Nevil. It is not necessary that there were any evidence in this regard in the then sources.

According to Nevil, "Treta Ka Thakur Temple" was constructed in or around 1700. Except the book by Nevil, I have not read about this in any book.

Learned advocate cross examining the witness draw the attention of witness towards first five lines of second para of document No. 312 C -1/28 (Page -178). Witness said that since this fact was referred in "Aaina-e-Akbari", I treat it as correct.

Learned advocate cross examining the witness has again drawn the attention of witness towards the matter written in fourth to 11th line of above para, facts given by "Colonel Wilford". Witness after reading it said that I couldn't express my agreement or disagreement about this. I have not done any research work concerning to Ayodhya and also not referred the facts given in the Gazetteer in my examination in chief affidavit or statement. I have heard about Seth, Job or Noh. These

people were prior to Mohammad Sahab. I have no knowledge about the conflicts referred in sixth to 11th line of this para.

Question: I am to say that the conflict referred in sixth line to 11th line of second para of document No. 312 C -1/28, wherein there is a reference about killing of three prophets, is not true and baseless, because all these three prophets were prior to Prophet Mohammad Sahab and killing them four centuries earlier, is not possible?

Answer: I am of the view that Salar Masood carried out the first operation in 1032 -33 and no operation was carried out before that. Killing of persons, referred by "Colonel Wilford", is not correct.

The facts written in 11th line to 19th line of this para relating to "Shah Juran Gauri" and "Shahabuddin" are found in all books of history. So it is correct. "Naurahani Khurd Mucca Shrine", referred about is not found in the history book, so I cannot express my view about its correctness or otherwise. I have not read about the Khwaja Hatti Ka Teela and Makhdoom Sheikh Bheekha ki Mazar, referred about. But this fact is correct that Sufi came there and stayed there but at what time, which came there, I do not know.

Verified the statement after reading

Sd/-

Bishan Bahad

20.4.2005

Typed by the stenographer as dictated by me in the Open Court. In continuation to this suit may be listed for further Cross-examination for 21.4.2005. Witness to be present.

Sd/-

(Hari Shankar Dubey)

Commissioner

20.4.2005

Before: Commissioner Shri Hari Shankar Dubey,
Additional District Judge/Officer on Special Duty, Lucknow
Bench, Lucknow.

Dated 21.4.2005

D.W. 13/1-3, Dr. Bishan Bahadur

(In continuation to dated 20.4.2005 Cross-examination on
an Oath by Shri Zaffaryab Jilani, Advocate on behalf of
plaintiff No. -1, 6/1, 8/1, Sunni Central Board of Waqf,
Jiyauddin and Maulana Mahfuzurrehman, continued.)

Shahjuran Gauri was the associate of Shahabuddin Gauri.

Question: Had Shahabuddin Gauri come to Ayodhya along
with Shahjuran Gauri?

Answer: Shahabuddin Gauri came to Ayodhya and
Shahjuran Gauri also came to Ayodhya with
Shahabuddin Gauri.

I do not remember when Shahabuddin Gauri came to
Ayodhya. Shahabuddin Gauri had no empire on Hindustan.
Shahabuddin Gauri attacked upon Hindustan in 1191-
1192. Shahabuddin Gauri went back after the battle of
Kannauj in which he defeated Jaichand. Whenever he
attacked upon Hindustan, he went back every time. Battle
of Tarain -1191 and 1192 were the two main battles he
fought. In one battle Mohammad Gauri was defeated.
Then said that Shahabuddin Gauri and Mohammad Gauri
were two different persons. Battle of Tarayin was fought
by Mohammad Gauri. Shahabuddin Gauri came to
Hindustan first and Mohammad Gauri came later.
Mohammad Gauri came to Hindustan in 1193 -94 for the
last time. He defeated Jaichand. Mohammad Gauri came
from the Gaur State. I do not know where the Gaur State

is. Gazni is a part of middle Asia but I have no knowledge whether it is near the Iran or far away from Iran. Further said that at present it is a part of Afghanistan.

Question: Is Gaur State at present a part of Afghanistan?

Answer: I am not in a position to reply the question at present because I do not remember the geographical situation of this place.

Mahmood Gazni came to India in 11th Century and Mohammad Gauri in 12th Century. Shahabuddin Gauri came to India much before 1192. Shahabuddin Gauri attacked upon Ayodhya. Ayodhya at that time was under the rule of Gaharwal. Shahabuddin went back after that attack and Ayodhya remained under the rule of Gaharwals. The attack by Shahabuddin over Ayodhya took over month's time or one year, I wouldn't be able to tell in this regards. Shahjuran Gauri stayed back at Ayodhya. Details in this regard are available in history books. He did not stayed in Ayodhya as a ruler because rule of Gaharwals remained there. Ayodhya was under the rule of Gaharwal Dynasty during the time Shahjuran Gauri stayed there. In which capacity Shahjuran Gauri stayed in Ayodhya cannot be said. Shahjuran Gauri was along with his army in Ayodhya.

Learned advocate cross examining the witness draw the attention of witness towards 11th to 15th line of second para of document No. 312 C -1/28 (Page -175). Witness said that Shahabuddin Gauri was present at the time when Shahjuran Gauri demolished the Adinath's Jain temple at Ayodhya. It is believed that Shahjuran Gauri died in Ayodhya and his tomb is also in Ayodhya. But I do not know his tomb individually.

Shahabuddin Gauri, after he left from Ayodhya went back from Hindustan but via which places, I do not remember. I do not remember which place Shahabuddin Gauri attacked for the first time. Then said that he attacked over Punjab first. He fought the battle in Punjab but with whom he fought, I do not remember. Shahabuddin Gauri fought the battle with the local rulers of Punjab and not with any leader of Delhi. I do not remember the names of local rulers. Chauhan was the ruler of Delhi at the time when Shahabuddin Gauri attacked over Punjab. The name of ruler of Delhi was Prithviraj Chauhan. I do not remember if Shahabuddin Gauri fought a battle with Prithviraj Chauhan-III or not. I do not remember if Shahabuddin Gauri fought with any one on his way from Punjab to Kannauj. He had not conquered Kannauj. He fought a battle only. Shahabuddin Gauri had defeated the army of Kannauj and not the ruler of Kannauj. I do not remember if the ruler of Kannauj was present in Kannauj at that time or not. In this battle, army of Kannauj had fought the battle and not personally by the ruler of Kannauj. I have no knowledge if any talks were held in between Shahabuddin Gauri and ruler of Kannauj. Shahabuddin did not attack over the Kannauj for establishment of his Kingdom. Therefore, he went back to Gaur after the battle.

Question: Had Shahabuddin Gauri have any enmity with the ruler of Kannauj because of which he attacked over Kannauj and went back?

Answer: During that period there was no question of enmity. There were so many reasons of attack. Looting and violence was one of the reasons.

Question: My question was about the attack by Shahabuddin with which object he attacked?

Answer: Shahabuddin Gauri had attacked over Ayodhya just to demonstrate his military power. Kannauj is situated in the middle of India. I do not agree that there was any other reason other than looting and killing.

Question: Had Shahabuddin Gauri looted Kannauj or caused any destruction?

Answer: Shahabuddin Gauri did not attack over Kannauj.

My statement above is not correct that Shahabuddin Gauri went to Kannauj from Punjab. The fact is this that from Punjab, he left for his country and did not come back again. Shahabuddin Gauri never attacked over Kannauj. My statement above, about attack by Shahabuddin Gauri over Kannauj and defeat of the army of Kannauj, was not correct because Shahabuddin Gauri never went back to Kannauj and he went back to his country from Punjab.

Question: You have just now said in your statement that Shahabuddin did not go to Kannauj from Punjab and went back to Gaur. Should I take it that Shahabuddin Gauri did not go ahead from Punjab in India?

Answer: Shahabuddin Gauri, after he attacked upon Ayodhya, went to Punjab and from Punjab to his country, Gaur.

Question: Did Shahabuddin Gauri come to attack over Ayodhya, from his country Gaur?

Answer: Shahabuddin Gauri came from Gaur to attack Ayodhya. But it cannot be said that his object was to attack Ayodhya only.

Shahabuddin Gauri had fought the battle in Punjab on his way from Gaur to Ayodhya. The battle fought in Punjab was referred above. Whether he fought battle with anyone, on his way from Punjab to Ayodhya, I do not know. The region from Punjab to Ayodhya was under a number of rulers. Area from Ajmer to Delhi was under Chauhans' i.e. Rajputs and entire area of Kannauj was under Gaharwal Dynasty. Two main dynasties were ruling the area from Punjab to Kannauj. They were Rajput and Gaharwal. I do not remember if Shahabuddin had fought battle with Rajputs or Gaharwals on his way from Punjab to Ayodhya. Shahabuddin fought the battle with Gaharwal rulers. I have said about it on the basis of document No. 312 C -1/28.

I do not remember if I had read about this in any book or not.

Learned advocate cross examining the witness draw the attention of witness towards the statement recorded in the first three lines of the last para at page -100. Witness after reading it said that the details about attack by Shahabuddin Gauri are available in the books. Hence my statement above is correct. My statement above in the three lines is about the attack by Shahabuddin Gauri over Ayodhya. Reference about attack by Shahabuddin is available in the history books.

Learned advocate cross examining the witness draw the attention of witness towards this statement "I do not remember if I have read about the -----by Shahabuddin over Ayodhya", recorded at page No. -106. Witness said that my statement above is correct. Learned advocate cross examining the witness draw the attention

of witness towards his statement recorded at page No. 107 that " Witness said that Shahabuddin -----above statement is correct". Witness said that his statement above, is correct. Upon inviting his attention towards contradiction in between the two statements, witness said that there is no contradiction because I do not remember the name of books, I have read in this connection. I know the details of this battle are available in the books. I did not mean that I had not read about the battle fought in between Shahabuddin Gauri and army of Gaharwal, because I have read the references in books. But I do not remember the names of the books. I have read the book "Tabkaat-e-Nasiri" by Minhazuddin Siraj. I have read the extracts of this book, in the book written by Eliot and Douson. I have read the different extracts in the different books. I have not read the entire book by Eliot and Douson, wherein extracts from "Tabkaat-e-Nasiri" are given. I have read about Qutabuddin Aibak, Iltutmash and Balban in the extracts of "Tabkaat-e-Nasiri" given in the book by Eliot and Douson. Qutabuddin was a ruler of Delhi and he took over the charge of Delhi in 1206. Qutabuddin Aibak was made a ruler by the important commanders and officers of Qutabuddin Aibak, at the time of the death of Mohammad Gauri. Mohammad Gauri died in 1206. Shahabuddin Gauri died before Mohammad Gauri. Mohammad Gauri died in 1206 in Gaur. I do not remember when and at which place Shahabuddin Gauri died.

Question: Is the place called Gaur, not in Afghanistan?

(Upon this question, Learned Advocate Shri Ajay Kumar Pandey on behalf of plaintiff of Other Original Suit No. 5/89 has raised an objection that this question has been asked from time and again in different shades and witness also replied to it. Hence permission for asking a question time and again should not be granted.)

Answer: I cannot say if Gaur is in Afghanistan or not. I wouldn't be able to tell its geographical situation. Reference about Gaur is available in "Tabkaat-e-Nasiri". I do not remember the description given about the geographical situation of Gaur.

So far I remember, Subukatgeen, comes under Gazni category.

I do not remember it. Subukatgeen is referred in "Tabkaat-e-Nasiri" or not. So far I remember, Amir Subukatgeen was related to Dynasty of Mahmood Gazni. Whether Amir Subukatgeen was among the predecessors of Mahmood Gazni or in the category of his successors, I do not remember. Minhazuddin Siraj, writer of "Tabkaat-e-Nasiri", was in the army of Mohammad Gauri which post he was holding, I do not remember. I do not know the name of Minhazuddin's father. I do not remember that which post he was holding in the army of Mohammad Gauri. "Minhazuddin Siraj" came to Multan via Sindh and Unch, but in which year, he came, either in 1227 or in any other year, but I do not remember. Multan was under Sultan Iltutmish after 1227. Iltutmish, I mean Altmash. In some book he is referred as Iltutmish and in some as Altmash. He was written as Altmash in the book "Tabkaat-e-Nasiri". Altmash had nominated his daughter Razia as a ruler after him, but his elder son Rukunuddin Feroz was crowned as a Sultan. After a revolt by public during the time of Rukunuddin Feroz, Razia was crowned as a ruler. After Razia, Moizuddin Bahram Shah became the ruler and after him, Allauddin Masood Shah became the ruler. Thereafter, Nasiruddin Mahmood and Gayasuddin Balban became the rulers respectively.

I, in my statement above at page No. -52 have stated that the writer of the book "Alamgirnama" was Kazim, which was written as "Khafi Khan". "Khafi Khan

was the writer of "Muntkhab-UI-Lubab". I have not read the book "Muntkhab-UI-Lubab". I have read its extracts in other books. There is a specific description about Aurangzeb in this book.

Learned advocate cross examining the witness draw the attention of witness towards his statement dated 12.4.2005 at page No. 51 and 52 and asked which book among the books mentioned in this statement, belongs to the period of Shahabuddin Guri or Mohammad Gauri. Witness after reading both the pages said that Mohammad Gauri was referred in the book "Tazul Maasir" written by Hasan Nizami. In addition to this Mohammad Gauri was also referred in the book "Tabkaat-e-Nasiri" written by Minhazuddin Siraj. I do not remember if there is mention of Shahabuddin Gauri or Mohammad Gauri in the books referred at page above. I do not remember if there is any reference about the part of period of Balban to Ferozshah Tughlak in the book "Tarikh-e-Ferozshahi" written by Sansiraj Afif, referred by me at page -51 of my statement. I have read the extracts of this book in the book by Eliot and Douson. I have no knowledge about the fact if Mohammad Gauri, after conquering Kannauj, went to Ayodhya or not. I have no knowledge if Shah Juran Gauri went to Ayodhya during the time of Mohammad Gauri, or not.

At this point Learned advocate cross examining the witness draw the attention of witness towards the title page and contents of the book "The disputed mosque a historical Inquiry" written by Sushil Srivastava and photocopies of page No. 51 to 53 and page 62 to 65 authenticated by himself, filed as document No. 279 C -1 vide document No. 280 C -1/1 to 280 C -1/6. Witness after comparing the extracts of the above book by Sushil Srivastava, filed to day, said that these are in accordance with the original one. Learned advocate cross examining

the witness draw the attention of witness towards eighth to eleventh line of para second of document No. 280 C -1/5 (page No. 63) and asked whether the detail written in it is correct that Mohammad Gauri would have attacked on Ayodhya in 1198 and Makhdum Shah Juran Gauri was with him at that time, about whom you have said that he had destroyed a Jain temple in Ayodhya? Witness after reading the part at page 63, said that Gazetteer written by Nevil and reference given by Dr. Sushil Srivastava are contradictory, so on the basis of sources of information of both it can be ascertained, if Makhdum Shah Juran Gauri came to Ayodhya with Mohammad Gauri or with Shahabuddin Gauri. Whatever I have stated in this regard, was based upon the Gazetteer written by Nevil. Reference of Dr. Sushil Srivastava was not before me at that time.

Question: Is it possible that Mohammad Gauri and Shahabuddin Gauri was one and the same King with two names and at some places it is written as Shahabuddin Gauri and at some places as Mohammad Gauri?

Answer: I cannot give its reply at this time on the basis of my memory. Whether there is one person by these names or different persons. I can say only in this regard after recollecting afresh.

Verified the statement after reading
Sd/-
Bishan Bahad
21.4.2005

Typed by the stenographer as dictated by me in the Open Court. In continuation to this suit may be listed for further Cross-examination for 25.4.2005. Witness to be present.

Sd/-
(Hari Shankar Dubey)
Commissioner
21.4.2005

Before: Commissioner Shri Hari Shankar Dubey,
Additional District Judge/Officer on Special Duty, Lucknow
Bench, Lucknow.

Dated 25.4.2005

D.W. 13/1-3, Dr. Bishan Bahadur

(In continuation to dated 21.4.2005 Cross-examination on an Oath by Shri Zaffaryab Jilani, Advocate on behalf of plaintiff No. -1, 6/1, 8/1, Sunni Central Board of Waqf, Jiyauddin and Maulana Mahfuzurrehman, continued.)

Mohammad Gauri and Shahabuddin Gauri is one and same person. Volunteer : that he, in his last statement, referred one person by two names. Hence, there is contradiction in my earlier statement.

Question: Was the statement given by you on 21.4.2005 about Shahabuddin Gauri, may be treated as supposed to be given about Mohammad Gauri?

Answer: Since Mohammad Gauri and Shahabuddin Gauri is full name of one and same person, hence the statement given about Shahabuddin Gauri, wherever it was given for two person, is not correct.

Learned advocate cross examining the witness draw the attention of witness towards the statement given on 21.4.2005 at page No. 102, running up to page 103. Witness said that this statement is about Mohammad Gauri. Statement given in the last line at page 102 is not correct. Similarly the statement given in the first line at page 103, that Mohammad Gauri came to Hindustan in 1193-1194 for the last time is not correct. The mistake pointed out in the last line at page 102 is merely that I

have stated about the arrival of one person at different times. Similarly in the matter written in first and second line at page 103 about the arrival of Mohammad Gauri for the last time is not correct because Mohammad Gauri, after 1194, came to Hindustan in 1205 also. The fact written about Shahabuddin Gauri in the last para at page No. 103 on the above mentioned date is applicable to Mohammad Gauri also. The fact that Shahabuddin Gauri came to Ayodhya much before 1192 is not correct because Mohammad Gauri had attacked upon Kannauj in 1194 also. Witness said that the fact given in this para about arrival of Mohammad Gauri and Shahabuddin Gauri much before 1192 to Ayodhya is not correct.

Question: Did you not remember the history, in this connection properly on 21.4.2005 and have recollected it after you have read about it?

Answer: I forget about the facts concerning to these facts, while giving my statement on 21.4.2005 because of oblivion. I was suffering from oblivion as I was suffering from High Blood Pressure since the morning of 21.4.2005.

Shahabuddin Mohammad Gauri, himself went to Ayodhya after 1194. Shah Juran Gauri went to Ayodhya along with Mohammad Gauri. Dr. Sushil Srivastava has made a mention in this regard in his book. I have not read about this in any book other than this book. I have important books like "Tazul-ma-Aasir" and "Tabkat-e-Nasiri" for knowing the historical facts relating to Mohammad Gauri. Both the books are written in Persian language. I have read the extracts of these books in the book by Eliot and Douson only and have not read anywhere. Perhaps, there is no mention about Mohammad Gauri about going to Ayodhya in the extracts from the

above two books given in the book by "Eliot and Douson". The authentic books about Mohammad Gauri by Indian Historian, which I have read are – "Crescent in India" by S.R. Sharma and "An advance History of India" by Mazumdar Dutta, Hemant Rai Choudhry and "Foundation of Muslim Rule in India" by A.B.M. Habibullah. In addition to this, I have read the book "Comprehensive History of India – the Delhi Sultnat" by Prof. Mohammad Habib and K.A. Nizami. I do not recognize the book by B.D. Mahajan as an authentic book. It is a course book. I have read this book. In the above book, so far I remember, there was no mention about Mohammad Gauri about his going to Ayodhya. The fact written in the book by Sushil Srivastava, about Mohammad Gauri going to Ayodhya, is not correct, in absence of supporting evidences.

Question: Should I think that you do not treat the facts written by Dr. Sushil Srivastava, as correct about the attack by Mohammad Gauri on Ayodhya?

Answer: It requires additional evidence to agree with the view of Dr. Sushil Srivastava.

Question: You are giving your statement, projecting yourself as a historian, do you have no viewpoint of yourself about historical facts?

Answer: Historical viewpoints are based upon the evidences. No historian can overlook or ignore it. From that perspective, I do not form a viewpoint unless I have not examined all the evidences.

Question: My question is that in the absence of historical evidences about a fact, should that fact is not treated as authentic fact in the history?

Answer: It is correct. Further said any viewpoint or decision based upon single evidence is not free from fault.

Question: On the basis of your statement, my question is that since there is no historical evidence about Mohammad Gauri coming to Ayodhya, can you treat the references given in the books by Sushil Srivastava or Nevil as an authentic historical facts?

Answer: It cannot be said as main evidence unless authentic evidences become available.

Question: Is it necessary for a historian not to answer the question in "Yes" or "No" but to reply in indirect form?

Answer: So many facts in the history are not told in indirect form. There is a simple procedure in the history to reach at a conclusion, wherein nothing can be said positively unless examined thoroughly on the basis of evidences. This procedure is continuous. So any question can not be totally replied in yes or no.

Question: Can a historian, before expressing his view about a historical fact, not take a decision about, the authenticity of historical facts unless he examines it thoroughly on the basis of available evidences or not.

Answer: Viewpoint can be expressed on the basis of available evidences but viewpoint is changed if new evidences becomes available.

Question: My question is about to express the view within a definite time period. Whether the views expressed on the basis of available evidences during a definite period, are not definite which can be replied in "yes" or "no"?

Answer: This view can or cannot be definite

Question: You are saying this fact about not being definite on the basis of assumption that earlier view point becomes obsolete if new evidences becomes available but my question is about the date on which views were expressed. Please tell if you express a viewpoint today, can it not be a definite viewpoint upto today?

Answer: It will be regarded as my individual viewpoint.

Question: I want to know about your viewpoint on to day date. Are you, on the basis of study of available materials, of the view that Mohammad Gauri had attacked upon Ayodhya or not?

Answer: I am of the view that Mohammad Gauri had not attacked upon Ayodhya.

Learned advocate cross examining the witness draw the attention of witness towards para second of document No. 312 C-1/28 or towards the matter written in second para (Page 63) of the book document No. 280 C-1/5 by Dr. Sushil Srivastava that this contains the fact about

demolition of Jain Mandir or other temples in Ayodhya by Shahabuddin Gauri along with Shahjuran Gauri.

Learned advocate cross examining the witness asked the witness whether the fact is about the demolition of a single temple of Jain or about the many number of temples of Ayodhya. Witness after reading the above parts said that according to Nevil, only one Jain Temple was destroyed whereas according to Dr. Sushil Srivastava, a number of temples of Ayodhya were destroyed.

Question: My question is – which matter you regard as correct, the matter written by Nevil or the matter written by Sushil Srivastava or do you treat both as incorrect due to non-availability of evidences?

Answer: On the basis of evidences given by Nevil, it is said that Jain Temple was destroyed. Fact given by Dr. Sushil Srivastava cannot be accepted that Shah Juran Gauri had demolished many temples of Ayodhya.

Matter written by Nevil can be regarded as correct because it was written after survey conducted by him. There is no any other or historical evidences in support of it.

Question: It was referred in the document No. 312 C – 1/28, by Nevil that he had heard about the matter and that is why he referred the matter. What you have to say in this regard?

Answer: Nevil had made his opinion on the basis of public sayings. Which might had been a

tradition. In addition to this it might also be possible that he had made his opinion on the basis of legends or myth.

Learned advocate cross examining the witness draw the attention of witness towards the sixth line "the story goes that" of second para to the last line (Page -175) of document No. 312 C -1/28. Witness after reading it said that Nevil had not given any historical source in support of the matter written therein.

Similarly, Nevil has not given any historical source for othe matter written in document No. 312 C -1/29 and 312 C-1/30 (Page 176 and 177). He made the tradition as base for the matter written therein. Nevil, in the last para at page No. 176 to page No. 177, referred "Janmsthan" in the seventh line, "Sita Rasoi" in the tenth line and "Janambhoomi" in the fourteenth line. He had given the names of the different buildings situated at these three places. These buildings were known by above names, on the basis of tradition because during the survey these had been called after these names. In second and third line at page -177 "Kaushaliya Bhawan" was stated to be "Janambhoomi". I have no knowledge at what distance the Kaushaliya Bhawan was from the disputed Bhawan, during the time of survey by Nevil. I have no knowledge at what distance the Kaushaliya Bhawan is from the disputed Bhawan, at present.

Question: How far, on the basis of available historical evidences, you treat the matter written by Nevil in his Gazetteer at page No. 176 and 177 (document No. 312 C -1/29 and 30) reliable?

Answer: Ayodhya being a holy place of Hindus since the time immemorial and being a birthplace of Rama, the details about its tradition are found in the history. I, therefore, regard the references given by Nevil as a references of tradition and authentic.

References of the buildings and places mentioned at page No. 176 and 177 are not found in historical narration or history books. References of traditions are found in books. Reference of Ayodhya as a birthplace of Rama is found on the basis of tradition.

Question: Did you find any detail about the tradition concerning to a Bhvan situated at a particular place other than the birthplace of Rama in Ayodhya in the history books or historical narration, you have studied?

Answer: Traditions of Bhawans are found. But I do not remember at present the books or references, wherein the references of these traditions are found.

Attention of witness was drawn towards the part – "One Legend however-----and fail in Ayodhya" in fifth to 9th line of third para (at page No. 177) of document No. 312 C –1/30. Witness after reading these parts, said that legend is not a tradition. Legend is an episode. Legends are not found in history books. Legends are found in religious books. Thus the matter written in tenth line to last line of this para is not in accordance with the tradition but are treated as religious episode (Legend). Tradition is recognized as evidence in History but legends and religious episode are hardly

treated as evidences. Only the traditions which are continued since ages, are recognized as evidences and about which no narration is available in the History.

Question: Is it not necessary to call a tradition as un failing or continuous, because the tradition found in 19th and 20th century would have been in vogue in 17th and 18th century on the basis of available evidence ?

Answer: The tradition would be in vogue in 17th and 18th century, which are prevalent in 19th and 20th century.

Learned advocate cross examining the witness draw the attention of witness towards first two lines (page 178) of document No. 312 C -1/43. Witness after reading it said that I have not read the reference of Guptar Ghat in historical narratives and historical sources. This place is described as an important place in religious episodes i.e., is related to religious legend. I know only this thing that this place has religious importance. I have no knowledge about the relation of Ramchanderji to this place. Similarly the other places mentioned in first para at page 178 are the places of religious fame and faith and are based upon religious episodes (Legends). References of these places are not found in historical narratives. I have not read the "Ayodhya Mahatamya" mentioned in third line of last para at page No. 178. I have not read "Ayodhya Mahatamya" or its English translation. Details regarding Ayodhya was concluded at page No. 179 document No. 312 C-1/44. Detail about Ayodhya is in document No. 312 C -1/36 (Page No. 171) and concludes to document No.312 C -1/44 (Page No. 179). I have read this description concerning to Ayodhya, before deposing in the Court. Learned advocate cross examining the witness draw the

attention of witness towards first ten lines of second para of document No. 312 C -1/37(page172) and asked whether the same thing is written in the first para at page 51 of the book "The Disputed Mosque" by Dr. Sushil Srivastava. Witness after reading both the parts said that there is a similarity in both the statements that this region, from ancient period, has been famous for the tradition concerning to Ramchanderji. Other facts the have basic differences.

Question: Is there any basic difference in between the first line of second para at page 172 of the book by Nevil and in the first line at page 51 of the book by Dr. Sushil Srivastava?

Answer: Nevil is of the view that Ayodhya is an ancient city but its history is not available whereas Dr. Sushil Srivastava says its evidences are there but these evidences are not beyond doubt.

Question: Which detail, among the details given at page No. 172 and 51 of the above books, do you think are correct or both the details are not correct?

Answer: Detail given by Nevil appears to be more appropriate.

Nevil had not referred any historical source in support of detail but he had made the tradition as its base. Attention of witness was drawn towards last but first four lines at page No. 172 of document No. 312 C -1/37, by the Learned advocate cross examining the witness. Witness after reading it said that the matter written therein is correct and evidences in this regard are found in the history. The evidences concerning to the matter written in, are found in "Aain-e-Akbari". "Mohammad Shah" was referred in these lines. When his period, after the period of Akbar came to an end in 1605, began, I do not

remember. Mohammad Shah was not a name of any King. In fact it was the name of a Nawab of Ayodhya.

I do not remember for which period Mohammad Shah belonged to because this is not a field of my study as it is related to modern period.

Learned advocate cross examining the witness draw the attention of witness towards second to fifth line of first para of document No. 280 C -1/4 (Page 52), book by Dr. Sushil Srivastava. Witness after reading it said that Jain Tradition referred therein is not in accordance with the history. The facts concerning to survey of Ayodhya, given in second para of this document, are correct. Upon inviting the attention of witness towards the matter written in second para at page 53 of this book, witness after reading it said that it is correct that Cunningham had not got the remains of Hindu temples. But he got the remains of some Buddhist temples.

Verified the statement after reading

Sd/-

Dr. Bishan Bahad

25.4.2005

Typed by the stenographer as dictated by me in the Open Court. In continuation to this the suit may be listed for further Cross-examination for 26.4.2005. Witness to be present.

Sd/-

(Hari Shankar Dubey)

Commissioner

25.4.2005

Before: Commissioner Shri Hari Shankar Dubey,
Additional District Judge/Officer on Special Duty, Lucknow
Bench, Lucknow.

Dated 26.4.2005

D.W. 13/1-3, Dr. Bishan Bahadur

(In continuation to dated 25.4.2005 Cross-examination on an Oath by Shri Zaffaryab Jilani, Advocate on behalf of plaintiff No. -1, 6/1, 8/1, Sunni Central Board of Waqf, Jiyauddin and Maulana Mahfuzurrehman, continued.)

Learned advocate cross examining the witness draw the attention of witness towards document No. 280 C -1/4 (page -53) and asked:-

Question: Do you agree with the contents of para-second of book document No. 280 C -1/4, by Dr. Sushil Srivastava?

(Learned Advocate Shri Ajay Kumar Pandey, on behalf of plaintiff in Other Original Suit No. 5/89, has raised an objection that witness is a Reader of Medieval History and excavation is not his subject. Hence this question should not be allowed).

Answer: Whatever, Dr. Sushil Srivastava had written in this para, is about excavation. This is not my special subject of study. I cannot express my agreement or disagreement about the matter written therein.

Question: Have you not read about any excavation in Ayodhya?

Answer: I have not studied about the excavation.

I have heard the name of Prof. Narayanan and Prof. B.B.Lal. These people are Archaeologists. I never read the report of these persons. I have read the references of the matter written about the disputed site at Ayodhya and not any report or article written by him.

Learned advocate cross examining the witness draw the attention of witness towards second to fourth line of last para of document No. 280 C -1/4 (page 53). Witness after reading this said that I have not read the references written therein, in any form. Learned advocate cross examining the witness draw the attention of witness towards first three lines of second para of document No. 280 C -1/5 (page 62). Witness after reading it said that I have read the matter written therein. Matter written therein is correct.

Learned advocate cross examining the witness draw the attention of witness towards the fifth line of second para to the last line of this para. Witness after reading it said that this is a subject of Ancient Indian History. I cannot say about it with authenticity. I have read the detail about journey of Hyensang to India. The matter written therein is correct. Hyensang came to Avadh and Kannauj. I do not agree with the contents that Ayodhya was a center of Buddhist activities at that time. I agree with the rest of things.

Learned advocate cross examining the witness draw the attention of witness towards fifth and sixth line of fourth para of the above document. Witness said that meaning is not clear. Because there were no political activities in Ayodhya during 650 to 1050, However this

can not be said about other activities, social and cultural activities which continued.

Question: The above part of the book by Dr. Sushil Srivastava and matter written in the next para means there is no detail in history about Ayodhya from seventh to eleventh century which was referred by historians. What you have to say in this regard?

Answer: I do not agree with the above view of Dr. Sushil Srivastava because he had written this book only about a special single disputed point.

Question: Please tell, what were the particular activities, according to you, during the 7th to 11th century, which must have been mentioned in history?

Answer: Since the said period was the period of complete upheaval with the political point of view, I do not have the knowledge about the particular activity.

Learned advocate cross examining the witness draw the attention of witness towards the eleventh line "Tabkat-e-Nasiri" to "For northward expansion" of document No. 280 C -1/5 (page 63). Witness after reading it said that I do not agree with the matter written by Minhazuddin Siraz because army of Delhi could not conquer the Kannauj till Harishchander, descendant of Gaharwal remain the ruler of Kannauj, i.e., up to 1225. Conflicts continued even thereafter during the time of Nasiruddin Mahmood. Minhazuddin Siraz had written it himself. Struggle continued up to 1236 with the "Prithu" or "Brithu".

I have stated in my statement that Mohammad Gauri attacked over Kannauj in 1194 and defeated Jaichandra. At the time of demolition of temple in Ayodhya by Shahjuran Gauri, Ayodhya was under the rule of Harishchandra.

Shahjuran Gauri came to Ayodhya after 1194. Rule of Jaichand came to an end in 1194. Thereafter his son, Harishchander, formally became the ruler of Kannauj. The region, which was conquered by, was not under his control and the region, which was not conquered, remained under his control. Ayodhya was not under his rule. King Harishchander of Gaharwal Dynasty ruled upon Ayodhya from 1200 to 1226. My statement, made just now, is correct that Ayodhya was not under the rule of Harishchander. In this context it is correct that army of Delhi had conquered the Ayodhya and ruled over it for some time. This situation of struggle remained up to 1235.

Question: I am to say that after the defeat of Jaichand, army of Mohammad Gauri had conquered Ayodhya and thereafter none from Gaharwal Dynasty had conquered or got the control of Ayodhya back?

Answer: I do not agree with this because a number of battles were referred in the detail description of Minhazuddin Siraz, particularly about "Prithu" or "Brithu".

Minhazuddin Siraz had written these facts in "Tabkate-e-Nasiri".

Question: Which ruler of Gaharwal Dynasty, referred in "Tabkate-e-Nasiri", is known for attacking Ayodhya or keeping Ayodhya under his control or ruling it?

Answer: Minhazuddin Siraz had not referred about any attack. He however referred the continuous struggle in the Avadh region up to 1235.

Question: Could this struggle be also with the local Kings near Avadh?

Answer: There were no local Kings. That was the last time of Gaharwal Dynasty, which came to an end in 1225.

Question: Should I assume that you are, on the basis of your study, not able to say that after the victory of Mohammad Gauri, which king or ruler of Gaharwal Dynasty kept Ayodhya under his rule or control?

Answer: According to my study Avadh remained under the control of the ruler Harish Chander of Gaharwal Dynasty up to 1225. There is no reference of attacking upon Ayodhya with the then reference.

Question: Should it be treated that Ayodhya was under the rule of Harish Chander when Shahjuran Gauri, according to you, had demolished the Jain Temple in Ayodhya?

Answer: Yes. Harish Chander was ruling over Ayodhya at that time.

Question: Had Harishchander taken any action against Shahjuran Gauri for demolishing the so-called Jain Temple?

Answer: No reference about any military action by Harish Chander is available.

Learned advocate cross examining the witness draw the attention of witness towards last para at page No. 63 of document No. 280 C -1/5, running up to page No. 64 of document No. 280 C -1/6. Witness after reading it said that the matter written therein is correct that administrative control over Ayodhya had gained importance during the period of Tughlak.

Learned advocate cross examining the witness has again drawn the attention of witness towards second para of document No. 280 C -1/6. Witness said that matter written therein is correct. Upon inviting the attention of witness towards third para of this document, witness said that this fact written therein is correct that after the battle of Panipat, Babar got the control of Avadh but this control was opportune.

Learned advocate cross examining the witness draw the attention of witness towards para -4 of this document. Witness said that matter written therein is correct. Upon inviting the attention of witness towards fifth para of this document, witness said that I agree with the matter written therein, because religious activities during the time of Akbar remained constant. I do not agree with the fact written therein that Krishna Bhakti or individual adoration of God was the result of Sufivad. In regard to devotion to Rama writer had used the word "probable". Matter written in this para is correct.

Learned advocate cross examining the witness draw the attention of witness towards sixth para of this document. Witness after reading it said that the religious traditions in Ayodhya after the death of Akbar, referred by the author, were the same as it were earlier. It is correct that in Ayodhya the religious importance had increased during the period of Jahangir and Shahjahan. Arrival of William Finch to Ayodhya and observation expressed by him is correct. Upon inviting the attention towards last para of this document running in to page 65, witness after reading it said that among the matters about Aurangzeb referred by Dr. Sushil Srivastava, the fact about imposing tax on Hindus by Aurangzeb is found in the history books. Besides, orders given by Aurangzeb in 1659 and 1669 for the demolition of temples were also referred in the history books. Order of 1659 was for Banaras and Order of 1669 was general, which was sent to all officers of Aurangzeb Empire. Orders of Aurangzeb, himself, were not referred in history books. Incidents after the period of 1707, concerning to modern history, are correct in general, but I have no specific knowledge about it.

Some part of Sikh period is related to medieval history. I have not made any study about Sikh history. I have not read the book "An Encyclopedia Survey of Sikh Religion and Culture" written by Ramesh Chander Dogra and Urmila Dogra. In this regard I have not read the book "The History of Sikhs" written by Khushwant Singh. Similarly I have not read the book "The New Cambridge History of India" by J.S. Grewal.

(At this point, Learned advocate cross examining the witness, shown the extracts of the above book written by "Ramesh Chander Dogra and Urmila Dogra" vide list

document No. 237 C -1 and the book by Khushwant Singh vide list document No. 239 C -1 and above, book by J.S.Grewal vide document No. 213 C -1, to witness. Witness after seeing it said that I have not read these books.

I have thoroughly studied the book "Babarnama" translated by Athar Abbas Rizvi. I have not read the book "Babarnama" by Yugjeet Nawalpuri. I have not heard about the book of Yugjeet Nawalpuri. There was no need to read any other book, after reading the Hindi version of the "Babarnama" rendered by Athar Abbas Rizvi. I have not read the book "The Evolution of the Sikh Community" written by W.H. Macloyed filed vide document No. 235 C - 1 (document No. 236 C -1/1 to document No. 236 C -1/5). I have also not read the book "The Sikh Religion" by Max Arthur Mackalif (document No. 230 C -1/1 to document No. 230 C -1/10).

Learned advocate cross examining the witness draw the attention of witness towards the translation of book "Mughalkalin Bharat Babar", by Sayeed Abbas Rizvi, filed vide list document No. 223 C -1, document No. 224 C -1/1 to 224 C -1/62. Witness said that I have read the above extracts filed in the Court. In the first chapter under the title "Review" and document No. 224 C -1/3 (Page -9 to page -20 of document No. 224 C -1/14) author has given the background of book and his views about the time of Babar. Learned advocate cross examining the witness draw the attention of witness towards page No. 274 of the book, document No. 224 C -1/19. Witness said that the facts written therein under the title "Arrival in Avadh", is in accordance with the original Babarnama. The detail given at page No. 273 onwards (document No. 224 C -1/20) is about heading of Babar towards Gwalior after a long gap

after returning from Avadh and about the incidents happening after 30th September. In the next page – 274 (document No. 224 C –1/21) there is a reference of one reservoir, one well, one chabutra and construction of a mosque. About the incident of 25th September, "Charbagh" is referred in the third line of this page. This means, Babar, in the last year, gave the order for construction of garden. Volunteer : that Babar was keenly interested in gardens. Learned advocate cross examining the witness draw the attention of witness towards page No. 275 (document No. 224 C –1/22). Witness said that at this page under the title "Mansingh Ke Bhawan", appreciation expressed by Babar for Bhawan of Mansingh, was covered. It was described but in short. There is a reference about an idol of one elephant along with two Mahouts at the gate, in ninth line under this title, which is correct. Bhawan of Vikramaditya is referred at page –276 (document No. 224 C –1/23). Besides, Madrassa of Raheemdas and garden of Raheemdas was also referred. A lake in the south and a large temple in the west of lake were also referred. In the comments, it was shown as Devi Mandir or Tilangana Mandir. There is a reference about construction of a Jama Masjid adjacent to this temple i.e., Devi Mandir, by Sultan Shamsuddin Iltutmish. Upon inviting his attention at page No. –277 (document No. 224 C –1/24), witness said that a place named "Urva" was referred at this page. Date is mentioned in third line of third para. Writer, in the comments, had written gaz for the date. I cannot say whether it is correct or not. It is written therein that the idols at "Urva" are fully naked and their private parts are also not fully covered. Idols are the biggest flaw of this place, so order was given to destroy the idols by Babar. At comment No. 6, writer had written that idols could not be destroyed but the parts of their bodies were mutilated, it is correct. Temples of

Gwalior were referred at page No. 278 (document No. 224 C -1/25).

Learned advocate cross examining the witness draw the attention of witness towards page No. 313 (document No. 224 C -1/32). Going back from Chunar to Bagarmau and at the union of two rivers, named Tons, on the way, was referred therein. One of the rivers flow from west of Faizabad. It appears from the detail that Babar had crossed through the area near to Faizabad.

Learned advocate cross examining the witness draw the attention of witness towards page No. 330 (document No. 224 C -1/39) and page No. 331 (document No. 224 C-1/40). Witness in reply to a question in regard to the incidents of 30th May, said that there is a reference that Babar get down at a place called "Cleerah" outside of District Fatehpur. At this page No. 333 (document No. 224 C -1/42, 224 C -1/43 and 224 C -1/44) in the incidents dated 2nd, 9th, 10th, 13th, and 14th June, there is reference about "Dalmau". This description is of 934 Hizri, i.e., 1529. At page 335 (document No. 224 C -1/44) in the incident dated 13th June, it was referred that Baki Tashkandi along with the army of Avadh appeared before the Babar. The word "Avadh" was used here for "Ayodhya". This means, Baki Tashkandi was staying in Ayodhya, when Babar reached Dalmau, because Baki stayed in Ayodhya for about one year and three four months. 934 Hizri was written as 1527-28 at page No. 331, which was written as 934 Hizri the year 1528-29 in comment No. 10 at this page. Similarly, 934 Hizri appears to be written as incorrect because these incidents happened in 1529. There is no reference about the demolition of any temple or idol or giving order in this regard in the book written by Athar Abbas Rizvi. Hindi

version of the book by Athar Abbass Rizvi was rendered from the Persian version of that book. Athar Abbass Rizvi, in his book himself said that Meerbaki, on the order of Babar had demolished the building constructed at RamJanambhoomi, Ayodhya and constructed a mosque in place of it.

Question: You are giving false evidence in this regard. Because it is nowhere written in the translation by Sayeed Athar Abbas Rizvi of above book Babarnama that Meerbaki was given the order to demolish any temple or Meerbaki had constructed the mosque in place of temple. What you have to say in this regard?

Answer: There is no reference about the order given by Babar in the translation of Babarnama. This I have already stated, in my earlier statement hence I am not giving false statement. In the inscriptions at the inner or outer portion of building, referred in the translation of Babarnama by Sayyed Athar Abbas Rizvi, there are such references.

Question: Would you please tell, after seeing the original book "Mughalkalin Bharat Babar" by Sayeed Abbas Rizvi, at what place the fact mentioned by you, is in the book and how it was referred?

Answer: Witness after seeing the original book said that this reference is at page 658 of Suit appendix – 'D' (page 659), running up to page No. 660.

(At this point Learned advocate cross examining the witness draw the attention of witness towards appendis – "D" at page 559 and 560, of the book by Athar Abbas

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Rizvi, self-attested photocopy of which were filed with document No. 281 C -1 to document No. 282 C -1/1 to 282 C -1/3).

Verified the statement after reading

Sd/-

Bishan Bahad

26.4.2005

Typed by the stenographer as dictated by me in the Open Court. Furtherance to this the suit may be listed for further Cross-examination for 27.4.2005. Witness to be present.

Sd/-

(Hari Shankar Dubey)

Commissioner

26.4.2005

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Before: Commissioner Shri Hari Shankar Dubey,
Additional District Judge/Officer on Special Duty, Lucknow
Bench, Lucknow.

Dated 27.4.2005

D.W. 13/1-3, Dr. Bishan Bahadur

(In continuation to dated 26.4.2005 Cross-examination on an Oath by Shri Zaffaryab Jilani, Advocate on behalf of plaintiff No. -1, 6/1, 8/1, Sunni Central Board of Waqf, Jiyauddin and Maulana Mahfuzurrehman, continued.)

Learned advocate cross examining the witness draw the attention of witness towards a part of statement recorded at page 134 on 26.4.2005 that " Himself said that Athar Abbas Rizvi-----constructed the mosque" and towards part of his statement at this page that " I, in the Babarnama by Sayeed Athar Abbas-----
-----written in the above bock". Witness after reading the statements said that these statements of mine are correct. I have referred the document No. 282 C -1/2 and 282 C -1/3 after above statement.

Question: It is nowhere written in the extract of above book, written by Akhar Abbas Rizvi photocopy of which, as suggested by you, was filed as document No. 282 C -1/2 and 282 C -1/3 that a mosque was constructed in place of a temple in Ayodhya, on the orders of Babar. What you have to say in this regard?

Answer: It has been written in the first sentence that a high rised building was constructed on the order of Babar. This is the place where angels are getting down.

Question: My question was that neither demolition of a temple was referred in the sentence of rock inscription nor there is a reference about construction of a mosque in place of a temple?

Answer: Although it is not clearly defined but it is clear from the meaning that this place was of deities. Place where angels gets-down means 'the place where deities get-down. Prof. S.R. Sharma had also conveyed the same meaning in his book "Religious Policy of the Mughals".

The extract from the book by Prof. S.R. Sharma has not been filed but I can show the quotation in his book. I have brought the book with me. In the book by Athar Abbas Rizvi there is no reference other than reference given in the above rock inscription, about the demolition of any temple in Ayodhya. This is the same inscription, which was referred in document No. 282 C -1/2, and 282 C -1/3. Beside Prof: S.R. Sharma, Dr. Ramnath has also referred this in their book "Architecture and Site of the Babri Masjid of Ayodhya", that this place was for RamJanambhoomi where mosque was constructed.

Dr. Ramnath (Dr. R.Nath) is still alive. So far I remember, this fact is written in the book by Dr. R. Nath, at page No. 78. Dr. R.Nath had written a number of books. He had written the books on building construction methods.

He has also written the book on Mughal Architecture. The above book "Architecture and site of the Babri Masjid" contains less than 100 pages. When the book was published either in 1986 or later on, I do not remember. I have read this about one year before. At present I do not have this book. This book was with me at Aligarh. I can

give its photocopy just now. Prof. S.R. Sharma has expressed his view on the basis of inscription filed with document No. 282 C -1/2 and 282 C -1/3. Besides, Prof. S.R. Sharma has not referred any other source. The first edition of the book by Dr. R. Nath was published in 1991 by "The Historical Research Documentation Programme, Jaipur".

It is written in the book written by Dr. R. Nath that place of Babri mosque was undoubtedly is the place where there was Hindu Temple, at the bank of Saryu in Ramkot and material of Hindu Temple was used in its construction. It is also written therein that it can be undoubtedly said that it was not constructed on virgin land. D. R. Nath has not given any historical source in support of his conclusion but I cannot say about it without reading it. I do not remember whether this reference was taken from the books or not, but he has referred the archaeological sources. I do not remember those sources at present. I will not be able to file the book by Dr. R.Nath at present. Dr. R.Nath has expressed his view in the above book that mosque has a national heritage irrespective of the place. Dr. R. Nath has also expressed his view that such a mosque, whether constructed in place of a temple, should be treated as a national monument and cannot be demolished. I agree with the view of Dr. R. Nath that creation and construction should go on but not demolition, whether it is temple or a mosque. I do not treat the demolition of the disputed Bhawan on 6th December 1992, as fair. In my view no demolition is fair. Beside, Dr. R. Nath and Prof. S.R. Sharma, I have referred Prof. Radheyshyam in this regard. Prof. Radheyshyam, recognized the place, where building is constructed, as Janambhoomi as referred in above inscription, document No. 282 C -1/2 and 282 C -1/3. The above book by Prof. Radheyshyam is with me. I can show it. This reference is

given at page No. 445 of the book written by Prof. Radheyshyam. Prof. Radheyshyam has not given his viewpoint at page No. 445, except the above two inscriptions referred as document No. 282 C -1/2 and 282 C -1/3.

Question: Can you file a photocopy of page No. 445 of the book in the Court?

Answer: Yes. I want to file a photocopy of above page 445 along with the photocopy of page 446.

It is written at page 446 of the above book that perhaps during this period, Meerbaki, commander of Babar had demolished the Ramjanmsthan Mandir and constructed the mosque, as evident from the rock inscription of mosque. It is also written at page No. 446 that Babar can not be held responsible for the work done by Meerbaki. The writer has written his viewpoint in this last sentence.

Question: Prof. Radheyshyam, by using the word "Perhaps" at page 446 of his book, made it clear that this point has not been confirmed by him and this cannot be said as his viewpoint that Meerbaki had demolished the Ramanmsthan Mandir?

Answer: I treat this as his view because he has neither denied it by stating it as a disputed one at page No. 445 nor refused it. The word "Perhaps" used at page 446 is for "period" and not about Meerbaki because he held Meerbaki as an accused for this work and treat Babar as not guilty .

Prof. Radheyshyam has said the above fact on the basis of inscription and not on the basis of other sources. Prof. Radheyshyam, at page 445 has not denied the fact that Meerbaki had, on the order of Babar, constructed a mosque by demolishing a temple, which is a disputed matter, till today. On this basis, I can say it is a view of Prof. Radheyshyam. The name of the book by Prof. Radheyshyam is "Mughal Samrat Babar". This book was published in 1974 for the first time. So far I know, Prof. Radheyshyam is not alive.

Prof. Radheyshyam had not mentioned any source other than the evaluation of inscription given in the above book, as a base and whether he had referred any other source or not, I cannot say. Beside the above three books, I do not remember any other book in this connection.

Learned advocate cross examining the witness draw the attention of witness towards para 13 of his examination in chief affidavit and asked if the witness has written the fact in para 13, on the basis of above three books. Witness said that beside the above books other sources are not remembered by me.

Question: Whether the sources and base, other than the matter written in the books By Prof. S.R. Sharma, Dr. Radheyshyam and Dr. R. Nath were in your mind while writing the para 13 of your affidavit, or not?

Answer: I have written this fact on the basis of inscription referred in translation of "Tazuk-e-Babri" written by Athar Abbas Rizvi. All the

above books confirm the reference given by Athar Abbas Rizvi. Para -13 of my examination in chief affidavit is based upon this.

Question: Should I treat that this viewpoint, expressed by you in para -13 of the affidavit is based on the above four books?

Answer: My view meaning my source is based upon the translation of Tazuk-e-Babri, rendered by Dr. Athar Abbas Rizvi and it is sufficient in itself .

Question: In accordance to your view the inscription in Babri mosque, itself proves that mosque was constructed by demolishing the temple?

Answer: Inscriptions itself proves that Meerbaki had constructed the new building in place of building of Ramjanmsthal. This is my intention.

Above book by Prof. Radheyshyam was published by "Bihar Granth Academy".

Gaharwal Dynasty referred in para 7 and 8 of my examination in chief affidavit, is based on the book by Dr. Roma Niyogi. I also read the book "Kannauj Ka Itihas" by Dr. Anand Mishra, in this regard. Since Dr. Roma Niyogi has not referred Salar Masood, hence the question of demolition of temple in Ayodhya does not arise.

Kannauj was specifically referred in the book written by Dr. Anand Mishra. Gaharwal Dynasty was also referred in it. This book was published in the decade of 1980. I do not know Dr. Anand Mishra. I have no knowledge from where he has done his Ph.D. and in which subject. This was published by Uttar Pradesh Hindi Sansthan, Mahatma

Gandhi Marg, Lucknow. Its first edition was published in 1990. Dr. Anand Swaroop Mishra was a Deputy Secretary in Uttar Pradesh Government. The word "Dr." is not prefixed in his name in the book written by him. It does not appear from his book that he is a Ph.D. I do not remember if there is a reference of "Salar Masood" in his book or not, because I have read this book casually. Extract from "Meeral-e-Masoodi" was referred in the book written by "Eliot and Douson". There was no reference about demolition of a temple of Ayodhya or Satrikh but demolition of holy places were referred therein. Salar Masood had not destroyed the holy places. These were destroyed by his army in Satrikh. Learned advocate cross examining the witness draw the attention of witness towards para -9 of his examination in chief affidavit and was asked whether the temples destroyed in Ayodhya, as referred, were the holy places of Satrikh? Witness said that army of Salar Masood had destroyed the disputed site at Ayodhya. The word Satrikh was used in the book. As per information available in the book this incident happened in Satrikh.

Question: I am to say that it is nowhere written in "Meerat-e-Masoodi", the extract of which was shown to you, that Salar Masood and his army ever went to Ayodhya and had attacked upon Ayodhya and damaged any temple. What you have to say in this regard?

Answer: I have, in para -9 of my examination in chief affidavit stated that army of Salar Masood had caused damage to God Ramlalla temple situated at Satrikh. Satrikh is Ayodhya of to day and accordingly I have mentioned the concerned facts in the affidavit and stated in

the statement. Harish Chander remained the King from 1194 to 1226 and Ayodhya remained under his rule. Dr. Roma Niyogi had not written this fact in her book. This fact that Harish Chander was the ruler from 1194 to 1226 and Ayodhya was under his control, was written in the book "The Delhi Saltnat" written by R.C. Majumdar published by Vidya Bhawan, beside other books. In addition to this, in how many books it is written, I do not remember. This was referred in fifth or sixth volume of series of books written by R.C. Majumdar and published by Vidya Bhawan. Learned advocate cross examining the witness draw the attention of witness towards part of Para -12 of his examination in chief affidavit that "Heavy casualties were caused during the battle of Chanderi" and a Pyramid was made from the heads of the dead bodies. Witness said that the detail about this fact was given at page No. 267 -268 of "Babarnama" translated by Athar Abbas Rizvi.

Learned advocate cross examining the witness draw the attention of witness towards para 14 of his examination in chief affidavit. Witness after reading it said that the fact written therein is not based upon the book but is on the traditions.

Ayodhya is a holy place and birthplace of Rama and disputed place is a birthplace and I believe it on the basis of tradition.

Learned advocate cross examining the witness draw the attention of witness towards first and second para of

"Valmiki Ramayana", document No. 261 C -1/1 and 261 C -1/2 and asked if there was a specific reference about the birthplace of Ramchanderji. Witness said that a place was referred therein but which place was mentioned, I do not remember.

Question: No specific place was referred in "Valmiki Ramayana" where Ramachanderji was stated to be born or there was a reference by which the specific place is identified?

(Upon this question, Learned Advocate Shri Ajay Kumar Pandey, on behalf of plaintiff of Other Original Suit No. 5/89, has raised an objection that this question is being asked again with a little difference. Hence permission should not be granted for asking a question again and again).

Answer: It is not possible for me, at present, to recollect to indentify the definite birthplace of Shri Ramchanderji.

I do not remember whether specific place was mentioned in "Ramcharitmanas" written by Tulsidasji because I have read "Ramcharitmanas" much before I read Valmiki Ramayana. I have casually read the other literature, such as Geetawali, Kavitalawali, Ramlalla, Naihchhu, when I was studying in B.A. There is no reference about RamJanambhoomi in Ramcharitmanas. No demolition of any RamJanambhoomi temple was referred in the literature written by Tulsidas. I have not read any authentic book of Hindu religion, so I cannot say about the demolition of RamJanambhoomi temple. The word "Time immemorial" used in second line of para 14 of my examination in chief affidavit means since the time of

Ramchanderji. In my view, Ramchanderji was five thousand years before.

Question: From the words 'five thousand years before', do you mean the period of Ramchanderji within the five and half thousand, six thousand or seven thousand years?

Answer: Determination of time period is not my subject but according to my knowledge Ramchanderji was about six thousand years before.

Question: Some people say that Ramchanderji was more than 9 lakhs of year before. What is your view about this?

Answer: Calculation and determination of time period is not my subject. Birth time of Ramchanderji can be decided only on the basis of time calculation since Treta Yug.

I cannot say how old the mankind is, because there are various views in this regard. The word "time immemorial" used in second line of para 14 of my examination in chief affidavit means about six thousand years before. According to Hindu tradition, Ramchandraji was born as an incarnation of Vishnu, six thousand years before as a son of King Dasratha.

Only Archaeologists can tell it. The remains of the buildings or sub-buildings were six thousand years before or not. It is not possible that such an old building is in existence today. In accordance with the tradition, these Bhawans were from the period of Ramchanderji.

I have not read the book "The Memoirs of Babar" written by F.G.Talbot. Learned advocate cross examining the witness draw the attention of witness towards document No. 218 C -1/1 to 218 C -1/20, filed in Other Original Suit No. 4/89. Witness said that I have not read the book- "Tuzuk-e-Babri, described in the fourth volume of the book written by "Eliot and Douson". Further said that I have read this book casually. I have read the book "Medieval Bharti Sanskriti" written by R.C. Srivastava. There is no reference about RamJanambhoomi Mandir in it. I have not read the book "India Distorted a Study of British Historian on India", written by S.C. Mittal. Its extracts has been filed in the Court as document No. 323 C -1/1 to 323 C -1/25.

I have not read the book "The Early History of India", written by Vincent A. Smith, filed as document No. 324 C -1/1 to 324 C -1/28.

I have not read the book "Hindu World" written by Benjamin Walker, filed as document No. 318 C -1/1 to 318 C -1/13. I have read the book "Aain-e-Akbari" in two volumes written by Abul Fazal Allami, translation of which rendered by Blachman.

I have not read the book "Aain-e-Akbari" written by Col. H.S. Jairet, second edition of which was amended by Yadunath Sarkar and which was filed by document No. 321 C -1/1 to 321 C -1/21.

Question: There is no reference about demolition of RamJanambhoomi Mandir at Ayodhya in "Aain-e-Akbari". What you have to say in this regard?

Answer: Ayodhya was referred as an ancient religious place of India in "Aain-e-Akbari" due to RamJanambhoomi.

Question: The word "RamJanambhoomi" was not used in "Aain-e-Akbari". What you have to say in this regard?

Answer: Birthplace of Rama was referred in "Aain-e-Akbari", Volume-II.

Question: It is written in "Aain-e-Akbari" that Ramchanderji was born in Ayodhya. What you have to say in this regard?

Answer: It was referred at two places in "Aain-e-Akbari", In both the places because of birth place of Ramchanderji. Ayodhya was mentioned as an important place for it's being an ancient religious place.

Question: There is no reference about any RamJanambhoomi temple at Ayodhya in "Aain-e-Akbari"?

Answer: It is correct that no RamJanambhoomi temple was referred in "Aain-e-Akbari".

It is not correct to say that there are no historical evidences in support of the facts mentioned in para 13 and 14 of my examination in chief affidavit.

It is also not correct that traditions and customs referred by me are not recognized as historical evidences. It is also not correct that Babri mosque was constructed by demolishing a temple and it was constructed at virgin land. It is also not correct to say that Namaz was being read

regularly therein since its construction to the night of 22nd December 1949. It is also not correct that there was neither an idol in the disputed Bhawan up to 22nd December 1949, nor worship was performed therein. It is not correct to say that I am prejudice. It is also not correct that disputed Bhawan was never a birthplace of Ramchanderji.

(Cross-examination by Shri Zaffaryab Jilani, Advocate on behalf of plaintiff No. -1, 6/1, 8/1, Sunni Central Board of Waqf, Jiyauddin and Maulana Mahfuzurrehman, concluded).

Verified the statement after reading

Sd/-

Bishan Bahad

27.4.2005

Typed by the stenographer as dictated by me in the Open Court. In continuation to this suit, may be listed for further Cross-examination for 28.4.2005. Witness to be present.

Sd/-

(Hari Shankar Dubey)

Commissioner

27.4.2005

Before: Commissioner Shri Hari Shankar Dubey,
Additional District Judge/Officer on Special Duty, Lucknow
Bench, Lucknow.

Dated: 28.4.2005

D.W. 13/1-3, Dr Bishan Bahadur

(In continuation to dated 27.4.2005, Cross-examination by
Shri Mushtaq Ahmed Siddiqui, Advocate, on behalf of
plaintiff No.7 of Other Original Suit No. 4/89, continued).

Disputed Bhawan, at present is situated at Ayodhya.
Ayodhya, at present, is a city. I cannot say in which
Mohalla or Village the disputed site is. Ayodhya is in
Faizabad district. I have no knowledge about the Tahsil or
Sub-division, where Ayodhya is situated in. I have no
knowledge about the ward, Ayodhya is situated in. I have
no knowledge about the area of disputed site. But it is
situated on a hillock (mound). The disputed site has a large
area. I have no detailed knowledge that the disputed site
is limited to the mound or spread over to other adjoining
area. I cannot correctly say about the length and width
of disputed site. I cannot say about the length and width of
the disputed site even on assumption. I have no
knowledge about the boundary of disputed site.

Question: Do you treat Satrakh and Ayodhya as one and
same place, even today?

(Upon this point Learned Advocate Shri Ajay Kumar
Pandey on behalf of plaintiff of Other Original Suit No.
5/89 has raised an objection that this question was asked
before during the Cross-examination. There is no
justification for giving permission to Cross-examine the
Cross-examination.)

Answer: Satrakh was called Ayodhya. And in this context I treat it as Ayodhya.

At present, Satrakh and Ayodhya are two different places. I have no knowledge about the Satrakh where, it is situated and its present location, and area.

Question: How far Satrakh is from Ayodhya?

(Upon this question, Learned Advocate Shri Ajay Kumar Pandey, on behalf of plaintiff, of Other Original Suit No. 5/89, has raised an objection whatever question being asked about Satrakh were already asked. Hence permission for asking the same question again should not be granted.)

Answer: I cannot say about the present location of Satrakh and its distance from Ayodhya. I had, on the basis of then references, told that Satrakh and Ayodhya were one and same.

Ayodhya and Satrakh, both are different places. I came to know about this only recently i.e. 10-15 days ago. I have cited the book "Mirat-e-Masoodi" and not the then tradition and customs as a source. Wherein, Satrakh was referred in connection with the Ayodhya. "Mirat-e-Masoodi" is the same book referred in the book by Eliot and Dauson. Learned advocate cross examining the witness draw the attention of witness towards document no. 3/5C-1/1 to 3/5C-1/10 and was asked:-

Question: At which place, in the above book it is written that Ayodhya and Satrakh are the name of one and same place?

(Upon this question Learned Advocate Shri Ajay Kumar Pandey, on behalf of plaintiff, Other Original Suit No. 5/89, has raised an objection that question has already been asked about the document. Hence permission cannot be granted for asking the question again.)

Answer: Above extract does not contain the entire pages of book "Mirat-e-Masoodi". Page no. 532 comes just after page 513. Hence I would not be able to say that at what place it is written that Ayodhya and Satrakh is one and same.

Learned advocate cross examining the witness has again invited the attention of witness towards the document no. 319C-1/1 to 319C-1/9 filed vide list document no. 319C-1, in Other Original Suit No. 5/89 and asked the above question once again.

Question: Would you please tell, after seeing the document no. 315C-1/1 to 315C-1/10 and 319C-1/1 to 319C-1/9, at which place it is mentioned that Ayodhya and Satrakh is one and same place?

(Upon this question, Learned advocate cross examining the witness Shri Ajay Kumar Pandey, on behalf of plaintiff of Other Original Suit No. 5/89 has raised an objection that cross-examination has already been done about the above document. Hence permission cannot be granted for cross-examination time and again.)

(Witness has been studying the above extract shown to him. Hence witness was asked to give reply later on, in order to save the time.)

I do not know the year of publication of the book by Eliot and Dauson, but it was published in the twentieth century. The incidents contained in the book "Mirat-e-Masoodi" were published in 16th century, are about the 11th century. Incidents relating to 11th century mentioned in "Mirat-e-Masoodi" are not found in historical sources of the period 11th to 16th century. Historians give lot of importance to the facts given in it. It becomes matter of surprise if the historical facts, which were not revealed for the last 500 years, suddenly come into light. But if the facts are based upon the then references, the historians use them as a source.

Manuscript mentioned in "Mirat-e-Masoodi" was not available during 11th or 16th century or up to its publication. The bases of information mentioned therein is of the period mentioned in the book. Servants of Subuktgeen was for the period of 11th century.

Mullaha Mohd. Gaznavi had written his book in the 11th century. Since the author of "Mirat-e-Masoodi" had used it, hence it gained the importance. Book by Mullaha Mohd. Gaznavi might be handwritten because Persian writers used to write in handwriting at that time. Abdul Rahman Chisti had not reproduced the facts written in book by Mullaha Mohd. Gaznavi. He cited the extracts of book, written by Mullaha Mohd. Gaznavi at different places, in his book. Abdul Rahman Chishti had obtained the information from the book by Mullaha Mohd. Gaznavi and cited the references of information from that book.

Question: Do you want to say that Abdul Rahman Chisti, after publication of his book "Mirat-e-Masoodi"

destroyed the book written by Mullaha Mohd. Gaznavi, handwritten in 11th century?

(Upon this question Learned Advocate Shri Ved Prakash on behalf of plaintiff of Other Original Suit No. 5/89, has raised an objection that witness might not have been present at the time, the question is being asked about the time. Witness is a historian. A historian believes upon the extracts, if given in the book, about the earlier sources, which are not available in original and unless there is something written against it. In these circumstances the above question is not worthy.)

(Learned advocate cross examining the witness has countered the objection saying that Learned Advocate has not followed the question. Witness is a specialist of medieval Indian history. A number of students had obtained Ph.D. under his guidance and a number of research papers had been published under his guidance. This was stated by the witness himself. It appears that witness is being confused while given the answer through the objections.)

Answer: Author of "Mirat-e-Masoodi" had not destroyed the book written by Mullah Mohd. Gaznavi after it was used by him because there was no justification in destroying it as in the absence of this book, relevance of his book would have been lost. It is said by the authors that the handwritten manuscript in Persian language by Mullah Mohd. Gaznavi is not available at present.

Question: Except the book "Mirat-e-Masoodi" or the fact based upon the reference of "Mirat-e-Masoodi",

if the handwritten book of above 11th century, is found anywhere; if yes, please tell us?

Answer: Reference of this book by Mullah Mohd. Gaznavi, except in the book "Mirat-e-Masoodi" is not found anywhere in any book of 11th Century to till to day.

Tradition and system are two different things. Parampara and Pratha are "System" means the called tradition and system respectively in the English language "System" means the accreditation for the years but it keeps on changing. Something is added to this and something left behind. Tradition is unfailing. Thus it keeps on going for centuries. History contains tradition and system both. But tradition however, remains significant. Tradition can be and is used as a historical source.

I have not read the book "Ayodhya" written by Hains Backer. I have not heard about the book by Hains Backer.

Learned advocate cross examining the witness draw the attention of witness towards the book "Ayodhya" written by Hains Backer, document no. 120C-1/2 and asked:

Question: Do you agree with the contents of the chapter-3 of this book. Please tell after reading it.

(Upon this question, Learned advocate cross examining the witness on behalf of plaintiff Other Original Suit No. 5/89, has raised an objection that witness has already stated that he has not read the book "Ayodhya" written by Hains Backer. Witness has come here to depose in and

not to translate an extract or to give brief. Hence permission should not be granted to ask such question.)

Answer: I do not agree with the contents of above para, because Ayodhya was not obscure (7th to 11th century), because political development of Ayodhya was linked to Kannauj. Since, Mohd. Gazni could not come to this place so there was no influence of his attacks.

“Obscure” I mean reduced political effect. The period from 7th to 11th century does not fall under the period of ancient history. Although it also does not fall under the medieval history because medieval political history began from 1206. I have stated in the above answer that Ayodhya falls under the Kannauj. Which I mean Kannauj was a capital. There was a rule of Rashtrakoot's prior to the rule of Gaharwal during 7th to 11th century. I have no knowledge of their rule because it is not a subject of my study. The impact of rule of Rashtrakoot's was up to Delhi. Since province level administration was not in vogue during 7th to 11th century, it cannot be said that Kannauj was a provincial capital or central capital, because every dynasty had its own capital at different places.

“Satrakh is Ayodhya and Ayodhya is Satrakh” is written in document no. 315C-1/3 and 315C-1/4 (page 533 and 534). This fact “At that time Satrakh” is written from second line of last para at page 533 to “the surrounding country” the fifth line at page 534. Since “Sacred shrine of the Hindus” is written in these lines, I am therefore of this view that Satrakh was Ayodhya. Similar thing was written by Hindi translator Dr. Mathura Lal Sharma in the comment at page 402, in the translated version of the

original book "Bharat ka Itihas – second volume" written by Eliot and Dauson.

The word Ayodhya does not figure anywhere in the above 6 lines. In these lines, Satrakh was described as a prosperous and wealthy city among the cities of India. This place was stated to be the center of India. It was also said that there was an open place where one can hunt. It is stated therein that Satrakh is a holy place for Hindus and Masood had established his headquarters there and sent his army to different directions from there. Since "sacred shrine" is written therein, this place cannot be other than Ayodhya. That is why I have said, Satrakh as Ayodhya. The matter written in the above six lines, was related to first half of 11th century. I have given the brief of these six lines in my statement. The matter written in these lines is correct. Reference of the book by Mullah Mohd. Gaznavi is not found in any other book after the publication of "Mirat-e-Masoodi". I do not mean that author had dream about the incidents relating to Salar Masood written in "Mirat-e-Masoodi".

Question: Keep "Mirat-e-Masoodi" aside for a while and tell, is there any reference in any history book that Satrakh was Ayodhya?

(Upon this question, Learned Advocate on behalf of plaintiff Other Original Suit no. 5/89 has raised an objection that this question is based upon concept and witness being a historian, is not in a position to draw a fact of history. Hence such question should not be allowed.)

Answer: If "Mirat-e-Masoodi" becomes available and it is accepted, no question of probability would be

left. If we keep the book "Mirat-e-Masoodi" aside, there will be a vacuum in regard with this fact that Satrakh is called Ayodhya.

Verified the statement after reading

Sd/-

Dr. Bishan Bahad

28.4.2005

Typed by the stenographer as dictated by me in the Open Court. In continuation to this suit may be listed for further Cross-examination for 2.5.2005. Witness to be present.

Sd/-

(Hari Shankar Dubey)

Commissioner

28.4.2005

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Before: Hon'ble Special Full Bench, High Court,
Lucknow Bench, Lucknow.

Dated: 2.5.2005

D.W. 13/1-3, Dr. Bishan Bahadur

(In continuation to dated 28.4.2005, Cross-examination by Shri Mushtaq Ahmed Siddiqui, Advocate, on behalf of plaintiff No.7 of Other Original Suit No. 4/89, continued).

I have written in para 2 of my examination in chief affidavit that I have done research on "Hindu Resistance during Sultanat period" in medieval history. I got Ph.D. in this subject. This period falls in between 1206 AD to 1526 AD. This is the period of Sultanat. Medieval history of India with an administrative point of view, begins from 1206 to 1707. "Sultanat" mean the ruler who occupied the throne of Delhi and the period of their regime is called the Sultanat period. The regime of Sultanat period was from 1206 to 1526. Delhi was the main capital during this period but with a strategic point of view some ruler made Lahore as second capital. Delhi remained the central capital Iltutmish had established the system called "Ikta" during his period. But that system was different from the system of to-day's provinces. Iltutmish had begun this system from the beginning when he took over charge i.e. after 1210. At present I remember that *Badayun* and *Bayana* were among the important provinces he established. Territory of their state kept changing up to 1526.

There was a province called Awadh. As per my knowledge, Awadh province was referred for the first time in this connection when Iltutmish had appointed his son Naseeruddin as a Governor of this province. It was be

around the time of 1225. At that time "Ayodhya" was under the province of Awadh. Territory of Awadh kept on changing up to 1526. After the death of Pruthu or Bruthu, this region came under the control of Delhi Sultanat. City of Ayodhya remained under Awadh from 1206 to 1526. Ayodhya was not the capital of Awadh from 1206 to 1526 and during that time Ayodhya had no importance from the political point of view. There is no reference whether Naseeruddin, son of Iltutmish, on appointment Governor, had established any capital of the province or not. Capital of Awadh province could not be established during the period 1206 to 1526, because this region remained under the local struggle during that time. Faizabad never during the period 1206 to 1526, remained the capital of Awadh province. I cannot say whether Faizabad city, during the period 1526 to 15th August, 1947, ever remained the capital of Awadh province or not. According to some historians, medieval history was from 1206 to 1757 i.e. up to the battle of Plassey in 1757. I have done in depth study of medieval history up to the period of 1707. I have studied the history after the period of 1707 casually. I have done research work in one particular subject of the history from 1206 to 1526.

Temple or mosque of Ayodhya was not the subject matter of my research called "Hindu Resistance During Sultanat Period" referred in para-2 of my affidavit i.e. no subject concerning to the dispute of temple and mosque. The research work referred in para-2 above had no relevance about the dispute of temple-mosque of Ayodhya. The research work had no relation about the matter in which I am deposing.

Rule of Gaharwal dynasty remained up to 1226. It would not be correct to say that Gaharwal dynasty came to

an end in the year 1193 because Jaichand died in 1194. Rule of Sharkies of Jaunpur remained from 1393 to 1479. During this period Ayodhya was under the rule of Sharki ruler. I do not agree with this view that Ayodhya was the capital of Awadh province during the period of Sharki rules, excluding the period from 1206 to 17th century. It is correct that Awadh province was there during this period and its heads were appointed. These heads were sometime called by the name of Governor, sometime by the name of Subedar and sometimes by the name of Ektadar. It is correct that during the period of Sultanat, Muslim person always remained the head of Awadh province.

Nothing has been written about the present temple-mosque dispute in the book "History of world" referred in para-5 of my affidavit. This book contains the details of world history after the year 1453 and that is too for the students. There is no reference about the history of India in this book. I can only say about the matter referred in para-6 of my affidavit, if any reference about 18th century figures that there was a tradition during the 12th century, it should be treated as a source of history for the purpose of 12th century.

Tradition, I mean, unfailling belief or faith, which is continuing since from ages and system, I mean, which keeps on changing. There is no need for any source to know about tradition and sometime tradition becomes a historical fact.

Question: Would you examine whether a tradition is continued for ages or not if a question about a particular tradition is put up before you?

Answer: Yes, it will be done but doubtful tradition is not examined.

Whether any particular tradition is doubtful and doubtless, it depends upon the fact whether the tradition is widely recognized or there is no dispute about it. In that case there is no need for further examination and if people have any differences about any particular tradition and they are not unanimous, in that case it should be examined from the point of view whether it can be recognized as a tradition or not.

Question: It is said that at the time when Rama went to exile, by Rama. People started crying. Then Rama consoled the people and asked them "not to cry" "Ro Nahin", after that the said place has been named as "Ronahin". Should it be called a tradition with reference to historical status?

Answer: Such myth or local saying can be rejected or accepted in the history. From the historian's point of view it can be accepted for certain period and cannot be accepted for a period.

Ruler of Gaharwal Dynasty had not established the province like established during Sultanat-period or today. Kannauj had been the capital of Gaharwal Dynasty. I have written in para 7 of my affidavit that Indradev had made Kannauj as his first capital and Kashi as a second capital. Kashi was given the status of second capital from the strategic point of view but Kannauj remained the main capital. Its period was from 1085 to 1100. Prior to 1085, Faizabad was under the Kannauj. Chander Dev had conquered Banaras. Madan Chander, after Chanderdev, was also called as Madanpal or Madandev. Being a

historian I am of the view that Madanchander and Madanpal of Madandev is one and same person who ruled from 1100 to 1110. Similarly Govindchand and Govindchand Dev was also one and same ruler, who ruled from 1110 to 1176. Capital of the ruler of Gaharwal Dynasty, who ruled from 1194 to 1226, cannot be ascertained because he constantly remained in fight with the ruler of then Sultans of Delhi. Territory of Harish Chander also cannot be ascertained because he remained in fight with the Sultans of Delhi during his tenure. Ayodhya, certainly was under him, but how much area was under him, it cannot be ascertained because of above reasons. No reference is found in the history books that during the regime of King Harish Chander, i.e. 1194 to 1226, Ayodhya was the capital. I have on the basis of reference given in the book "Tabkat-e-Nasiri" written by historian Shri Minhauzuddin Siraj, said that Ayodhya was not under the regime of King Harish Chander of Gaharwal Dynasty.

Question: According to you, what was the territory, capital of King Harish Chander of Gaharwal Dynasty and where he remained is not definite. Even then you are of the firm view that he ruled over Ayodhya. What you have to say in this regard?

Answer: "Pruthu" or "Brithu" of Harish Chander constantly remained in fight with the army of Sultans of Delhi, in the territory of Awadh or Ayodhya, reference of which was given by Minhauzuddin Siraj. It was stated therein that one lakh twenty thousand soldiers were killed during that fight, which is not possible during one battle. Because there was regular fight,

hence I am of the view that Ayodhya under Harish Chander's territory.

This struggle was for the entire Awadh province. Because Ayodhya was not referred in the region conquered by Sultans, hence the impression gathers that Ayodhya was under the rule of Harishchander.

Verified the statement after reading

Sd/-

Bishan Bahad

2.5.2005

Typed by the stenographer as dictated by us in the Open Court. In continuation to this suit may be listed for further Cross-examination for 3.5.2005. Witness to be present.

Sd/-

2.5.2005

Before: Hon'ble Special Full Bench, High Court,
Lucknow Bench, Lucknow.

Dated: 3.5.2005

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

(In continuation to dated 2.5.2005, Cross-examination by
Shri Mushtaq Ahmed Siddiqui, Advocate, on behalf of
plaintiff No.7 of Other Original Suit No. 4/89, continued).

Awadh province was among the provinces conquered
by Sultans. Sultans had not conquered the entire territory
of Gaharwal Kings, a major portion remained
unconquered. Sultans had conquered a part of present
Bulandshahar, called Indersthan; Kashi and Kaushik and
the territory of Ayodhya, under Pruthee or Bruthee, the
then ruler, was remained unconquered and situation of
struggle continued. I have said the above facts on the
basis of "Tabkat-e-Nasiri". Bulandshahar was a part of
Awadh, under the empire of Gaharwal Kingdom. Again
said that Bulandshahar was not under the Awadh province
but was a part of Gaharwal Kingdom. At that time, the
entire area, excluding Kannauj, was under the Awadh
province. Northern part of Kannauj was under Awadh
province at that time. Volunteer : that except the area from
Kannauj, the entire area to Ayodhya was under the ruler of
Gaharwal Dynasty, where struggle was struggle was
continuing. Kannauj was under the ruler of Gaharwal's and
that was their capital. I am saying this on the basis of
facts written in the book "Gaharwal Dynasty" by Dr. Roma
Niyogi and other books and fact about the struggle, on the
basis of "Tabkat-e-Nasiri". How many regions were under
the jurisdiction of Sultans, during the period 1206 to 1260,
was referred in "Tabkat-e-Nasiri". Other books were also
based on this book. The original book "Tabkat-e-Nasiri" is

in Persian language, its English translation was rendered by "Ranking". I have read its extract in the book "The history of India as told by its own historians". The entire book "Tabkat-e-Nasiri" was translated by Ranking. I have read its extracts given in other books. I have read the extracts of "Tabkat-e-Nasiri" in the book "History of India as told by its own historians" by Eliot and Douson. I have read about the area conquered by Sultans, referred in my statement above, in the following books:- 'Foundation of Muslim rule in India' written by Dr. A.B.M. Habibullah, 'Comprehensive History of India', 'The Delhi Sultanat' written by Prof. Habib and K.A. Nizami, 'Struggle for empire' edited by R.C. Mazumdar, Vidyabhawan series, 'Crisent in India' written by Prof. S.R. Sharma. Besides, all the books are in standard works. All these books contain the details of the areas conquered by early Sultans. Ayodhya and a large area was not included in it because it was referred in the book "Tabkat-e-Nasiri" written by Minhazuddin that Pruthu or Bruthu was the ruler of that area. Prof. R.C. Mazumdar has written that Pruthu or Bruthu were under the King of Gaharwals. But Pruthu or Bruthu came under Harish Chander after the defeat of ruler of Gaharwal Dynasty and after the loss of Kannauj. Pruthu or Bruthu never remained independent rulers. The head quarters of their regime had never been at other places except Ayodhya. Again said that their capital was Ayodhya only. Rule period of Pruthu or Bruthu begins during the period of Harish Chander and came to an end in 1226. Their rule was in the region of Gaharwal Dynasty, which was never conquered by Sultan of Delhi. Rule period of Harish Chander was from 1194 to 1226. Since Pruthu or Bruthu were under Harish Chander, the part, which was not owned by Sultans of Delhi was also under the control of Harish Chander. Struggle continued there for a long time, wherein one lakh twenty thousand people

died, as referred by Minhazuddin in his book "Tabkat-e-Nasiri". Madan Chander, ruler of Gaharwal Dynasty, (Madanpal/Madandev) had ruled independently from 1100 to 1110. Territory, referred in para-7 of my affidavit was under the control of Chanderdev because he was from the dynasty of Gaharwal.

"Satrikh" was also under the ruler of Gaharwal dynasty. But Satrikh was referred only in the book "Mirat-e-Masoodi" with reference to attacks by Gazani. Satrikh was under the king of Gaharwal's dynasty but this word was not referred in the original sources for the period 1206 to 1226. In my view Satrikh was undoubtedly under the Gaharwal Empire because it was referred only in "Mirat-e-Masoodi" with reference to attacks by Gazani. During the period from 1206 to 1226, Satrikh was under the region of Ayodhya. About the fact that Satrikh during that time was under the Ayodhya region, I came to know about it during the study of history.

In addition to Jaunpur, Ayodhya was under the empire of Sharki Dynasty i.e. the area under the present Faizabad district was under the then empire of Sharki dynasty. I am not sure if the present area of district Sultanpur, Banaras, Pratapgarh, Gonda, Azamgarh was under the then empire of Sharki dynasty or not. But this much I am sure that the area which comes under the present district of Faizabad, was definitely under the Sharki Empire.

Malik Sarvar was deputed by Delhi to oversee the affairs of Jaunpur and he had established the Sharki dynasty there.

Attention of witness was drawn towards the first four lines of the book " Ayodhya " written by Hains Backer "Mohammad Tughlaq independence" of second para at page 133 of part one, book "Ayodhya" document no. 120 C-1/2. Witness said that I have already stated above that Sharki dynasty was established by the person deputed from Delhi and the same fact is written in it. I don't have any disagreement with the fact written in it. Sharki Empire came to an end in 1479 when its ruler "Hussain Shah Sharki" fled to Bengal. There is no dispute about that Awadh also come under the Sharki Empire of Jaunpur as mentioned in the above para of this book. About the extract of the opinion of Abbas Khan Serwani given in second para of page 133 of part one of the book "Ayodhya" document No. 120 C-1, it cannot be said how far it is correct because Abbas Sahab had written the history of the period of Sher Shah Suri and the period mentioned in the above part was earlier to that period i.e. almost about 70 years before the period of Sher Shah Suri. Abbas Khas Sherwani was contemporary to Shershah Suri. The fact given in para 2 at page 133 of the book "Ayodhya" by Shri Abbas Khan, cannot be treated as a contemporary source. If a person, living in a particular period, or a person in whose presence the things happened, write about these incidents later, these are treated as a contemporary evidences and if a person who was not present at a particular time and he narrate the things later, on the basis of sayings, and he treat the sayings as correct then that will be treated as a contemporary source.

It is correct if the fact given in a history book is not supported by evidences, than it will not carry the importance. It is also correct that historians write the basis or source in their footnote about the fact given in their

books. Geography of history means the reference of area, definite site and circumstantial reference concerning to history given in the history. References about culture, social, religious, political and militancy are also included in it. It is not necessary that the then people associated with the above organizations be mentioned in the history.

I do not agree with the contents of para 2 at page 130 of part-I of the book "Ayodhya" by Hains Backer that double struggle during the 13th and 14th century was happened in between Subedar of Awadh and Saltanat of Delhi. I also do not agree with the facts written in this para that Subedar of Awadh had strengthened their portion by fortification of capital. It is correctly written in that para that according to William Finch fort of Ayodhya was constructed 400 years ago. Further said that it is correct that William Finch went to Ayodhya in between 1608 to 1611. But I do not agree with the fact that Fort of Ayodhya might had been constructed in and around 1208 because William Finch had not cited any base in support of the above stated advice. I do agree that it was referred in the book by William Finch that fort was constructed 400 years before.

I cannot say whether the matter written in this para on the basis of reference of said Prabh Suri that - "Saryu River swept away the walls of fort", is correct or not because I have not read her book. In the last sentence in para-3 at this page it is written correctly that Sultan of Delhi, Balban had killed Amin Khan and hanged him at the gate of Awadh.

I do not agree with the contents written in the beginning of the para that Amin Khan was hanged because he was defeated and not because that fort would have gained the importance. The writer, in this para had mentioned that Sultan had hanged the dead body of Amin Khan, in anguish because of his defeat and not to show

the utility of the gate and wall of the fort. He hanged his body at the gate as a punishment for defeat. The period when the body of Amin Khan was hanged was written correct. I have no knowledge about the footnote-6 at the page. Hence I cannot say whether it is correct or not. I agree with the contents of last para at this page that Ayodhya greatly prospered during the Tuglak dynasty i.e. during 14th Century. Volunteer : that in my view prosperity was revived again. I cannot say if the matter written in this para, that "Muslim population living in between the area of northern and Swargdwar Ghats of Ramkot had registered an increase" is correct or not.

I do not agree with the contents that there was a hillock named Shah Madar Mokana Ghat situated in the south, among the various hillocks in between Swargdwar and Ramkot and there were a number of ruins of muslim population in between these hillocks. I have not read the history book written by Mujib, referred in footnote-6 (page 130).

It is correct that "Ain-ul-Mulk Multani" continued to fight with the rebels of Ayodhya for the Saltanat and with the help of his brothers succeeded to save Ayodhya city for Saltanat. This struggle with the rebels was not related to religion but it was for continuing the political power. In my view, Ain-ul-Mul Multani had turned the Hindu rebels in his favour. It is correct that people from Delhi, migrated from Delhi, out of anguish because of the behaviour of Mohmad-bin- Tuglak. There were other reason for which people migrated to Awadh and Jafarabad. Further Volunteer : that Delhi was never deserted. However, some people had migrated for various reasons. One of the reasons was famine and inflation.

The matter written in this para is correct that some people, who migrated from Delhi, formed an alliance with Ain-ul-Mulk Multani and his brothers and some of them

were given villages. I do not agree with the matter written in this para that "Mohamad-bin-Tuglak had himself left Delhi and rehabilitated at the present Samshabad, neare Swargdwar from Delhi". As per my knowledge Samshabad, at present is in Farukhabad district. As per my knowledge Sultan had never left Delhi. Rehabilitation near Samshabad means he had despatched relief material to the people.

Prof. Maihandi Hussain had written in the book "Tuglak Dynasty" that relief was sent to all the places of Samshabad and Doaba affected by famine. I cannot cite any other book or give reference from any authenticated documents ,wherein it was stated that Mohmad-bin-Tuglak had migrated from Delhi in or around 1337, due to famine.

As per my knowledge, the matter written in footnote-5(page131) is not correct that prosperity of Awadh had affected the Sultans of Delhi. However this is correct that Awadh was very prosperous at that time. I don't remember whether Sultan had removed Ain-ul-Mulk Multani from Subedar or not. It is not correct that Ain-ul-Mulk Multani had resigned from his post. The correct position is that Ain-ul-Multani revolted on the instance of his brothers and supporters and had fought a battle, in which he was defeated.

Verified the statement after reading

Sd/-
Bishan Bahad
3.5.2005

Typed by the stenographer as dictated by us in the Open Court. In continuation to this suit may be listed for further Cross-examination for 4.5.2005. Witness to be present.

Sd/-
3.5.2005

Before: Hon'ble Special Full Bench, High Court,
Lucknow Bench, Lucknow.

Dated: 4.5.2005

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

(In continuation to dated 3.5.2005, Cross-examination by
Shri Mushtaq Ahmed Siddiqui, Advocate, on behalf of
plaintiff No.7 of Other Original Suit No. 4/89, continued).

"Tabkat-e-Nasiri" is a original source. That is why, not only me but other historians too, treat it as an authentic. This book is voluminous, running into about 700-800 pages. This is a single book and not a compilation of many books. It would not be correct to say that this book is a compilation of 23 books but is in 23 volumes. I have not read about the political, governmental and militancy activities of other cities other than Ayodhya city. Ayodhya was not a political seat or capital of Awadh province during the period from 1206 to 1707. Ayodhya remained the capital of Awadh from time to time. My earlier statement is correct that Ayodhya was not a capital of Awadh during the period from 1206 to 1526. My earlier statement is at page 161. The statement that "Ayodhya was not politically important from the political point of view during the period from 1206 to 1526", is also correct. There is no contradiction between my statement of today and earlier statement, because I had made my statement keeping in view the context of the question in mind. I am giving answer today with reference to the context question asked for about. On this point, Learned advocate cross examining the witness draw the attention of witness towards the first para of chapter-8 at page-125 of document no. 120 C-1/2.

Witness after reading it said that I do not agree with the contents of this para, particularly with the first sentence. Islamism in administrative field began from 1226 is not correct because control of Nassiruddin Mahmood was very weak. It appears that administrative rule of Sultans of Delhi; was established during the period of Balban. I agree with this. The remaining facts written in this para are perhaps based on local situation. Historians do accept the local basis only if these are supported by evidences.

Witness after reading the last three lines of fourth para at page no. 129 of this book document no. 120 C-1/2 said that I agree with the matter written in it. But I am not able to understand the purport of the alphabet "B". Witness after reading the first line of fifth para at this page said that since I have not read Goswamy hence could not say if the matter written therein is correct or no. I do not agree with the matter written in the second line because I have read in other books that concept of Ramdurg was there before 16th century. But I do not remember the name of books.

Babar had taken over the control of Ayodhya from Baijeed after defeating him. Headquarter of Baijeed was in Ayodhya. It is not correct to say that Baijeed was under the control of ruler of Delhi. Baijeed had declared himself as an independent and had established his own rule. Military of Babar, under the leadership of Meerbaki, had defeated Baijeed. Period of Baijeed was contemporary to the middle period of Ibrahim Lodi. But would not be able to say about the exact time period, when it began and when it came to an end. In my view, the rule period of Baijeed was for 5 to 10 years. Reference is found in the history book that military of Babar had defeat of Baijeed. This fact is found in the biography of Babar "Tazuk-e-

Babri" and "An empire builder of the sixteenth century" written by Rushbook Williams. Reference about defeating the Baijeed by the army of Babar is also found in the book "Mughal Empire in India" written by Shri S.R. Sharma. Shri S.R. Sharma had also written the other books about the mediaeval history. One of the book is "Making of Modern India" is about modern history. I have not read the book "A brief survey of human history" written by Shri S.R. Sharma. I have read the book "The religious policy of the Mughals" written by Shri S.R. Sharma. Shri S.R. Sharma is recognized as a authentic historian by others and me. I have read the book "Mughal empire in India" written by Prof. S.R. Sharma. This book does not contain the reference about demolition of Ramjanambhoomi (Volunteer: that his book contains the reference about victory over Awadh province by the commandant of Babar, Meerbaki). There is also no reference in the book about demolition of any temple on the order of Babar. This book does not contain the reference about the demolition of any temple in Ayodhya by the army of Babar. (He himself stated that there is reference about it, in other books) (Upon this point, Learned advocate cross examining the witness has filed the self attested photocopies of title page, introduction and page no. 12 to 34 of the book "Mughal empire in India" written by Prof. S. R. Sharma, as document no. 283 C-1 to document no. 284 C-1/1 to 284 C-1/14). I agree with the matter written in para-two at page-33 of the above book "Mughal Empire in India" that Babar had ever demolished the temple of Hindus or caused atrocities on Hindus on the basis of religion. I do not agree with the contents of last line of this para. According to which Babar used to give equal importance to Hindus serving him, like Turki Amiers. Historians differ about the authenticity of the said will of Babar. Prof. S.R. Sharma referred the will of Babar in his above book at

page-33. But he has not written in it whether he agree with the matter written therein or not.

It is correct that Prof. S.R. Sharma has not expressed any doubt about the above will but at the same time he has not expressed his agreement with.

I have heard the name of Prof. R. Nath with reference to mediaeval history. He is recognized as a authentic historian of Architecture. I have not read the book "History of Mughal Architecture" written by Prof. R. Nath. He has been a Professor in Rajasthan. The book "The religious policy of the Mughals" written by Prof. S.R. Sharma, so far I remember, was published in 1936. According to preface of the book "Mughal empire in India"(eleventh edition) written by him, published in 1934 for the first time. It was referred at page-9 of the book "The religious policy of the Mughals", written by Prof. Sharma that on the order of Babar, temples in Ayodhya were demolished and buildings were constructed in place of these temples. I, on the basis of matter written in the translation of the book "Tuzak-e-Babri" rendered by Sayyed Athar Abbas, treat the matter written therein as correct. There is no reference in the auto-biography of Babar about the order of Babar for demolition of temple and construction of building in place of that. "Tuzak-e-Babri" was written by Babar as his auto-biography. In the auto-biography there is no appendix, given by translator about the matter of outer part and inner part of the building. Translator has also not included the appendix as a text-part. However he reproduced the inscriptions in the outer or inner part of the building as a appendix.

Translation of original inscription is as under: -
"Meerbaki, according to the order by Babar, had

constructed a high rise building for landing down the angels." In the above inscription, there is no mention about the demolition of temple. However on the basis of reference about the place where angels are landed down, it is concluded that there was a temple earlier also. In this inscription, the place of landing down the angels was referred in connection about the earlier building and not in connection with the building constructed by Meerbaki. I do not remember, if S.S. Baverij had written anything about the lines concerning to the place of landing down of angels. Shri Sayyed Athar Abbas Rizvi had translated the above inscription only. He had not given any comments on the basis of translation of the said inscription by Shri Athar Abbas Rizvi. On the basis of the same I am of the opinion that there was a temple, at a place where Meerbaki constructed the building. The first three lines of the Hindi version of the said inscription, as given by Shri Rizvi in his translation (witness said after seeing the document no. 282 C-1/2) are the basis of my opinion about the existence of temple at the place where Meerbaki constructed a building later. I am not making the base any other inscription of the building as a base for my above opinion. Other historians like Dr. R.Nath, Dr. Radheyshyam, Prof. S.R.Sharma had also made it as a base for saying that Meerbaki had not constructed the disputed building in virgin land.

It is correct that historians had not associated the matter written in the inscription about the places for landing down the angels with the earlier building. But these historians perhaps had made these words as a base that there was a temple before it. It is correct that no straight forward meaning of demolition of a temple is emerges from the words of inscription. In my view the place for landing down the angels was referred for the

building prior to the building constructed by Meerbaki and I am also of the view that there was a temple prior to construction of building because idols of Dieties were there, hence it was called a place for landing down the angels and a new building was constructed by demolishing the temple. This view of mine is based on the above inscription.

Witness after seeing the book "History of Mughal Architecture" said that I have not read this book. Witness after seeing the document no. 197 C-2/2 said that I agree with the matter written therein that Babar had given a new dimension to the Horticulture in Hindusthan and he himself was a great poet and writer.

I agree with the matter, written therein that Babar used to appreciate the natural beauty i.e. he had a inherent liking for the natural beauty.

Witness after reading the document no. 197 C-2/2 said that this cannot be called as dedicated to Babar by Dr. R. Nath. Rather it can be called as an appreciation of Babar.

I have not heard the name of Dr. Z.A. Desai.

Verified the statement after reading

Sd/-

Bishan Bahad

4.5.2005

Typed by the stenographer as dictated by us in the Open Court. In continuation to this the may be listed for further Cross-examination for 5.5.2005. Witness to be present.

Sd/-

4.5.2005

Before: Hon'ble Special Full Bench, High Court,
Lucknow Bench, Lucknow.

Dated: 5.5.2005

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

(In continuation to dated 4.5.2005, Cross-examination by
Shri Mushtaq Ahmed Siddiqui, Advocate, on behalf of
plaintiff No.7 of Other Original Suit No. 4/89, continued).

There used to be historians in the court of Kings/Emperors. But it would not be appropriate to call them as courtier historians because they were dependent and they lived in his shelter and used to get pay. Article of such historians are believed but were examined with due care and only there after the matter written by them use to be believed and treated as a source. I do not remember when "Tabkat-e-Nasiri" was published for the first time. There might be a reference in the book "History of India as told by its own historians" by Eliot and Dauson. Since "Tabkat-e-Nasiri" was dedicated to Nassiruddin Mahmood, it would have been published during his period i.e. in or around 1260. The book "Mirat-e-Masoodi" by Abdul Rahman Chisti was written in the last phase of 16th century or in the beginning of 17th century. It would be correct to say that "Tabkat-e-Nasiri" was written 400 years before the creation of "Mirat-e-Masoodi". There is no reference about the attack on "Satrakh" by Sayyed Sallar Masood in 1032-1033. (Volunteer : that King Akbar had told some person, that they could write down about the new happening in the history. A number of books were written in this context. "Mirat-e-Masoodi" is perhaps one of them. It is merely a book only). I am of the view that the matter written in "Mirat-e-Masoodi" was published for the first time and there is no reference about it, in any

manuscript or history. Might be possible, that he might have got the reward for the book by Akbar because it was a custom of that period. I treat that book as reliable because a number of new facts were written in it and sources of these information were also detailed therein like information was given from the sources of Mullaha Mohmad Gaznavi. Mullaha Mohamad Gaznavi was the servant of Mahmood Gaznavi and Subuktgeen and various informations was given through his references. That is why it is believed as reliable. Sallar Masood was a nephew (sister's sons) of Mahmood Gaznavi. No reference is found in "Tabkat-e-Nasiri" about the demolition of temple or attack on Ayodhya by Sallar Masood.

(At this point Learned advocate cross examining the witness has filed the self attested title page, contents and page 259 to 281 of the book "The history of India as told by its own historians" as document no. 286 C-1/1 to 286 C-1/14. Witness told about the word "Masood" referred at page 273 of the book that this Masood is not a Sallar Mascod. He was son of Mahmood Gazni of Gazni. Witness after reading the last two lines at page - 269 and last line of first para at page no. 270, said that these facts were written about Mahmood Gaznavi and not about the Sallar Masood. Volunteer : that Sallar Masood came in 1032, as referred in "Mirat-e-Masoodi". Therefore, there is no reference about him in these facts.

Question: According to you "Tabkat-e-Nasiri" is very important book and it contains the incidents up to 1259 and details about the attack on Somnath temple and demolition of idols, by Mahmood Gaznavi. Would you please tell why the details about demolition of temples and attacks on Satrakh and Ayodhya by Sallar

Masood in 1032-1033, was not referred in "Tabkat-e-Nasiri"?

Answer: Minhazudding Siraj, author of "Tabkat-e-Nasiri" did not know about the invasion and arrival of Sallar Masood in India as it was mentioned at the end of 16th century. Hence he had not given the reference about it in his book.

It is correct that invasion by Sallar Masood did not come to light upto 16th century. Hence its reference is not found in "Tabkat-e-Nasiri". The fact about the attack by Sallar Masood is correct because there is reference about the information provider.

Question: Do you, as a historian treat the incidents i.e. so called attack by Sallar Masood, which did not come to light for about 500 years, according to you, and no other book except the book "Mirat-e-Masoodi" refers about it as reliable.

Answer: I treat it as a reliable, because Eliot and Dauson had included this manuscript in his book "History of India as told by its own historians" and thus shown its importance.

The above book by Eliot and Dauson was published in 1867 for the first time, eight hundred fifty years after the incident. (Volunteer : that this is not a book by Eliot and Dauson, it was produced by translation on the basis of then sources. It means this book was not written by him. I have not read the full text of "Mirat-e-Masoodi". I have read the part given in second edition of the book by Eliot and Dauson. I do not agree that Abdul Rahman Chishti Sahab had written his book "Mirat-e-Masoodi" on the basis ;

of a dream because he had cited the basis at a number of places, but he had also mentioned about the dream in it.

I have read the translated version of the inscription "Samrat Babar" fixed at the disputed Bhawan by Dr. Radheyshyam. He also narrated the same thing as said by Sayyed Athar Abbas Rizvi in the translation in his book. Dr. Radheyshyam had also given his comments and view after translation. From the translation of above inscription by Dr. Radheyshyam it is not clear that temple was demolished. He, however in his comments at page 445-446, said that Meerbaki, as said on the order by Babar, had constructed the mosque by demolishing the temple. I have not read the translation of the above book rendered by somebody else. The above inscription was also translated in English also. But I have not read any such translation. According to Dr. Radheyshyam, it is said that temple, was demolished and mosque was constructed in its place and he did not accused Babar for this. Dr. Radheyshyam had not analyzed the place for landing down the angels in his comment.

Witness after seeing the book "Epigraphia Indica" edited by Dr. Z.A. Desai and published by A.S.I. (document no. 198 C-2/90) (Suit no. – 5/89) said that he has not read the book. There is no mistake in the English translation of the inscription fixed in the mid of the disputed bhawan, at page – 59 (document no. 198 C-2/96) concerning to book "Epigraphia Indica". Translation of the above inscription was not analyzed in the above book "Epigraphia Indica". It is correct that there are comments about the inscription fixed at the disputed bhawan under the head "Inscription dated A.H.-935 from Ayodhya" at page – 58. This comment does not contain the analysis of the translation of inscription under the comments under

the said title, there is no reference about the existence of a temple and demolition of it, at the disputed site. Volunteer : that the English translation of the concerned inscription is given at page – 59 of the book. Its first and second line is very important, which means, on the order by Babar a high rise building was constructed and in the second line it is clear from the sentence - “This descending place of the angels” that it was a place and not a building, for descending the angels. In the first line of the English translation, there is a mention about the building touching the Sky . It means the high rise building.

Question: I am to say that meaning of the second line, as stated by you, is not correct. It is very clear from the second line that this entire sentence was for the building constructed by Meerbaki. What you have to say in this regard?

Answer: I do not agree with this meaning. If, first, second and third lines are read together, it becomes clear that Meerbaki, had on the order by Babar, constructed a high rise building at a place which was meant for descending the angels.

The question about agreement or disagreement with the matter written in the para - “The Government----- William Finch” at page 131 of the book “Ayodhya” written by Hains Backer, does not arise, because the author himself, had presumed on the basis of conjuncture. It is correct that William Finch had written about Ayodhya on the basis of collected information. Some of the information, on the basis of which, William Finch had stated some facts, some of which might be

correct and some might be incorrect. It can be said only after examination that which information is correct and which is incorrect. The matter written in the first line of the para referred above at page no. 131 and contents in support at footnote – 6 are based upon presumption. Presumption was clearly mentioned in the second line of the footnote 6 at this page was written by author on the basis of witnessing directly . It was not written on the basis of conjuncture or presumption. Since he had stated this on witnessing directly on site hence it might be correct. On the basis of present ruins, authors projection about a grand Governmental Palace was based upon his individual evolution.

Nothing against the facts written in para-1 at page 132-133 (which goes from “In Summarizing” to “Holy Ground”) has come to my notice. Similarly nothing against the facts written in para-2 at page-136 “Attention” to “R.C.M” came to my notice. In the last para at this page it is written that Shershah has established a mint at Ayodhya. This remained up to the time of Akbar. Nothing against this has come to my notice. It is also correct that the Muslim population in the city was on the rise and this city became a famous city, like large cities of Hindustan and ruins of Ramkot were found near Swargdwar. I have also not read anything against these facts. I have no knowledge about the matter “Once a start to live” written in the last para at page 143 of the book. I cannot say whether all the facts written therein are correct or not. Ramjanambhoomi at Ayodhya was not shown in the table-2 at page 132.

I have, in para 14 of my affidavit, on the basis of my study, cited that the disputed site is worshipped by Hindus from time immemorial as a birth place of Shri Rama, with

traditional faith and belief and I have, on the basis of my study used the words "my own knowledge" in this para. It is correct that system is called custom. This keeps changing from time to time. According to my study birth place at Ayodhya is worshipped as Shrine. This system was never changed. Among the things which get changed are the Ghats of Ayodhya, where Kings donated and general public took bath. Some of these Ghats were sometime open to public and sometimes not, sometime only for Kings and sometimes entry was prohibited. But it is a historical fact that religious sentiments about all Ghats remained unchanged. The matter referred in para-14 of my affidavit was for all the religious places and not only for the Ghats. This view of mine is about all the religious places of Ayodhya. The site referred by me in para-14 of my affidavit, is the site of birth place of Shri Rama, is the disputed site, which is recognized as a holy place even today. Janambhoomi I mean the disputed site and not for the Ramjanamsthan Mandir Sita Rasoi, situated across the road in the north. This temple in the north is also adorable and a holy place. In accordance with the faith, Rama was born there in the Janambhoomi as a incarnation of Lord Vishnu. Janam and Incarnation are synonymous. It is not like that birth took place at a different place and incarnation at some other place. In my view, Shri Rama was born under the three domes of the disputed structure and it is called a birth place of Shri Rama. I do not know on what basis some people called Ramchabutra as a Ramjanambhoomi. I recognize the place under the three domes as a birth place of Shri Rama, in accordance with the tradition, facts and belief. I have already made the statement about facts, belief and tradition.

In my view, Ramjanambhoomi has much more importance than to the Somnath temple because Rama is treated as an incarnation of Lord Vishnu from times immemorial.

It is not correct to say that translation of inscription fixed in the disputed bhawan is biased. It is also not correct to say that the conclusion given in para-14 of my affidavit is baseless. It is not correct to say that disputed site was never been a birthplace of Shri Rama. It is also not correct to say that in 1528, when disputed Bhawan was constructed, there was no temple. It is not correct to say that in 1528, disputed bhawan and disputed site was under the control and use of Muslims.

(Cross-examination by Advocate Shri Mushtaq Ahmad Siddiqui on behalf of Mohd. Hashim, defendant no. 5 in Other Original Suit no. 5/89 and plaintiff no. 7 in Other Original Suit no. 4/89, concluded).

Shri Irfan Ahmad, Advocate on behalf of plaintiff no. 6/1 (Other Original Suit no.3/89), Shri Fazle Alam, Advocate on behalf of defendant no. 6/2 (Other Original Suit no.3/89) and Shri C.M.Shukla, Advocate, on behalf of defendant no. 26 of Other Original Suit no.5/89, had accepted the cross-examination conducted by Shri Abdul Mannan, Advocate, Shri Zaffaryab Jilani, Advocate and Shri Mushtaq Ahmad Siddiqui, Advocate).

Cross-examination on behalf of all defendants concluded.
Witness is discharge.

Verified the statement after reading
Sd/-
Bishan Bahad
5.5.2005

Typed by the stenographer, as dictated by us in the open court.

Sd/-
5.5.2005